



CITY COUNCIL AGENDA

JUNE 28, 2016

SYNOPSIS

CHAPPIE JONES	DISTRICT 1	PIERLUIGI OLIVERIO	DISTRICT 6
ASH KALRA	DISTRICT 2	TAM NGUYEN	DISTRICT 7
RAUL PERALEZ	DISTRICT 3	SAM LICCARDO MAYOR	DISTRICT 8
MANH NGUYEN	DISTRICT 4	ROSE HERRERA VICE MAYOR	DISTRICT 9
MAGDALENA CARRASCO	DISTRICT 5	DONALD ROCHA	DISTRICT 10
		JOHNNY KHAMIS	

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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

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

- **Call to Order and Roll Call**

9:05 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

11:18 a.m.- Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.

6:00 p.m. - General Plan/Public Hearings, Council Chambers, City Hall
Absent Council Members: All Present.

Notice of Participation of Council Member Carrasco by Teleconference in the Closed Session and Open Session of the City Council Meeting on June 28, 2016:
Council Member Carrasco participated via Teleconference from the Business Center at Predio Paraiso Escondido, 1 Centro, 33450 Cabo San Lucas, B.C.S. Mexico.

- **Invocation (District 6)**

Dr. David Bruner, Center of Spiritual Living, Willow Glen offered a prayer for the Invocation.

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

- **Orders of the Day**
Heard after Ceremonial Items.
The Orders of the Day and the Amended Agenda were approved, with Item 11.3 deferred to August 16, 2016.

- **Closed Session Report**
Heard after Ceremonial Items.
City Attorney Doyle disclosed the following Closed Session actions of June 28, 2016:
 - A. **Authority to initiate litigation was given in one (1) matter. The name of the action(s) and the defendant(s) as well as the substance of the litigation shall be disclosed to any person upon inquiry once the action(s) are formally commenced.**

Council Vote: Ayes: Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Noes: None.

Abstain: None.

Not Present: Carrasco.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to City of San José’s Parks, Recreation and Neighborhood Services in celebration of “National Parks and Recreation Month” for the month of July 2016. (Khamis)
Mayor Sam Liccardo and Council Member Johnny Khamis recognized and commended the Department of Parks, Recreation and Neighborhood Services in celebration of “National Parks and Recreation Month” for the month of July 2016.

- 1.2 Presentation of a proclamation recognizing July 15, 2016 as “Sister Cities International Day” in the City of San José. (Herrera)
Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Ash Kalra recognized July 15, 2016 as “Sister Cities International Day” in San José.

2. CONSENT CALENDAR

2.1 Approval of Council Minutes.

Recommendation: Approval of Council Minutes.

- (a) Regular Minutes of April 5, 2016.
- (b) Study Session Minutes of April 11, 2016 on the Department of Parks, Recreation and Neighborhood Services.
- (c) Regular Minutes of April 12, 2016.
- (d) Study Session Minutes of April 18, 2016 on the Minimum Wage Study.
- (e) Regular Minutes of April 19, 2016.
- (f) Regular Minutes of April 26, 2016.

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

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29746 – An ordinance of the City of San José repealing Chapter 9.56 of Title 9 of the San José Municipal Code pertaining to ozone-depleting compounds. CEQA: Not a Project, File No. PP10-068(c), Code or Policy change that involves no changes in the physical environment. (Environmental Services)
Ordinance No. 29746 adopted.

- (b) ORD. NO. 29747 – An ordinance of the City of San José amending Title 23 of the San José Municipal Code to amend Section 23.02.870 of Part 2 of Chapter 23.02 to identify the Director of Aviation as the Administrative Authority for signs located within the airport sign zone and to amend Sections 23.04.200, 23.04.210, 23.04.220, 23.04.230, 23.04.240, 23.04.250 and 23.04.260 and add a new Section 23.04.215 of Part 3 of Chapter 23.04 to amend provisions related to temporary signs, delete allowed time and temperature signage, allow up to three free-standing programmable electronic signs at each vehicular entrance to the Norman Y. Mineta San José International Airport and to make nonsubstantive, ministerial, technical, or typographical changes to various sections of Chapters 23.02 and 23.04 of the Sign Code. CEQA: Exempt, Section 15311 for Accessory Structures, File No. PP16-019. (Planning, Building and Code Enforcement)
Ordinance No. 29747 adopted.

- (c) ORD. NO. 29749 – An ordinance of the City of San José amending Section 24.02.450 or Chapter 24.02 of Title 24 of the San José Municipal Code relating to fee refunds.
Ordinance No. 29749 adopted.

2. CONSENT CALENDAR

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

Recommendation:

- (d) ORD. NO. 29751 – An ordinance of the City of San José rezoning certain real property of approximately 8 acres, situated on the north side of Piercy Road, approximately 450 feet east of Hellyer Avenue (455 Piercy Road), from the A(PD) Planned Development Zoning District to the IP Industrial Park Zoning District.
Ordinance No. 29751 adopted.

- (e) ORD. NO. 29752 – An ordinance of the City of San José rezoning certain real property of approximately 0.74 acre, situated on the southwest corner of North 6th Street and East Saint John Street (61, 73, 81, 87, and 99 North 6th Street), from the R-M Multiple Residence and CG Commercial General Zoning Districts to the DC Downtown Primary Commercial Zoning District.
Ordinance No. 29752 adopted.

- (f) ORD. NO. 29753 – An ordinance of the City of San José rezoning certain real property of approximately 1.30 acres situated on the east side of Sunol Street, approximately 120 feet north of West San Carlos Street (266 and 270 Sunol Street) from RM(PD) Planned Development Zoning District to the RM(PD) Planned Development Zoning District.
Ordinance No. 29753 adopted.

- (g) ORD. NO. 29754 – An ordinance of the City of San José rezoning certain real property of approximately 0.5 gross acre on the west side of Delmas Avenue approximately 290 feet north of Auzerais Avenue (341, 363, and 365 Delmas Avenue) from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District.
Ordinance No. 29754 adopted.

- (h) ORD. NO. 29755 – An ordinance of the City of San José rezoning certain real property of approximately 0.103 gross acre situated on the northeast corner of the intersection of South Montgomery Street and Lorraine Avenue (565 Lorraine Avenue), from the LI Light Industrial Zoning District to the DC(PD) Planned Development Zoning District.
Ordinance No. 29755 adopted.

- (i) ORD. NO. 29756 – An ordinance of the City of San José rezoning certain real property of approximately 6.96 acres situated on the westerly side of Lick Avenue, approximately 470 feet north of West Alma Avenue (1197 Lick Avenue) from the LI Light Industrial Zoning District to the RM(PD) Planned Development Zoning District.
Ordinance No. 29756 adopted.

2. CONSENT CALENDAR

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

Recommendation:

- (j) ORD. NO. 29757 – An ordinance of the City of San José rezoning certain real property of approximately 1.48 acres on the southwest corner of Saratoga Avenue and Quito Road (1804 Saratoga Avenue) from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District. **Ordinance No. 29757 adopted.**

- (k) ORD. NO. 29758 – An ordinance of the City of San José rezoning certain real property of approximately 0.61 gross acre situated on the west side of Araujo Street, approximately 300 feet southerly of the intersection of Townsend Park Circle and Araujo Street (1560 Oakland Road – 0 Araujo Street), from the A Agricultural Zoning District to the RM(PD) Planned Development Zoning District. **Ordinance No. 29758 adopted.**

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Transportation and Environment Committee Minutes of June 6, 2016. (Kalra)
- (b) Rules and Open Government Committee Minutes of June 8, 2015. (Mayor)
- (c) Neighborhood Services and Education Committee Minutes of June 9, 2016. (Rocha)

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

Approved.

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

Mayor Sam Liccardo presented the highlights of his brief trip to Baltimore, Maryland from June 26, 2016 to June 27, 2016 for the opening portion of the U.S. Department of Justice, Summit on Preventing Youth Violence. Mayor Liccardo met with donors and researchers who are leading the effort to build sustainable strategies to reduce youth violence. City Manager Norberto Dueñas was also in attendance.

2.6 Report from the Council Liaison to the Retirement Boards.

No Report.

2. CONSENT CALENDAR

2.7 Revisions to the Regulations and Procedures of the San José Ethics Commission.

Recommendation: Adopt a resolution revising the regulation and procedures of the San José Ethics Commission, and repealing Council Resolution No. 76954, which sets forth the current regulations and procedures for the San José Ethics Commission's investigations and hearings. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Attorney)
(Deferred from 6/21/16 – Item 2.10)

Deferred to August 2, 2016 per Rules and Open Government Committee.

2.8 Amendment to Title 12 of the Municipal Code in Accordance with the Amended Political Reform Act.

Recommendation: Approve an ordinance amending Section 12.06.040 of Chapter 12.06 of Title 12 of the San José Municipal Code to amend the definition of "committee" to increase the qualifying threshold for the receipt of contributions from \$1,000 to \$2,000 to be consistent with the Political Reform Act. CEQA: Not a Project, File No. PP10-068(c), Code or Policy change that involves no changes in the physical environment. (City Attorney)
(Deferred from 6/21/16 – Item 2.11)

Ordinance No. 29765 passed for publication.

2.9 Actions Related to Non-Profit Charitable Reuse Agreements.

Recommendation: Approve Charitable Reuse Agreements with Goodwill of Silicon Valley for \$249,323; The Salvation Army for \$88,109; and Hope Services for \$4,340, with a term from July 1, 2016 through June 30, 2017, with the option for two additional one-year terms. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Environmental Services)

Approved.

2.10 Substitution of Home Funds in Existing Loan Commitment for Second Street Studio Apartments.

Recommendation: Adopt a resolution committing up to \$8,000,000 of federal HOME Investment Partnership Program funds, which will substitute for up to \$8,000,000 of already committed Low- and Moderate-Income Housing Asset Funds, in a construction-permanent loan to Second Street Studios L.P., an affiliate of First Community Housing, for construction of the Second Street Studio Apartments to be constructed at 1140 South Second Street. CEQA: Mitigated Negative Declaration, File No. PDC07-086, adopted 8/26/2008. Council District 3. (Housing)

Resolution No. 77858 adopted.

2. CONSENT CALENDAR

2.11 Delegation of Authority to Execute Low-Intensity Use Traffic Impact Fee Agreements.

Recommendation: Adopt a resolution authorizing the City Manager or designee to execute Low Intensity Fee Use Traffic Impact Fee Agreements pursuant to the North San José Area Development Policy. CEQA: Resolution No. 72768 and Addenda thereto. Council Districts 3 and 4. (Planning, Building and Code Enforcement)

Resolution No. 77859 adopted.

2.12 Amendment to the Agreement with South Bay Regional Public Safety Training Consortium for Academy Training to the San José Police Department.

Recommendation: Adopt a resolution authorizing the City Manager to execute a Fifth Amendment to the Agreement with South Bay Regional Public Safety Training Consortium related to providing Academy Training to the San José Police Department for the period of February 1, 2016, to August 31, 2016, increasing the total amount of compensation for the entire contract not to exceed \$2,450,206. CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical changes to the environment. (Police)

Resolution No. 77860 adopted.

2.13 Agreements with BKF Engineers and Schaaf & Wheeler Consultant Civil Engineers for Large Trash Capture Projects.

Recommendation: Approve Master Agreements with BKF Engineers and Schaaf & Wheeler Consultant Civil Engineers from the date of execution through December 31, 2021 in an amount not to exceed \$1,000,000 for each agreement for large trash capture projects. CEQA: Citywide Large Trash Capture Device Installation Addendum to a Mitigated Negative Declaration, File No. PP15-081. (Public Works)

Approved.

2.14 Report on Bids and Award of Contract for the 6723 – Williams Road-Moorpark Avenue Sanitary Sewer Improvement Project.

Recommendation: Report on bids and award of contract for the 6723 – Williams Road-Moorpark Avenue Sanitary Sewer Improvement Project to the second low bidder, K.J. Woods Construction, Inc., in the amount of \$3,146,534, and approve a contingency in the amount of \$315,000. CEQA: Exempt, File No. PP12-076; and Determination of Consistency with the Envision San José 2040 General Plan Final EIR and Subsequent Addendum for the Sanitary Sewer System Master Plan Update, File No. PP13-070. Council District 1. (Public Works)

Approved.

2. CONSENT CALENDAR

2.15 Actions Related to the Parking Agreement with WeWork for Parking Facilities.

Recommendation: Adopt a resolution:

- (a) Authorizing the City Manager or designee to negotiate and execute the Parking Agreement with WeWork, for the issuance of up to 219 parking permits for use at various City owned and/or operated parking facilities for up to five years; and
- (b) Authorizing the City Manager, or designee, to approve amendments to the parking agreement.

CEQA: Not a Project, File No. PP10-066(f), Agreement for lease of existing space.
Council District 3. (Transportation)

Resolution No. 77861 adopted.

2.16 Set a Public Hearing for the Fiscal Year 2016-2017 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessment.

Recommendation: Adopt a resolution to:

- (a) Set a Public Hearing for Tuesday, August 9, 2016 at 1:30 p.m. to approve the placement of the 2016-2017 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2016-2017 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;
- (b) Direct the Director of Finance to file the Fiscal Year 2016-2017 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 15, 2016 instead of July 5, 2016; and
- (c) Direct the City Clerk to publish notice of the filing of the Director's reports, and the time and place of the Public Hearing.

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

(Deferred from 6/21/16 – Item 2.17)

Resolution No. 77862 adopted.

2.17 Set a Public Hearing for the Fiscal Year 2016-2017 Annual Residential Solid Waste Collection Service Charges.

Recommendation: Adopt a resolution to:

- (a) Set a Public Hearing for Tuesday, August 9, 2016 at 1:30 p.m. to approve the placement of the 2016-2017 annual Residential Solid Waste Collection Service Charges on the 2016-2017 Santa Clara County Secured Property Tax Roll based upon the annual Residential Solid Waste Collection Service Charge report of the Director of Finance; and
- (b) Direct the City Clerk to publish notice of the filing of the Director's report, and the time and place of the Public Hearing.

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

(Deferred from 6/21/16 – Item 2.18)

Resolution No. 77863 adopted.

2. CONSENT CALENDAR

2.18 Actions Related to Council Member Carrasco's Travel to Washington, D.C.

Recommendation: Approve travel for Council Member Carrasco to Washington, D.C. from July 12 to July 16, 2016 as the representative for the City of San José at the Sister Cities International Annual Conference. Source of Funds: Mayor/Council Travel Budget. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Carrasco)

Approved.

2.19 District 7 Sponsored Community Events.

Recommendation:

- (a) Retroactively approve the Great American Litter Pick Up on Saturday, April 23, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve the Bellevue Park Community Clean Up Day on Saturday, July 23, 2016 at Bellevue Park; District 7 Volunteer Appreciation BBQ on Saturday, July 30, 2016 at Bellevue Park; Dump Your Junk Day on Saturday, August 27, 2016 at O.B. Whaley Elementary School; Dump Your Junk Day on Saturday, August 27, 2016 at Foley Avenue and Hubbard Elementary School; RockSprings Paseo Senter Health Resource Fair on Saturday, September 3, 2016 at Paseo Senter Community Room; District 7 Youth Commission Appreciation BBQ on Saturday, September 10, 2016 at Bellevue Park as a City Council sponsored Special Event 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; Exempt, File No. PP13-056, Activities associated with citywide litter clean-up activities. (T. Nguyen)

Approved.

2.20 Amendment to the Agreement with Dr. Howard Michaels for Fire Department's Emergency Medical Services Program.

Recommendation: Adopt a resolution authorizing the City Manager to execute a Second Amendment to the Agreement with Dr. Howard Michaels to provide Medical Director Services within the Fire Department's Emergency Medical Services (EMS) program, for a six month period. CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (Fire)

Resolution No. 77864 adopted.

2. CONSENT CALENDAR

2.21 Persian Nowruz Festival.

Recommendation: As recommended by the Rules and Open Government Committee on June 22, 2016:

- (a) Approve the Persian Nowruz Festival scheduled for March 24, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Khamis)
[Rules and Open Government Committee referral 6/22/16 – Item G.1.a]

Approved.

3. STRATEGIC SUPPORT SERVICES

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 9:05 a.m.

No Report.

3.3 Actions Related to the Agreement with East Side Union High School District for Community Wireless Network.

Recommendation:

- (a) Adopt a resolution to authorize the City Manager to negotiate and execute an Agreement between the City of San José and East Side Union High School District (ESUHSD or District) relating to the District's payment for City's expenses to establish and maintain a Community Wireless Network in the District for a term of five years through June 3, 2021, in an amount not to exceed \$2,700,000 to fund the implementation of two attendance areas and maintain service in the first attendance area for two years and one year for the second attendance area, subject to the appropriation of funds; and to pursue the proposed funding strategy, in coordination with the District, to identify the estimated \$1,700,000 million in additional funding necessary to implement a third attendance area and maintenance service for all three attendance areas in years three to five of the agreement.

The memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Magdalena Carrasco, Council Member Tam Nguyen and Council Member Manh Nguyen, dated June 24, 2016, was approved:

(Action Continued on the Next Page)

3. STRATEGIC SUPPORT SERVICES

3.3 Actions Related to the Agreement with East Side Union High School District for Community Wireless Network. (Action Cont'd.)

- (1) Adopt Staff recommendations to pilot this partnership in one area and explore additional options, laid out below, to pilot alternative approaches in the second and third areas.**
- (2) Return to Council with additional analysis of various options for the City to move forward with a partnership with East Side Union High School District (ESUHSD) utilizing its technology bond measure funds and other sources to enable ESUHSD students to have access to: (a) Reliable internet access within their homes at free or affordable rates. (b) Appropriate hardware, e.g. PCs, tablets, boosters, to take advantage of that service. (c) High speed internet public access at City community centers and libraries.**
 - (a) The analysis should include a financial and qualitative comparison of options on a 5-year horizon, including a discussion of estimated additional staffing and expertise (customer support, maintenance, etc.) required for the City to become an Internet Service Provider (ISP) for ESUHSD.**
 - (b) Staff should emphasize coordination and alignment with the City's larger digital inclusion efforts to provide affordable internet access and to build the digital skills of the residents -- especially in low income communities.**
 - (c) Options for exploration should include:**
 - (1) A range of potential partners and data speeds beyond what is currently offered in public spaces in San José.**
 - (2) A reliable, affordable means -- presumably with the help of boosters -- for bringing public Wifi indoors where it can be notoriously unreliable otherwise.**
 - (3) Bulk purchasing and/or innovative financing agreements with existing broadband and mobile data service providers to provide low cost service in homes:**
 - (a) Utilizing existing mobile networks to provide service through cellular and MiFi-style hotspots and/or increasing tethering allowances that can be negotiated at bulk purchase pricing.**
 - (b) Working with existing broadband providers to negotiate lower rates or a bulk purchase agreement for students and their families.**
 - (4) Philanthropic investment and partnerships with current and pending internet service providers in high speed internet for ESUHD student households.**
 - (5) Exploring partnership with CreaTV for the investment of fee funded capital dollars in a system that would push civic-focused, CreaTV-created content to internet subscribers, such as through a "splash page."**

Resolution No. 77865 adopted.

3. STRATEGIC SUPPORT SERVICES

3.3 Actions Related to the Agreement with East Side Union High School District for Community Wireless Network. (Cont'd.)

Recommendation:

- (b) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources resolution amendments in the General Fund:
- (1) Establish a Capital Project appropriation to the Department of Public Works for the East Side Union High School District Community Wireless Network Project in the amount of \$2,700,000; and
 - (2) Increase the estimate for Revenue from Local Agencies by \$2,700,000.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts; and Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Public Works/City Manager)

Ordinance No. 29766 adopted.

Resolution No. 77866 adopted.

3.4 Report on Request for Proposal for a Service Request Management/Customer Relationship Management Software System.

Recommendation: Accept the report on the Request for Proposal for the purchase and implementation of a Service Request Management (SRM) / Customer Relationship Management (CRM) Software System, and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute Agreements with AST Corporation (Naperville, IL) and Oracle America, Inc. (Redwood City, CA) for the purchase and implementation of a SRM/CRM Software System, including software, implementation, configuration, hosting, testing, training, and related professional services, for an initial five-year term commencing on or about July 1, 2016 and ending on or about July 31, 2021, with maximum compensation amounts of not-to-exceed \$173,600 and \$380,706, respectively, subject to the appropriation of funds;
- (b) Execute change orders to cover any additional requirements during the initial five-year term including but not limited to additional mobile application development, and enhanced integration/automation, not-to-exceed \$200,000, subject to the appropriation of funds; and
- (c) Execute up to five one-year options to extend the term of the Agreements after the initial five-year term through July 31, 2026 to provide ongoing software subscription, hosting, and technical support services, estimated at \$76,141 per year, subject to the appropriation of funds.

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

Deferred to August 9, 2016 per Administration.

3. STRATEGIC SUPPORT SERVICES

3.5 Council Appointee Market Survey Results and Salary Adjustments.

Recommendation:

- (a) Accept the market salary survey results for Council Appointees: City Attorney, City Auditor, City Clerk and Independent Police Auditor.
- (b) Adopt a resolution to:
 - (1) Amend the City Pay Plan to create salary ranges for Council Appointees: City Attorney, City Auditor, City Clerk and Independent Police Auditor.
 - (2) Approve compensation adjustments for Council Appointees.

CEQA: Not a Project. File No. PP10-069(a), Staff Report. (Human Resources)

The memorandum from Mayor Sam Liccardo, dated June 24, 2016, was approved:

- (1) **Accept the market salary survey results for Council Appointees.**
- (2) **Adopt a resolution to:**
 - (a) **Amend the City San José Pay Plan effective July 3, 2016 as follows:**
 - (1) **Create a salary range for the classification of City Attorney (2135) to the new pay range of \$222,789 - \$300,000 annually.**
 - (2) **Create a salary range for the classification of City Auditor (1256) to the new pay range of \$132,803 - \$202,932.**
 - (3) **Create a salary range for the classification of City Clerk (1614) to the new pay range of \$132,803 - \$188,268.**
 - (4) **Create a salary range for the classification of the Independent Police Auditor (8023) to the new pay range of \$132,803 - \$207,030.**
 - (b) **Based on annual review process, approve a one-time merit pay for the City Manager in the amount of 3% bonus of annual base salary, effective July 3, 2016.**
 - (c) **To restore salaries for appointees at a rate commensurate with Unit 99 since 2011, approve the following merit increases, effective July 3, 2016:**
 - (1) **Increase the base salary of the City Attorney by 5% to the amount of \$238,831.49 annually and reinstate the monthly car allowance to the City Attorney, as provided to other Council Appointees.**
 - (2) **Increase the base salary of the City Auditor by 5% to the amount of \$199,755.96 annually.**

Resolution No. 77868 adopted.

3. STRATEGIC SUPPORT SERVICES

3.6 Actions Related to an Initiative Ordinance Amending Title 4 of the San José Municipal Code to Require Employers to Offer Additional Work Hours to Existing Qualified Part-Time Employees Before Hiring New Staff or Contracted Services.

Item 3.6 was heard before Item 3.5 per the discretion of the Mayor and Council.

Recommendation:

(a) Final adoption of the ordinance passed for publication on June 21, 2016; **OR Not Adopted.**

(b) Adopt a resolution calling an election to submit the Initiative to the voters at the next General Election on Tuesday, November 8, 2016.

CEQA: Not a Project, File No. PP10-069(c), Potential actions under Election Code Section 9215, in response to voter-sponsored initiative; and Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or policy that involve no changes in the physical environment. (City Manager / City Attorney / City Clerk)
The memorandum from Council Member Johnny Khamis, dated June 23, 2016, was approved:

(1) **Accepting the Staff recommendation (b): Adopt a resolution calling an election to submit the Initiative to the voters at the next General Election on Tuesday, November 8, 2016, with the following provisions:**

- (a) **Include an impartial analysis prepared by the City Attorney.**
- (b) **Do not include the full text of the initiative.**
- (c) **Allow rebuttal arguments.**

(2) **Authorize the Mayor to author and submit the argument and rebuttal in opposition to the initiative.**

Resolution No. 77867 adopted.

Noes: Kalra, T. Nguyen, Peralez, Rocha.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Public Hearings on Business Improvement District Reports for Fiscal Year 2016-2017.

Recommendation:

(a) Conduct a Public Hearing and adopt a resolution to approve the Downtown Business Improvement District budget report for fiscal year 2016-2017, as filed or modified by Council, to levy the Downtown BID assessments for 2016-2017, and to suspend collection of the Downtown BID assessments for the businesses that qualify for the business tax financial hardship exemption under the City's general business tax ordinance.

The Public Hearings were held.

Resolution No. 77869 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Public Hearings on Business Improvement District Reports for Fiscal Year 2016-2017. (Cont'd.)

Recommendation:

- (b) Conduct a Public Hearing and adopt a resolution to approve the Hotel Business Improvement District budget report for fiscal year 2016-2017, as filed or as modified by the Council, and to levy the Hotel BID assessments for 2016-2017.

Resolution No. 77870 adopted.

- (c) Conduct a Public Hearing and adopt a resolution to approve the Japantown Business Improvement District budget report for fiscal year 2016-2017, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2016-2017.

CEQA: Exempt, File No. PP08-048. (Economic Development)

Not To Be Heard Before 1:30 P.M.

Resolution No. 77871 adopted.

Items 4.2, 4.3 and 4.4 Heard Last In The Afternoon But Not Before 3:00 P.M.

4.2 Update on the Pilot Sanctioned Encampment Program.

Recommendation: Accept the staff report providing an update on the City's efforts to implement a pilot sanctioned encampment program and other unconventional housing projects. CEQA: Not a Project. File No. PP10-069(a), Staff Report. (Housing)

The Staff Report was accepted, with the requirement that each Council Member must propose and identify a site within their District where the bridge housing as defined by AB 2176 might be ultimately located.

Staff was further directed to:

- (1) **Provide each Council Member with the parameters (e.g. acreage, ownership, restrictions, etc.) in order to propose/identify a site in each Council District for possible bridge housing projects.**
- (2) **Issue a Request for Proposal (RFP) to identify an operator for an unconventional structure development that would be consistent with Emergency Bridge Interim Housing as defined by AB 2176, contingent upon the passage of the bill by the State.**

Noes: Oliverio.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Extension of Church Shelter Urgency Ordinance.

Recommendation: Adopt an urgency ordinance that suspends Sections 20.80.1600 and 20.80.1610 of Part 17 of Chapter 20.80 of Title 20 of the San José Municipal Code until June 30, 2017 and amends Section 20.80.1620 to allow a church/religious assembly use if it is a legal use to provide temporary shelter to homeless persons without obtaining a special use or conditional use permit subject to the existing limitations specified in Section 20.80.1620; and to allow the temporary shelter to be provided no more than twice a year, for a total of no more than 70 days. CEQA: Exempt, Guidelines Section 15301. Existing Facilities, File No. PP15-119. (Housing/Planning, Building and Code Enforcement)

The memorandum from Council Member Tam Nguyen, dated June 27, 2016, was approved, accepting the Staff recommendations to allow a church/religious assembly use, if it is a legal use, to provide temporary shelter to homeless persons without obtaining a Special Use or Conditional Use Permit, with the following clarifications:

- (1) **Increase the maximum allowed occupancy under this urgency ordinance from 15 to 30 people per location.**
- (2) **Allow the temporary shelter to be provided no more than twice a year, for a total of no more than 90 days.**
- (3) **Return to Council with a report and permanent program recommendations through modifications to the existing ordinance by October.**

Staff was further directed to:

- (1) **Explore the expansion of outreach, support and funding options to attract/incentivize additional participation from faith-based groups.**
- (2) **Provide all Council offices with an informational packet on the existing program and guidelines for participation.**
- (3) **Explore the feasibility of a year-round pilot project for a small number of faith-based institutions and report back to Council.**

The City Attorney was directed to return to Council with information of a legal way in which Council Members may utilize their District Office Budget to provide monies to supplement faith-based groups in this effort.

Urgency Ordinance No. 29767 adopted.

4.4 Pilot Housing Rehabilitation Program Incentivizing Owners of Market Rate Apartments to Provide Housing for Homeless Veterans.

Recommendation: Adopt a resolution approving a three-year, \$5,000,000 pilot program to provide housing rehabilitation assistance to property owners who will rent to homeless veterans of the U.S. armed forces who have housing vouchers or coupons or are receiving other forms of rental assistance; authorizing the Director of Housing to adjust the specific pilot program option terms as needed to facilitate participation and effective use of funds and making findings regarding the need for the pilot program. CEQA: Exempt, File No. PP13-108, CEQA Guidelines Section 15301 Existing Facilities. (Housing)

Resolution No. 77875 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Actions Related to Leasing Property to Abode Services for Evans Lane Interim Community Housing Project.

Recommendation:

- (a) Adopt a resolution:
- (1) Accepting the summary of costs and finding (“Summary Report”) prepared pursuant to the California Health and Safety Code Section 33433 for the groundleasing and development of a 4-acre portion of City-owned property located on the east side of Evans Lane, north of Curtner Avenue between Almaden Expressway and Highway 87, APN (APNs 455-31-053 and 455-31-055) or (“Site”) for an affordable interim housing community under the terms and conditions of the proposed ground lease (“Project”).
 - (2) Approving groundleasing of the Site consistent with material terms of the proposed ground lease between the City of San José and Abode Services, Inc., a nonprofit corporation or its affiliate, (“Abode”) authorizing the Director of Housing to set final business terms, negotiate and execute the ground lease, and any other documents and amendments needed in connection with the ground leasing of the Site and development of the Project.
 - (3) Approving the selection of Abode as the Developer for the Project and Allied Housing, Inc., an affiliate of Abode, as the operator/service provider for onsite support services and management for the affordable interim housing community.
 - (4) Approving a conditional grant commitment (“Grant”) for construction and permanent funding of up to \$15,000,000 to Abode from the Low and Moderate Income Housing Asset Fund and authorizing the Director of Housing, or her designee, to set the specific business terms and to negotiate and execute any and all documents and amendments needed in connection with the Grant and funding of the Project.

Adopt the following FY 2016-2017 Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:

- (b) (1) Increase the appropriation to the Housing Department for Housing Loans & Grants in the amount of \$15,000,000; and,
- (2) Decrease the Housing Project Reserve appropriation in the amount of \$15,000,000.

CEQA: Evans Lane Housing Mitigated Negative Declaration, File No. GP16-001.
(Housing/City Manager)

Dropped.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 Amendments to Title 20 (Zoning Code) and Title 23 (Sign Code) of the San José Municipal Code and approval of new Council Policy Related to Riparian Corridors and Bird-Safe Design.

Recommendation:

- (a) Approve an ordinance amending Sections 20.100.500, 20.100.630, 20.100.720, 20.100.820, 20.100.940, 20.100.1010, 20.100.1020, 20.100.1030, 20.100.1040, 20.100.1050, 20.100.1080, and 20.100.1090 of Chapter 20.100 and adding Sections 20.200.1052 and 20.200.1054 of Chapter 20.200 of Title 20 of the San José Municipal Code (Zoning Code) and repealing Section 23.02.465 of Chapter 23.02 of Title 23 of the San José Municipal Code (Sign Code) to:
 - (1) Add provisions requiring findings of consistency with General Plan goals and policies, and other City Council-adopted policies including the new City Council Policy described under subsection (b) below.
 - (2) Add provisions requiring proposed single-family house development in conventional zoning districts that involves ground-disturbing activity within one hundred (100) feet of a riparian corridor to obtain approval of a Single-Family House Permit.
 - (3) Add a definition of “riparian”, and “riparian corridor” in the Zoning Code and delete the Sign Code Definition of “riparian corridor”.
 - (4) Correct inadvertent deletion of previously approved code amendments.
 - (5) Make other technical, formatting or non-substantive changes with the Zoning Code.
- (b) Adopt a resolution approving a new City Council Policy, entitled “Riparian Corridor Protection and Bird-Safe Design Policy”, to provide guidance for riparian corridor protection in furtherance of the goals, policies, and actions of the General Plan for: 1) protecting, preserving, or restoring riparian habitat; 2) minimizing urban runoff to creeks, rivers, and streams; 3) controlling erosion; and 4) encouraging bird-safe design within the area north of State Route 237, by:
 - (1) Clarifying standards for development and activities located up to three hundred (300) feet of the edge of a riparian corridor, including but not limited to limitations on activities, new structures, and impervious surfaces within riparian setbacks; and
 - (2) Providing bird-safe design standards for development located within the north of State Route 237 to reduce the potential for bird strikes for species associated with baylands or riparian habitats of lower Coyote Creek.

Planning Commission recommends approval (5-0-2, Ballard and Pham absent). CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final EIR and Supplemental EIR, File No. PP15-118. (Planning, Building and Code Enforcement) **PP15-118** – Citywide

Deferred to August 9, 2016 per Rules and Open Government Committee.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Lincoln Avenue Pilot Project Report.

Recommendation: Accept the Lincoln Avenue Pilot Project Report, and support the plan to pave and stripe Lincoln Avenue in the current pilot configuration, implement minor traffic signal improvements at the Minnesota/Lincoln intersection, and traffic calming improvements in adjacent neighborhoods. CEQA: Exempt, Section 15301(c), Existing Facilities and Section 15304(h), Minor Alterations to Land, File No. PP16-063. Council District 6. (Transportation)

The memorandum from Council Member Pierluigi Oliverio, dated June 27, 2016, was approved as follows:

- (1) **Accept traffic and sales tax reports provided by Staff.**
- (2) **Accept Staff recommendation to make the current lane configuration permanent in July.**
- (3) **Accept Staff recommendations for further improvements on neighboring streets verified by the Department of Transportation (DOT) data.**
- (4) **In the event that monies for improvement are depleted, DOT Staff is welcome to fund improvements out of the District 6 Office Budget ending December 31, 2016.**
- (5) **Return to Council with an amendment to the existing ordinance that bans bicycle riding on downtown sidewalks, with an exemption for pre-teens and propose expanding the area to include Lincoln Avenue between Coe and Minnesota. This would minimize conflicts with pedestrians, strollers and canine companions now that bike lanes are permanent.**

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Actions Related to the San José Municipal Water System 2015 Urban Water Management Plan Update.

Recommendation:

- (a) Hold a Public Hearing to allow community input regarding the implementation plan for complying with requirements of Senate Bill X7-7, Water Conservation Bill of 2009.
- (b) Hold a Public Hearing to allow community input regarding the draft Urban Water Management Plan prior to its adoption.

The Public Hearings were held.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Actions Related to the San José Municipal Water System 2015 Urban Water Management Plan Update. (Cont'd.)

Recommendation:

- (c) Adopt a resolution approving the San José Municipal Water System 2015 Urban Water Management Plan update and directing staff to file the Plan with the California Department of Water Resources.

CEQA: Statutory Exemption Section 15282 (v), The preparation and adoption Urban Water Management Plans pursuant to the provisions of Section 10652 of the Water Code. (Environmental Services)

Resolution No. 77872 adopted.

8. PUBLIC SAFETY SERVICES

8.1 Amendment to the Agreement with County of Santa Clara Emergency Medical Services Agency for 911 Emergency Medical Services.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Third Amendment to the “911 Emergency Medical Services Agreement between the City of San José and the County of Santa Clara Emergency Medical Services Agency” (Agreement) to extend the Agreement for one year. CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (Fire)

Resolution No. 77873 adopted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Actions Related to the Purchase and Sale Agreements for the Properties Located at 92 South Montgomery Street and a Landscape Area at Almaden Boulevard.

Recommendation: Successor Agency Board approve the Purchase and Sale Agreements and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and:

- (a) Imwalle Annex HBD, LLC, as buyer to allow the sale of real property located at 92 South Montgomery Street for a purchase price of \$613,000.
- (b) Lawrence Wu, as buyer to allow the sale of a landscape area located at Almaden Boulevard (APN 264-3-101) for a purchase price of \$508,000.

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

(Deferred from 6/14/16 – Item 9.1)

Approved.

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.2 Purchase and Sale Agreement for Real Property Located at 300 South Almaden Boulevard.

Recommendation: Successor Agency Board approve the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller, and the County of Santa Clara, as buyer, to allow the sale of 300 South Almaden Boulevard to the County for the appraised value of \$96,000. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Successor Agency) (Deferred from 6/14/16 – Item 9.2)

The amended memorandum from Mayor Sam Liccardo, dated June 13, 2016, was approved, *Item 9.2 was deferred from the June 28, 2016 Agenda*, regarding the Purchase and Sale Agreement at 300 Almaden Boulevard and to return to Council with an analysis of:

- (1) **Whether the Oversight Board maximized revenue to local tax payers in accepting the County’s offer to acquire the real property beneath the San José Hilton Hotel in the Downtown over a higher price.**
- (2) **The public purpose behind the County’s acquisition of such property. *The City of San José is expecting an informative, precise answer.***

Staff was directed to agendize this item to Closed Session on August 2, 2016.

9.3 Agreements with Co-Municipal Advisors in Connection with Potential Refunding of Successor Agency Bonds.

Recommendation: Adopt a resolution of the Successor Agency Board authorizing the Chief Financial Officer of the Successor Agency, or her designee, to take any actions to negotiate, execute and enter into an agreement with Public Financial Management and Ross Financial, as co-municipal advisors, to assist Successor Agency staff with the evaluation of bond refunding alternatives of the former Redevelopment Agency debt in an amount not to exceed \$300,000, the costs of which will be paid from the refunding bond sale transaction, or from the Redevelopment Property Tax Trust Fund (to the extent required) if a refunding bond transaction is not completed. Not Project, File No. PP16-066, Agreements and Contracts. (Successor Agency)
SARA Resolution No. 7052 adopted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.2 Actions Related to the Supplemental Education Revenue Augmentation Fund Loan.

Recommendation:

- (a) Adopt a resolution of the Successor Agency Board:
 - (1) Acknowledging that the \$52 million portion of the Supplemental Education Revenue Augmentation Fund (SERAF) Loan Agreement between the Successor Agency and the City of San José is not an enforceable obligation; and
 - (2) Removing this loan from the Successor Agency financial statements.

SARA Resolution No. 7053 adopted.

- (b) Adopt a resolution of the City Council removing the SERAF loan receivable from the City’s financial statements in the Low and Moderate Income Housing Fund.

CEQA: Not a Project, File No. PP10-067. Non-Project Specific Funding Mechanism. (Successor Agency/Housing)

Resolution No. 77874 adopted.

- **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>
9960	SE/C of Hostetter Rd & Sierra Creek Way	4	Clayton Creek LC	6 Lots/ 6 units	SFD	Approve
10335	N/S of Dobbin Dr, 800’ east of King Rd.	3	Pulte Home Corporation	18 Lots/ 109 Units	SFA	Approve
10351	1288 N. Capitol Ave	4	St. Thomas Construction	6 Lots/ 6 Units	SFD	Approve
10347	E/S of Edenvale Ave, 1,000’ north of Chynoweth Ave	2	Ponderosa Homes	33 Lots/SFD 26 Units		Approve

- **Notice of City Engineer’s Pending Decision on Final Maps (Cont’d.)**

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>
10360	2799 S. Bascom Ave.	9	Advanced Development	7 Lots/ 5 Units	SFA

- **Open Forum**
Blair Beekman opined about surveillance technology, UAS Drone Program and transparency and openness about the stationary camera program.

- **Adjournment**
Mayor Sam Liccardo adjourned the Afternoon Council Meeting at 5:30 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

10.2 General Plan Amendment: Director-Initiated Land Use/Transportation Diagram Amendment from Neighborhood/Community Commercial Designation to Mixed Use Neighborhood Designation for a Real Property Located on Evans Lane, Approximately 250 feet North of Canoas Garden Avenue.

Recommendation:

- (a) Adopt a resolution adopting the Evans Lane Transitional Housing 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.77876 adopted.

- (b) Approve the General Plan Amendment to change the Land Use/Transportation Diagram designation from Neighborhood/Community Commercial to Mixed Use Neighborhood for an approximately 5.93 gross acre site (City of San José, owner). Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (4-1-2, Bit-Badal opposed; Yob and Pham absent).

CEQA: Evans Lane Housing Mitigated Negative Declaration. (Housing/ Planning, Building and Code Enforcement)

GP16-001 – District 6

(Deferred from 6/14/16 – Item 10.4)

The memorandum from Council Member Pierluigi Oliverio, dated June 25, 2016, was approved as follows:

- (1) **The City Council approved the proposed General Plan Amendment.**
(2) **Staff was directed to explore permanent housing.**

Housing Staff was directed to return to Council on August 16, 2016 (evening) to discuss options for the Evans Lane Property.

10.3 Adopt a Resolution Approving All General Plan Amendment Actions on June 21, 2016 and June 28, 2016.

Recommendation: Adopt a resolution approving all General Plan Amendment actions taken on June 21, 2016 and June 28, 2016. CEQA: Not a Project, File No. PP10-069, City Administrative Activities.

Resolution No. 77877 adopted approving all General Plan Amendment actions taken on June 21, 2016 and June 28, 2016.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

- (a) **Conventional Rezoning for the Real Property Located at the East Terminus of Quinn Avenue, Approximately 1,289 Feet Westerly of Senter Road (683 Quinn Avenue).**

Recommendation: Consideration of an ordinance rezoning the real property located at 683 Quinn Avenue (east terminus of Quinn Avenue, approximately 1,289 feet westerly of Senter Road) from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District on a 7.23 gross acre site (Gradeway Associates IV, Owner). CEQA: Determination of Consistency with the Envision 2040 FEIR, adopted by City Council Resolution 76041 on November 1, 2011; and, the Envision San José 2040 Final Supplemental EIR adopted by City Council Resolution No. 77617 on December 15, 2015. (Planning, Building and Code Enforcement)

C16-021 – Council District 7.

Ordinance No. 29768 passed for publication.

END OF CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Administrative Hearing for an Appeal of the Planning Commission's Approval of a Conditional Use Permit for a Real Property Located at the Southeast Corner of Bollinger Road and Miller Avenue (6164 Bollinger Road).

Recommendation:

- (a) Consideration of the Determination of Consistency with the Envision 2040 Final Environmental Impact Report, adopted by City Council Resolution 76041 on November 1, 2011; and, the Envision San José 2040 Final Supplemental Environmental Impact Report adopted by City Council Resolution No. 77617 on December 15, 2015.
- (b) Conduct an Administrative Hearing on and consider an Appeal of the Planning Commission's approval of a Conditional Use Permit to construct a 50-foot tall wireless communication facility (monopole), associated equipment enclosure, and emergency generator in the CN Commercial Neighborhood Zoning District, located at the southeast corner of Bollinger Road and Miller Avenue (6164 Bollinger Road) (Marchese Christopher Trustee & Et Al, Owner).

11. PUBLIC HEARINGS

11.2 Administrative Hearing for an Appeal of the Planning Commission's Approval of a Conditional Use Permit for a Real Property Located at the Southeast Corner of Bollinger Road and Miller Avenue (6164 Bollinger Road). (Cont'd.)

Recommendation:

- (c) Adopt a resolution denying an appeal and upholding the Planning Commission's approval of a Conditional Use Permit to construct a 50-foot tall wireless communication facility (monopole), associated equipment enclosure, and emergency generator in the CN Commercial Neighborhood Zoning District, located at the southeast corner of Bollinger Road and Miller Avenue (6164 Bollinger Road) (Marchese Christopher Trustee & Et Al, Owner).

Planning Commission recommends approval (5-0-2, Yob and Pham absent). CEQA: Determination of Consistency with the Envision San José 2040 Final Environmental Impact Report, adopted by City Council Resolution No. 76041 on November 1, 2011; and, the Envision San José 2040 Final Supplemental Environmental Impact Report adopted by City Council Resolution No. 77617 on December 15, 2015. (Planning, Building and Code Enforcement)

CP15-085 – District 1

Deferred to August 16, 2016 per Applicant and Appellant.

11.3 Administrative Hearing for Appeals of the Planning Director's Approval for a Real Property Located at the Northeast Corner of Hatton Street and Olsen Drive (358 Hatton Street) Within the Santana Row Development.

Recommendation:

- (a) Conduct an Administrative Hearing on and consider an Appeal of the Director of Planning, Building, and Code Enforcement's reliance on the Determination of Consistency with the Santana Row Expansion Project Final Environmental Impact Report (FEIR) adopted by City Council Resolution No. 77532 on September 22, 2015, as the environmental clearance for the Director's approval of Planned Development Permit File No. PD15-066, and consider an appeal of the Director's approval of Planned Development Permit File No. PD15-066 for the construction of a 5½ -story, 258 unit multi-family attached residential building, including above and below-grade parking, and the removal of seven (7) ordinance sized trees on a 2.94 gross acre site located at the northeast corner of Hatton Street and Olsen Drive (Santana Row Lot 12 - 358 Hatton Street).
- (b) Adopt a resolution denying the environmental appeal upholding the Planning Director's reliance on the Determination of Consistency and finding that:
- (1) The City Council has read and considered the Determination of Consistency with the Santana Row Expansion Project Final Environmental Impact Report;
 - (2) The Determination of Consistency, together with the FEIR, have been prepared and completed in compliance with the California Environmental Quality Act of 1970, together with state and local implementation guidelines;

11. PUBLIC HEARINGS

11.3 Administrative Hearing for Appeals of the Planning Director's Approval for a Real Property Located the Northeast Corner of Hatton Street and Olsen Drive (358 Hatton Street) Within the Santana Row Development. (Cont'd.)

Recommendation:

- (b) (3) That the Determination of Consistency, together with the FEIR, reflect the independent judgment and analysis of the City of San José;
 - (4) Preparation of a subsequent or supplemental EIR is not required because no new environmental impacts have been identified and no new mitigation measures are required;
 - (5) The Director of Planning shall transmit copies of the FEIR and Determination of Consistency to any other decision-making body of the City of San José for the project.
- (c) Adopt a resolution denying the permit appeal and approving Planned Development Permit File No. PD15-066 for the construction of a 5½ -story, 258 unit multi-family attached residential building, including above and below-grade parking, and the removal of seven (7) ordinance sized trees on a 2.94 gross acre site located at the northeast corner of Hatton Street and Olsen Drive (Santana Row Lot 12 - 358 Hatton Street).

CEQA: Determination of Consistency with the Santana Row Expansion Project Final EIR, adopted by City Council Resolution 77532 on September 22, 2015.

(Planning, Building and Code Enforcement)

PD15-066 – District 6

Deferred to August 16, 2016 per Orders of the Day.

11.4 Administrative Hearing for Appeals of the Planning Commission's Approval of a Conditional Use Permit for a Real Property Located on easterly side of Senter Road, approximately 560 feet southerly of Tully Road (2500 Senter Road).

Recommendation:

- (a) Consideration of the Determination of Consistency to the 2500 Senter Road Residential Mitigated Negative Declaration (adopted on October 5, 2010), and Addendum thereto (adopted on February 9, 2016).

Approved.

- (b) Conduct an Administrative Hearing on and consider an Appeal of the Planning Director's approval of a Conditional Use Permit to legalize the demolition of a church and associated accessory buildings and approve the construction of a 162-unit Residential Service Facility, and the removal of 26 ordinance sized trees (20 unpermitted and 6 proposed) on a 2.6 gross acre site (County of Santa Clara, owner).

The Administrative Hearing was Held.

Approved.

(Action Continued on the Next Page)

11. PUBLIC HEARINGS

11.4 Administrative Hearing for Appeals of the Planning Commission's Approval of a Conditional Use Permit for a Real Property Located on easterly side of Senter Road, approximately 560 feet southerly of Tully Road (2500 Senter Road). (Cont'd.)

Recommendation:

- (c) Adopt a resolution denying an appeal and upholding the Planning Commission's approval of a Conditional Use Permit to legalize the demolition of a church and associated accessory buildings and approve the construction of a 162-unit Residential Service Facility, and the removal of 26 ordinance sized trees (20 unpermitted and 6 proposed) on a 2.6 gross acre site (County of Santa Clara, owner).

Planning Commission recommends approval (6-0-1, Abelite absent). CEQA: 2500 Senter Road Residential Mitigated Negative Declaration (Resolution No. 28815), and Addendum thereto (Resolution No. 29686). (Planning, Building and Code Enforcement) **CP15-078** – Council District 7

(Deferred from 6/14/16 – Item 11.8)

➤ **The memorandum from Mayor Sam Liccardo, Council Member Chappie Jones and Council Member Johnny Khamis, dated June 10, 2016:**

- (1) **Adopt a resolution denying the appeal and upholding the Planning Director's approval of a Conditional Use Permit to legalize the demolition of a church and associated accessory building and approve the construction of a 162-unit residential service facility and the removal of 26 ordinance-sized trees on a 2.6 gross acre site.**
- (2) **Direct the City Manager to work with the project developer and the County of Santa Clara on a "Good Neighbor Plan" specific to the project. The plan should include the following:**
 - (a) **Service provider staff and property management staff shall meet with the community quarterly for the first two years of the project's existence twice a year thereafter, specifically the McLaughlin Corridor Neighborhood Association and any such local neighborhood groups invested in this development.**
 - (b) **Provide the neighborhood association a contact person (name, phone and email) to report disturbances that are specific to the property or its residents that is accessible 24 hours a day, 7 days a week.**
 - (c) **Provision that ensures developer notifies neighborhood residents in any subsequent changes in management or services through community meetings and outreach within a 1,000 foot radius.**
- (3) **Refer Council Member Tam Nguyen's recommendation for a Citywide "Good Neighbor" policy for all future permanent support housing developments to the City Council prioritization process. Also add a concurrent update to City Council Policy 6-30 "Public Outreach Policy for Pending Land Use Development Proposals" to the City Council prioritization process.**

(Action Continued on the Next Page)

11. PUBLIC HEARINGS

11.4 Administrative Hearing for Appeals of the Planning Commission's Approval of a Conditional Use Permit for a Real Property Located on easterly side of Senter Road, approximately 560 feet southerly of Tully Road (2500 Senter Road). (Action Cont'd.)

➤ **From the memorandum from Council Member Tam Nguyen, dated June 10, 2016, the following was approved:**

- iv. Consider abatement and remedies for parking control, noise, litter and graffiti and other issues that may arise.**
- v. Provide a 24/7 point of contact either with the project or elsewhere to handle complaints from nearby residents and businesses.**

Resolution No. 77878 adopted denying the appeal and upholding the Planning Commission's decision.

Noes: T. Nguyen.

- **Open Forum**

There was no public testimony from the floor.

- **Adjournment**

The Council of the City of San José was adjourned at 2:11 a.m.