



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 28, 2016

The Council of the City of San José convened in Regular Session at 9:05 a.m. in the Council Chamber at City Hall.

Present: Council Members - Carrasco by Teleconference, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

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.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:11 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code 54956.9 subsection (c) pertaining to initiation of litigation in three (3) matters. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) Seibert v. City of San José, et al. Names of Parties Involved: Grant Seibert, City of San José, San José Civil Service Commission, Debra Figone as San José City Manager, Alex Gurza as San José Director of Employee Relations, William McDonald as Fire Chief for San José Fire Department; Court: Court of Appeal, Sixth Appellate District; Case No: H040268; Amount of Money or Other Relief Sought: Damages according to proof. (2) Paulino v. City of San José, et al. Names of Parties

CLOSED SESSION (Cont'd.)

Involved: Eliel Paulino, Marco Cruz, Individually and as an Officer of the San José Police Department, Gerardo Silva, Individually and as an Officer of the San José Police Department, Gurbaksh Sohal, Individually and as an Officer of the San José Police Department and Does 1-10; Court: United States District Court, Northern District of California, San José Division; Case: CV16-2642NC; Amount of Money or Other Relief Sought: Damages according to proof. (3) Lam v. City of San José, et al. Names of Parties Involved: Hung Lam, individually through his next friend, Kathy Lam, City of San José, Larry Esquivel and Dondi West; Court: United States District Court, Northern District of California, San José Division; Case: 14-CV-00877 PSG; Amount of Money or Other Relief Sought: Damages according to proof. (4) Showman v. City, et al. Names of Parties Involved: James Showman, Victoria Caufield-Showman, Wakana Okuma, Individually and as an Officer of the San José Police Department and Does 1-10; Court: United States District Court, Northern District of California, San José Division; Case No: 15-CV-03712-HRL; Amount of Money or Other Relief Sought: Damages according to proof. (5) IAFF Local 230 v. City of San José; Names of Parties Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-969-M. Amount of Money or Other Relief Sought: Damages According to Proof. (6) IFPTE Local 21 v. City of San José; Names of Parties Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages according to proof. (7) American Federation of State, County and Municipal Employees, et al. v. City; Names of Parties Involved: American Federation of State, County and Municipal Employees, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof. (8) OE#3 v. City of San José; Names of Parties Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-900-M. (9) ABMEI v. City, et al. Names of Parties Involved: Association of Building, Mechanical and Electrical Inspectors, City of San José; Court: State of CA Public Employment Relations Board; Case No: UPC SF 1358 M; Amount of Money or Other Relief Sought: Damages according to proof. (10) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case No: 1-12-CV-233660, H040979, H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (11) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case No: 1-12-CV-225928, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (12) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa

CLOSED SESSION (Cont'd.)

Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case: 1-12-CV-226570, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (13) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case: 1-12-CV-226574, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (14) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case: 1-12-CV-225928, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (15) People of the State of California, et al. v. City of San José, et al. Names of Parties Involved: The People of the State of California ex rel, San José Police Officers' Association, City of San José, City Council of San José; Court: Superior Court of the State of California for the County of Santa Clara; Case No: 1-13-CV-245503; Amount of Money or Other Relief Sought: Verified Complaint in Quo Warranto. (16) Peter Constant, Steven Haug and Silicon Valley Taxpayers' Association v. Superior Court. Names of Parties Involved: Peter Constant, Steven Haug, Silicon Valley Taxpayers' Association, A California Non-Profit Corporation, Proposed Intervenors, Appellants and Petitioners, Superior Court of California, County of Santa Clara, Respondent, The People of the State of California ex rel, San José Police Officers' Association, Plaintiff, Respondent and Real Party in Interest, City of San José, City Council of San José, Defendants, Respondents and Real Parties in Interest; Court: Sixth District Court of Appeal; Case No: H043540; Amount of Money or Other Relief Sought: Petition for Writ of Mandate or in the alternative, supersedes or other appropriate relief. (17) San José Retired Employees Association, et al V. City of San José, et al. Names of Parties Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City of San José, The Board of Administration for the Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-2680085; Amount of Money or Other Relief Sought: Change to City Medical Plan. (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Designee Jennifer Schembri; Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of

CLOSED SESSION (Cont'd.)

Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO. (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association (SJPOA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (SJPOA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 10:55 a.m. and reconvened to Open Session at 11:18 a.m. in the Council Chamber..

Present: Council Members - Carrasco by Teleconference, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

ORDERS OF THE DAY

Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Pierluigi Oliverio and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 11.3 deferred to August 16, 2016. (10-0-1. Absent: Rocha.)

CONSENT CALENDAR

Upon motion by Council Member Johnny Khamis, seconded by Council Member Raul Peralez and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0)

2.1 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)

Documents Filed: (1) The Regular Minutes dated April 5, 2016, April 12, 2016, April 19, 2016 and April 26, 2016. (2) The Study Session Minutes dated April 11, 2016 on the Department of Parks, Recreation and Neighborhood Services. (3) The Study Session Minutes dated April 18, 2016 on the Minimum Wage Study.

Action: The Council Minutes were approved. (11-0.)

2.2 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)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29746 executed on June 17, 2016, submitted by the City Clerk.

Action: Ordinance No. 29746 was adopted. (11-0.)

- (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

- 2.2 (b) **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)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29747 executed on June 17, 2016, submitted by the City Clerk.

Action: Ordinance No. 29747 was adopted. (11-0.)

- (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.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29749 executed on June 24, 2016, submitted by the City Clerk.

Action: Ordinance No. 29749 was adopted. (11-0.)

- (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.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29751 executed on June 24, 2016, submitted by the City Clerk.

Action: Ordinance No. 29751 was adopted. (11-0.)

- (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.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29752 executed on June 24, 2016, submitted by the City Clerk.

Action: Ordinance No. 29752 was adopted. (11-0.)

- (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.**

2.2 (f) (Cont'd.)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29753 executed on June 24, 2016, submitted by the City Clerk.

Action: Ordinance No. 29753 was adopted. (11-0.)

- (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.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29754 executed on June 24, 2016, submitted by the City Clerk.

Action: Ordinance No. 29754 was adopted. (11-0.)

- (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.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29755 executed on June 24, 2016, submitted by the City Clerk.

Action: Ordinance No. 29755 was adopted. (11-0.)

- (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.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29756 executed on June 24, 2016, submitted by the City Clerk.

Action: Ordinance No. 29756 was adopted. (11-0.)

- (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.

2.2 (j) (COnt'd.)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29757 executed on June 24, 2016, submitted by the City Clerk.

Action: Ordinance No. 29757 was adopted. (11-0.)

- (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.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29758 executed on June 24, 2016, submitted by the City Clerk.

Action: Ordinance No. 29758 was adopted. (11-0.)

2.3 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.

Documents Filed: (1) The Transportation and Environment Committee Report dated June 6, 2016. (2) The Rules and Open Government Committee Report dated June 8, 2016. (3) The Neighborhood Services and Education Committee Report dated June 9, 2016.

Action: The Council Committee Minutes were approved. (11-0.)

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.

There was no Report.

- 2.7 **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)**

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

- 2.8 **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)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated June 14, 2016, recommending approval of an ordinance.

Action: Ordinance No. 29765, entitled: “An Ordinance of the City of San José Amending Section 12.06.040 of Chapter 12.06 of Title 12 of the San José Municipal Code to Align the Definition of Committee with the California Fair Political Practices Commission Definition”, was passed for publication. (11-0.)

- 2.9 **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)**

Documents Filed: City Council Action Request from Director of Environmental Services Kerrie Romanow, dated June 6, 2016, recommending approval of the agreements.

Action: The 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 were approved. (11-0.)

- 2.10 **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)**

2.10 (Cont'd.)

Documents Filed: Memorandum from Director of Housing Jacky Morales-Ferrand, dated June 6, 2016, recommending adoption of a resolution.

Action: Resolution No. 77858, entitled: "A Resolution of the Council of the City of San José Authorizing the Substitution of Home Funds in the Existing Loan Commitment for Second Street Studio Apartments", was adopted. (11-0.)

2.11 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)

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated June 6, 2016, recommending adoption of a resolution.

Action: Resolution No. 77859, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Execute Low Intensity Use Traffic Impact Fee Agreements Pursuant to the North San José Area Developments Policy", was adopted. (11-0.)

2.12 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)

Documents Filed: Memorandum from Chief of Police Edgardo Garcia, dated June 6, 2016, recommending adoption of a resolution.

Action: Resolution No. 77860, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Fifth Amendment to the Agreement with the South Bay Regional Public Safety Training Consortium 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", was adopted. (11-0.)

2.13 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)

2.13 (Cont'd.)

Documents Filed: City Council Action Request from Director of Public Works Barry Ng, dated June 6, 2016, recommending approval of the Master Agreements.

Action: The 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 were approved. (11-0.)

2.14 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)

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated June 6, 2016 recommending approval of the report on bids and award of the contract to the low bidder, with contingency.

Action: The 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, with related contingency, was approved. (11-0.)

2.15 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.

(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)

Documents Filed: Memorandum from Director of Transportation James Ortbal, dated June 15, 2016, recommending adoption of a resolution.

Director of Transportation James Ortbal responded to questions from Mayor Sam Liccardo.

Action: Upon motion by Council Member Raul Peralez, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77861, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Execute a 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 to Approve Amendments to the Parking Agreement”, was adopted. (10-0-1. Absent: Kalra.)

2.16 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.**
- (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)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated June 8, 2016, recommending adoption of a resolution.

Action: Resolution No. 77862, entitled: "A Resolution of the Council of the City of San José Setting a Public Hearing 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 Secured Property Tax Roll; Direct the Director of Finance to File the 2016-2017 Sanitary Sewer Service and Use Charges Report On Or Before July 15, 2016, and Direct the City Clerk to Publish a Notice of the Filing of the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges Reports and the Time and Place of the Public Hearing", was adopted. (11-0.)

2.17 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.**
- (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)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated June 9, 2016, recommending adoption of a resolution.

Action: Resolution No. 77863, entitled: "A Resolution of the Council of the City of San José Setting a Public Hearing on the Annual Residential Solid Waste Collection Service Charges Pursuant to Sections 9.10.1202 and 9.10.1204 of the San José Municipal Code", was adopted. (11-0.)

- 2.18 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)**

Documents Filed: Memorandum from Council Member Magdalena Carrasco, dated June 17, 2016, requesting approval of travel.

Action: The travel request for Council Member Magdalena Carrasco was approved. (11-0.)

- 2.19 (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)

Documents Filed: Memorandum from Council Member Tam Nguyen, dated June 21, 2016, requesting retroactive approval of the Great American Litter Pick Up on Saturday, April 23, 2016 as a City Council sponsored Special Event and approval of the six Council Sponsored Special Events.

Action: The Great American Litter Pick Up on Saturday, April 23, 2016 as a City Council sponsored Special Event and the expenditure of funds were retroactively approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized; 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 City Council sponsored Special Events and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event were authorized. (11-0.)

- 2.20 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)**

Documents Filed: Memorandum from Fire Chief Curtis Jacobson, dated June 20, 2016, recommending adoption of a resolution and providing an amendment to the current agreement as recommended.

Action: Resolution No. 77864, entitled: "A Resolution of the Council of the City of San José 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 Program, For a Six Month Period In An Amount Not To Exceed \$46,380 for a Total Contract Amount Not To Exceed \$408,317", was adopted. (11-0.)

- 2.21 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]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 24, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Persian Nowruz Festival scheduled for March 24, 2017 as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

- 3.3 (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.**
- (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.**
 - (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)

Documents Filed: (1) 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, recommending approval of the Staff recommendations, with further direction as described in "Action". (2) Memorandum from Council Member Ash Kalra, dated June 24, 2016, recommending approval of the Staff recommendations. (3) Memorandum from Deputy City Manager Julie Edmonds-Mares, Director of Public Works Barry Ng and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 22, 2016, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments. (4) Staff presentation dated June 28, 2016 summarizing Community Wireless: The City of San José and East Side Union High School District Wifi Partnership.

Deputy City Manager Julie Edmonds-Mares, Assistant to the City Manager Andrew Freeman and Director of Technology Randy Phelps, East San José Union High School District presented the report.

Council discussion ensued.

Motion: Council Member Ash Kalra moved approval of 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, recommending approval of the Staff recommendations, with further direction as described in "Action". Vice Mayor Rose Herrera seconded the motion.

3.3 (Action Cont'd.)

Action: On a call for the question, the motion carried unanimously, 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: (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 ESUHSD 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, entitled: "A Resolution Of The Council Of The City Of San Jose Authorizing The City Manager To Negotiate And Execute An Agreement Between The City Of San Jose And East Side Union High School 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 (5) Years Through June 30, 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 \$1.7 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"; Ordinance No. 29766, entitled: "An Ordinance Of The City Of San Jose Amending Ordinance No. 29762 To Appropriate Monies In The General Fund For The East Side

3.3 (Action Cont'd.)

Union High School District Community Wireless Network Project; And Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” and, Resolution No. 77866, entitled: A Resolution Of The Council Of The City Of San Jose Amending Resolution No. 77796 Setting Forth The Estimated Sources Of Funds For The Fiscal Year 2016-2017 To Adjust Revenues In The General Fund”, were adopted. (11-0.)

3.4 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.**
- (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)

Action: Deferred to August 9, 2016 per Administration.

ADJOURNMENT

Mayor Sam Liccardo adjourned the morning Council Session at 12:24 p.m.

RECESS/RECONVENE

The City Council recessed at 12:24 p.m. from the morning Council Session and reconvened at 1:31 p.m. in the Council Chambers, City Hall.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

INVOCATION

Dr. David Bruner, Center of Spiritual Living, Willow Glen offered a prayer for the Invocation. (District 6)

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

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.

Absent: Carrasco.

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.

STRATEGIC SUPPORT SERVICES

- 3.5 (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)**

Note: Item 3.5 was heard following Item 3.6.

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 24, 2016, recommending acceptance of the market salary survey results and adoption of a resolution. (2) Memorandum from Director of Human Resources Joseph Angelo, dated June 15, 2016, recommending acceptance of the market salary survey results.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, 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%

3.5 (Action Cont'd.)

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, entitled: "A Resolution of the Council of the City of San José Amending the Pay Plan to Create Salary Ranges for Council Appointees and Approving Compensation Adjustments for Council Appointees", was adopted. (11-0.)

- 3.6 (a) **Final adoption of the ordinance passed for publication on June 21, 2016; OR**
(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)

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

Documents Filed: (1) Memorandum from Council Member Johnny Khamis, dated June 23, 2016, recommending acceptance of the Staff recommendations with provisions, as described in "Action". (2) Memorandum from Council Member Donald Rocha, dated June 27, 2016, recommending adoption of the measure without sending it to the ballot. (3) Memorandum from City Clerk Toni J. Taber, CMC, dated June 22, 2016, recommending final adoption of the ordinance or adopt a resolution calling for an election. (4) Staff presentation dated June 28, 2016 summarizing Part-Time Employees Opportunity to Work Initiative Ordinance. (5) Presentation from the San José Silicon Valley Chamber of Commerce dated June 28, 2016 describing the Opportunity to Work. (6) Letter from Jim Goddard, Executive Vice President, SAP Center at San José, dated June 28, 2016, in support of the Initiative. (7) Letter from Dave Cortese, County of Santa Clara, dated June 27, 2016, in support of the Initiative. (8) Letter from Assembly Woman Lorena Gonzalez, dated June 28, 2016, in support of the Initiative. (9) Letter from Lonnie Golden, PennState, dated June 28, 2016, in support of the Initiative. (10) Five letters from the public, all dated June 28, 2016, in support of the Initiative.

Deputy City Manager/Director of Economic Development Kim Walesh presented the report.

Bob Brownstein offered a speech in support of the initiative. Lonnie Goldman presented additional information

Victor Gomez, San José Silicon Valley Chamber of Commerce, expressed support to the memorandum from Council Member Johnny Khamis.

Mayor Sam Liccardo opened the floor for public testimony.

3.6 (Cont'd.)

Public Comments: Expressing comments for and against were Rhonda Ryan, Silicon Sage; Angelo Heropoulos, John Salah, Richard Hong, Jim Clark-Moore, Encompass Ministry; Leslie Scott, Debra Goetz, Perry Goetz, Ron Johnson, Teri Hansen, Bruce Hansen, Rachel Duetsch, Gil Villagran, California Faculty Association; Sergio Ryelas Kierd, Donald Anthony Taylor III, Silicon Valley Rising; Jim Davis, Estrella Martinez, Hector Casteneda, Californians for Justice; Walter Wilson, Raj Jayadev, Silicon Valley De-Bug; Gemma Abels, Fred Hirsch, Reginald Swilley, Randi Kinman, Chava Bustamonte, Latinos United for a New America; Ruth Silver-Taube, Ro Khanna, Gail Anne Osmer, Bill Wallace, Father Bill, Anna Ko, Representing Congressman Mike Honda; Sabrina Pinnell, Yolanda Renee, Working Partnerships; Robert Syal, Omer Vasquez, Kathy Mattingly, Jeremy Barousse, Doug Jones, Pablo Narvaez, Maria Najera, Yareth Gomez, Sandy Perry, Affordable Housing Network; Joycelyn Evans, Silicon Valley Rising; Stephanie Munoz, Kathleen Krenek, Next Door Solutions; Greg Miller, California Nurses Association; Carol Garvey, Kevin R. Fish, Ben Field, Claudia Shope, Aurelia Sanchez, Mario Delgado, Sam Saiu, David Urhausen, Pasteur Jeff Moore, NAACP; Jasmeet Virdee, Jessica Lynam, California Restaurant Association; Robert Aguirre, Rick Oderio, Sanjay Gavla, Angelica Ramos, Leonides Torres, Gabriel Cardenas, Shauun Cartwright and Scott Knies, San José Downtown Association.

Motion: Vice Mayor Rose Herrera moved approval of the memorandum from Council Member Johnny Khamis, dated June 23, 2016, recommending acceptance of the Staff recommendations with provisions, as described in “Action” below. Council Member Johnny Khamis seconded the motion.

Council discussion ensued.

Substitute Motion: Council Member Raul Peralez moved approval of the memorandum from Council Member Donald Rocha, dated June 27, 2016, recommending adoption of the measure without sending it to the ballot. Council Member Donald Rocha seconded the motion.

Council Member Chappie Jones and Council Member Johnny Khamis expressed opposition to the substitute motion.

On a call for the question, the substitution motion failed. (4-7. Noes: Herrera, Jones, Khamis, M. Nguyen, T. Nguyen, Oliverio; Liccardo.)

Council discussion returned to the original motion made by Vice Mayor Rose Herrera and Council Member Johnny Khamis.

3.6 (Cont'd.)

Action: On a call for the question, the motion carried, 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 and Resolution No. 77867, entitled: "A Resolution of the Council of the City of San José Calling and Giving Notice of the Submission to the Electors of the City of San José, At a Special Municipal Election To Be Consolidated With the Next General Election To Be Held On November 8, 2016, An Initiative to Amend 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", was adopted. (Noes: 7-4. Kalra, T. Nguyen, Peralez, Rocha.

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (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.**
- (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.**
- (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)

Documents Filed: Three memoranda from Deputy City Manager/Director of Economic Development Kim Walesh, all dated June 6, 2016, recommending conducting public hearings and adoption of resolutions.

Mayor Sam Liccardo asked if the City Clerk had received any written protests from the affected businesses in any of the three Business Improvement Districts. Assistant City Clerk Christina Gutierrez responded that the Office of the City Clerk had not received any written protests from the Hotel, Japantown or Downtown Business Improvement Districts.

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

4.1 (Cont'd.)

Mayor Sam Liccardo stated since the business owners in the Hotel, Japantown or Downtown Business Improvement Districts have supported the proposed levy of assessments, the Council may consider adoption of the resolutions.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77869, entitled: “A Resolution of the Council of the City of San José Approving the Budget Report of the Downtown Business Improvement District for Fiscal Year 2016-2017, Levying Assessments in the Bid For Fiscal Year 2016-2017 and Suspending the Collection of Assessments for Businesses That Qualify for the Business Tax Financial Hardship Exemption Under the City’s General Business Tax Ordinance”; Resolution No. 77870, entitled: “A Resolution of the Council of the City of San José Approving the Budget Report of the Hotel Business Improvement District for Fiscal Year 2016-2017 and Levying Assessments in the Bid for Fiscal Year 2016-2017” and Resolution No. 77871, entitled: “A Resolution of the Council of the City of San José Approving the Budget Report of the Japantown Business Improvement District for Fiscal Year 2016-2017 and Levying Assessments in the Bid for Fiscal Year 2016-2017”, were adopted. (11-0.)

TRANSPORTATION & AVIATION SERVICES

6.1 **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)**

Documents Filed: (1) Memorandum from Council Member Pierluigi Oliverio, dated June 27, 2016, recommending acceptance of the Staff recommendations with direction as described in “Action”. (2) Memorandum from Director of Transportation James Ortbal, dated June 6, 2016, recommending acceptance of the report. (3) Staff presentation dated June 28, 2016 summarizing the Lincoln Avenue Roadway Configuration Pilot Project. (4) Fifteen letters from the public all dated June 28, 2016 regarding the Lincoln Avenue Pilot.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing comments, suggestions, arguments for and against were Moria Merriweather, Robyn Levine, Details Clothing Company; Michael Norris, Allen Picu, Katy Dickinson, John Plocher, Eric Zaiser, Bob Mack, Maren Sederquist, Willow Glen Elementary School; Vic Giacalone, Jim Gardner, Colin Heyne, Silicon Valley Bicycle Coalition; Dev Davis, Michael Mulcahy, Jim Pisacane, Steve Lynch, Blair Beekman, Carlos Babcock, Laura Tolkoff, SPUR; David Zappelli, Stakeholders for a Safe Green Village; Richard Zappelli, Willow Glen Neighborhood Association; Claudia Shope, Jaime Fearer, California Walks; Katie Zazueta, Chris Roth, Jeffery Stanley, Bernice Hernandez, Maureen DeBolt and Jim Steele.

6.1 (Cont'd.)

Director of Transportation James Ortbal and Deputy City Manager/Director of Economic Development Kim Walesh provided the Traffic and Sales Tax Reports.

Council Member Pierluigi Oliverio presented background information.

Motion: Council Member Pierluigi Oliverio moved approval of his memorandum dated June 27, 2016, recommending acceptance of the Staff recommendations with direction as described in "Action". Vice Mayor Rose Herrera seconded the motion.

Council discussion ensued.

Action: On a call for the question, the motion carried unanimously, 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. (10-0-1. Absent: Khamis.)

ADJOURNMENT

Mayor Sam Liccardo adjourned the afternoon Council Session at 5:30 p.m.

RECESS/RECONVENE

The City Council recessed at 5:30 p.m. from the afternoon Council Session and reconvened at 6:06 p.m. in the Council Chambers, City Hall.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (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.**
- (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)

Documents Filed: Memorandum from Director of Environmental Services Kerrie Romanow, dated June 16, 2016, recommending holding public hearings and adoption of a resolution.

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Pierluigi Oliverio and carried unanimously, Resolution No. 77872, entitled: "A Resolution of the Council of the City of San José 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", was adopted. (10-0-1. Absent: Khamis.)

PUBLIC SAFETY SERVICES

- 8.1 **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)**

8.1 (Cont'd.)

Documents Filed: Memorandum from Fire Chief Curtis Jacobson, dated June 24, 2016, recommending adoption of a resolution and noting that the City continues to engage in discussions with the County on the extension to the current 911 Emergency Medical Services Agreement.

Deputy Fire Chief Robert Sapien and Assistant City Manager David Sykes responded to questions from Mayor Sam Liccardo.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, Resolution No. 77873, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Negotiate and Execute the Third Amendment to the Emergency Medical Services Agreement with the County of Santa Clara Emergency Medical Services Agency to Extend the Agreement for One Year", was adopted. (10-0-1. Absent: Khamis.)

REDEVELOPMENT – SUCCESSOR AGENCY

9.1 **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) **Inwalle 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)

Documents Filed: Memorandum from Successor to the Redevelopment Agency Managing Director Richard A. Keit, dated May 27, 2016, recommending approval of the purchase and sale agreements and escrow instructions.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, 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 Inwalle 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 was approved; and the sale of a landscape area located at Almaden Boulevard (APN 264-3-101) for a purchase price of \$508,000 to Lawrence Wu, as buyer, was authorized. (10-0-1. Absent: Khamis.)

9.2 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)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 13, 2016, recommending deferring Item 9.2 regarding the Purchase and Sale Agreement at 300 Almaden Boulevard from the *June 28, 2016* Council Agenda, with Staff to return to Council with analysis of: (a) 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. (b) The public purpose behind the County's acquisition of such property. (2) Memorandum from Successor to the Redevelopment Agency Managing Director Richard A. Keit, dated June 8, 2016, recommending approval of the purchase and sale agreement and the escrow instruction. (3) Supplemental memorandum from Successor to the Redevelopment Agency Managing Director Richard A. Keit, dated June 27, 2016, providing additional analysis.

Mayor Sam Liccardo expressed concern that the Oversight Board, which has a fiduciary responsibility to maximize revenue from the sales of assets to taxing agencies, rejected the Staff recommendations and voted to accept an offer made by the County of Santa Clara at a price that returns \$54,000 less to the County's taxpayers. Mayor Liccardo also expressed concern about the public purpose behind the County acquiring, with public funds, an interest in real property that is subject to a long-term ground lease and may not be used for any public purpose for over 70 years.

Motion: Vice Mayor Rose Herrera moved approval of the memorandum from Mayor Sam Liccardo, dated June 13, 2016, recommending deferring Item 9.2 regarding the Purchase and Sale Agreement at 300 Almaden Boulevard from the *June 28, 2016* Council Agenda, with Staff to return to Council with analysis as described in "Action" below. Council Member Pierluigi Oliverio seconded the motion.

Council Member Raul Peralez requested to amend the motion to add that the City of San José is expecting an informative, precise answer. The amendment was accepted by Vice Mayor Rose Herrera and Council Member Pierluigi Oliverio.

City Attorney Richard Doyle stated that the item will be agendaized to Closed Session on August 2, 2016.

Action: The amended memorandum from Mayor Sam Liccardo, dated June 13, 2016, was approved, 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 agendaize this item to Closed Session on August 2, 2016. (10-0-1. Absent: Khamis.)

- 9.3 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)**

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, dated June 6, 2016, recommending adoption of a resolution. (2) Staff presentation dated June 28, 2016 describing the Necessary Steps in Refunding Evaluation Approval of Financial Advisor.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, SARA Resolution No. 7052, entitled: “A Resolution of the Successor Agency of the City of San José Authorizing the Chief Financial Officer of the Successor Agency, Or Her Designee, To Negotiate and Execute 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”, was adopted. (10-0-1. Absent: Khamis.)

- 9.4 (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.**
 - (2) Removing this loan from the Successor Agency financial statements.**
- (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)

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper and Director of Housing Jacky Morales-Ferrand, dated June 9, 2016, recommending adoption of resolutions. (2) Staff presentation dated June 28, 2016 describing the Actions Related to the SERAF Fund Loan Agreement.

Director of Finance Julia H. Cooper presented a brief Report on the Actions Related to the SERAF Fund Loan Agreement.

9.4 (Cont'd.)

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, SARA Resolution No. 7053, entitled: "A Resolution of the Successor Agency of the City of San José (A) 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 (B) Removing the Loan from the Successor Agency Financial Statements" and Resolution No. 77874, entitled: "A Resolution of the Council of the City of San José Removing the Loan from the Supplemental Education Revenue Augmentation Fund (SERAF) Loan Receivable from the City's Financial Statements in the Low and Moderate Income Housing Fund", were adopted. (10-0-1. Absent: Khamis.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.2 **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)**

Documents Filed: (1) Memorandum from Council Member Tam Nguyen, dated June 27, 2016, recommending acceptance of the Staff Report with further direction to Staff. (2) Memorandum from Director of Housing Jacky Morales-Ferrand, dated June 7, 2016, recommending acceptance of the staff report. (3) Letter from the Winter Faith Collaborative, dated June 28, 2016, expressing concurrence with the Staff Report. (4) Staff presentation dated June 28, 2016 summarizing the Update on the Pilot Sanctioned Encampment Program.

Director of Housing Jacky Morales-Ferrand presented highlights of the Pilot Sanctioned Encampment Program.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing comments and suggestions were Robert Aguirre, Moria Merriweather, John Olson, Sacred Hearts Community Service; Anthony T. King, Silicon Valley De-Bug; Kathy Mattingly, St. Thomas of Canterbury Social Ministries; Ron Johnson, Karen Addato, Breakthrough Outreach; Sandy Perry, Affordable Housing Network; Phil Olmstead, Chuck Jagoda, Jovita Ceja and Shaunn Cartwright.

Motion: Vice Mayor Rose Herrera moved approval of the Staff recommendations. Mayor Sam Liccardo seconded the motion.

Director of Housing Jacky Morales-Ferrand, Homelessness Response Team Manager Ray Bramson and Deputy City Attorney Shasta Greene responded to Council questions and concerns.

4.2 (Cont'd.)

Director of Housing Jacky Morales-Ferrand requested to amend the motion to add direction to Staff to issue a Request for Proposal 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.

Mayor Sam Liccardo accepted the amendment to the motion from Director of Housing Jacky Morales-Ferrand, 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. The amendment to the motion, as amended by Mayor Sam Liccardo, was accepted by Vice Mayor Rose Herrera.

Council Member Raul Peralez requested to amend the motion to direct Staff to 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. The amendment to the motion was accepted by Vice Mayor Rose Herrera and Mayor Sam Liccardo.

Action: On a call for the question, the motion carried, 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. (9-1-1. Noes: Oliverio. Absent: Khamis.)

4.3 **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)**

Documents Filed: (1) Memorandum from Council Member Tam Nguyen, dated June 27, 2016, recommending acceptance of the Staff recommendations with direction as described in "Action" below. (2) Memorandum from Director of Housing Jacky Morales-Ferrand and Director of Planning, Building and Code Enforcement Harry Freitas, dated June 15, 2016, recommending adoption of an urgency ordinance. (3) Supplemental memorandum from Director of Housing Jacky Morales-Ferrand and Director of Planning, Building and Code Enforcement Harry Freitas, dated June 28, 2016, providing a summary of public comment on the draft Church Shelter Urgency Ordinance received from faith-based communities and advocates engaged in providing shelter and services to homeless people.

4.3 (Cont'd.)

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing support to the Staff recommendations were Karen Gillette, Moria Merriweather, Robert Aguirre, Kathy Mattingly, Diane Dalton, St. Thomas of Canterbury Social Ministries; John Olson, Sacred Heart Community Service; Chuck Jagoda, Eileen Hunter, Women's Gathering Place; Howard La Pierre, Yolanda Estrada, Mike Ferrero, Holy Spirit Parish; Jim Clark-Moore, Encompass Ministry; Shaunn Cartwright, Jolene Jones, Winter Faith Collaborative; Phil Mastrocola, Darby Cunning, St. John Vianney Catholic Church; Phil Olmstead, Carmen Calderon, Marni Naughten, Interfaith Collaborative; Leonard Coulter, Karen Adatto, Breakthrough Outreach; Jovita Ceja, Kristin Salah, Reverend Susan Smith, Willow Glen United Methodist Church; Greg Miller, Brittany Urness, The Church of Jesus Christ of Latter Day Saints; Elaine Sanchez, Renee Manuel, Blair Beekman, Renita Fleming and Ada Perez.

Motion: Council Member Tam Nguyen moved approval of his memorandum dated June 27, 2016, recommending acceptance of the Staff recommendations with direction as described in "Action" below. Vice Mayor Rose Herrera seconded the motion.

Vice Mayor Rose Herrera requested to amend the motion to direct Staff to explore the feasibility of a year-round pilot project for a small number of faith-based institutions and report back to Council. Council Member Tam Nguyen accepted the amendment to the motion.

Council Member Pierluigi Oliverio requested to amend the motion to direct the City Attorney to return to Council with information for a legal way in which Council Members may utilize their District Office Budget to provide monies to supplement faith-based groups in this effort. The amendment to the motion was accepted by Council Member Tam Nguyen and Vice Mayor Rose Herrera.

Action: On a call for the question, the motion carried unanimously, 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 for a legal way in which Council Members may utilize their District Office

4.3 (Action Cont'd.)

Budget to provide monies to supplement faith-based groups in this effort. Urgency Ordinance No. 29767, entitled: "An Ordinance of the City of San José Amending Part 17 of Chapter 20.80 of the San José Municipal Code To Suspend Sections 20.80.1600 and 20.80.1610 Until June 30, 2017 and Setting Forth the Facts Constituting Such Urgency", was adopted. (10-0-1. Absent: Khamis.)

4.4 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)

Documents Filed: (1) Memorandum from Director of Housing Jacky Morales-Ferrand, dated June 15, 2016, recommending adoption of a resolution. (2) Letter from Dave Cortese, President, Board of Supervisors, County of Santa Clara, dated June 27, 2016, expressing support to the pilot program to help homeless veterans find permanent housing.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Kathy Mattingly, St. Thomas of Canterbury Social Ministries, expressed support to the Staff recommendations.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77875, entitled: "A Resolution of the Council of the City of San José Approving a Three Year Pilot Program to Provide Housing Rehabilitation Assistance to Property Owners Who Rent to Homeless Veterans", was adopted. (10-0-1. Absent: Khamis.)

4.5 (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").**

- 4.5 (a) (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)

Action: Item 4.5 was dropped.

- 4.6 (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.

- 4.6 (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;
 - (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

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

OPEN FORUM

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

GENERAL PLAN PUBLIC HEARINGS

- 10.2 (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.
- (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)

10.2 (Cont'd.)

Documents Filed: (1) Memorandum from Council Member Pierluigi Oliverio, dated June 25, 2016, recommending approval of the General Plan Amendment and to direct Staff to explore permanent housing. (2) The Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP16-001 dated April 27, 2016. (3) Memorandum from Planning Commission Secretary Harry Freitas, dated June 8, 2016, transmitting the Planning Commission recommendation. (4) Staff presentation dated June 28, 2016 describing the Evans Lane Project. (5) Proof of Publication of Notice of Public Hearing, executed on April 15, 2016, submitted by the City Clerk. (6) Letter from Melissa A. Morris, Senior Attorney, Law Foundation of Silicon Valley, dated June 28, 2016, expressing support to the Staff recommendations.

Director of Planning, Building and Code Enforcement Harry Freitas presented the Staff Report. Division Manager Jason Rogers, Planning, Building and Code Enforcement Division Manager Sylvia Do and Division Manager of Public Works Michael Liw were present.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Expressing opposition, support, suggestions and comments were Daryl Bryant, Scott Finger, Barb Medina, Susan Savin-Vent, Conklin Brothers; Eugenio Dols, Robert Aguirre, Paul Tunison, Life Moves; Maureen Darnell, Downtown Street Team; Collen Haley, Destination: Home; Margaret Nanda, Nicole Montojo, Silicon Valley At Home; Kurt Foreman, Reverend Robert Mize, Cathedral of Faith; Pastor Jim Gallagher, Reaching Out Food Pantry; Paul Gunsky, Cinelux Theatres; Daniel Ordaz, University Preparatory Academy; Kelly Sumner, Homefirst; Dev Davis, Jeff Smoker, Millpond Mobilehome Community; Phil Olmstead, Mathew Reed, Gordon Searle, Gary Smith, Dawn Smith, Canoas Garden Neighborhood Association; Anthony King, Silicon Valley De-Bug; Moria Merriweather, Sandy Perry, Affordable Housing Network; Eileen Hunter, Women's Gathering Place; Kathy Mattingly, St. Thomas of Canterbury Social Ministries; Ben O'Hara, South Bay Tenant's Union; Greg Miller, Shaunn Cartwright, John Plocher, Tony Medina, Maria Esparza, Mike Williams, Willow Glen Mobile Estates; Martha O'Connell, Tavys Ashcroft, Pat Gates, Susan Savin-Vent, Evans Lane Coalition; Bill Barmettler and Greg Kepferle, Catholic Charities.

Mayor Sam Liccardo closed the public hearing.

Motion: Council Member Pierluigi Oliverio moved approval of his memorandum dated June 25, 2016, recommending approval of the General Plan Amendment and to direct Staff to explore permanent housing. Staff was further directed to return to the Community and Economic Development Committee in August or September 2016. Vice Mayor Rose Herrera seconded the motion.

Council Member Raul Peralez moved approval to amend the motion to direct the Housing Staff to return to Council on August 16, 2016 (evening) to discuss options for the Evans Lane Property. The amendment was accepted by Council Member Pierluigi Oliverio and Vice Mayor Rose Herrera.

10.2 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, Resolution No. 77876, entitled: “A Resolution of the Council of the City of San José Adopting the General Plan Land Use/Transportation Diagram Amendment from Neighborhood/Community Commercial (NCC) Designation to Mixed Use Neighborhood (MUN) on the 5.93 Acre Site of the Proposed Evans Lane Housing Project, 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”, was tentatively adopted. The memorandum from Council Member Pierluigi Oliverio, dated June 25, 2016, was tentatively 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. (3) Staff was directed to return to the Community and Economic Development Committee in August or September 2016. (10-0-1. Absent: Khamis.)

10.3 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.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77877, entitled: “A Resolution of the Council of the City of San José Specifying the Council’s Determinations on Proposed Amendments to the Envision San José 2040 General Plan Pursuant to Title 18 of the San José Municipal Code”, was adopted, approving all General Plan Amendment actions taken on June 21, 2016 and June 28, 2016. (10-0-1. Absent: Khamis.)

PUBLIC HEARINGS ON CONSENT CALENDAR

- 11.1 (a) 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.**

Documents Filed: (1) The Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C16-021 dated February 1, 2016. (2) Proof of Publication of Notice of Public Hearing, executed on May 27, 2016, submitted by the City Clerk.

11.1 (a) (Cont'd.)

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Chappie Jones and carried unanimously, Ordinance No. 29768, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 7.23 Gross Acres Located at the Easterly Terminus of Quinn Avenue (683-699 Quinn Avenue and 2269 Will Wool Drive) From the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District", was passed for publication. (10-0-1. Absent: Khamis.)

END OF CONSENT CALENDAR

PUBLIC HEARINGS

- 11.2 (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).**
- (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

Action: Deferred to August 16, 2016 per Applicant and Appellant.

- 11.3 (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;
 - (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

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

- 11.4 (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).**
- (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).**
- (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)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Council Member Chappie Jones and Council Member Johnny Khamis, dated June 10, 2016, recommending adoption of a resolution with direction as described in "Action" below. (2) Memorandum from Council Member Tam Nguyen, dated June 10, 2016, recommending adoption of a resolution with direction to Staff. (3) The Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. CP15-078 dated April 20, 2016. (4) Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated June 1, 2016, recommending conducting an Administrative Hearing and adoption of a resolution. (5) Proof of Publication of Notice of Public Hearing, executed on May 18, 2016, submitted by the City Clerk. (6) Fifteen letters/emails from the public, all dated June 28, 2016, regarding the Appeal of the Conditional Use Permit.

Director of Planning, Building and Code Enforcement Harry Freitas presented introductory remarks. Planning, Building and Code Enforcement Division Manager Sylvia Do presented the Staff Report.

Mayor Sam Liccardo opened the Administrative Public Hearing.

Mario Ramos, Patricia Ramos-Anderson, and Bruce Sullivan, Appellants, stated that the community surrounding the proposed Housing Project for the Chronic Homeless feels that the County of Santa Clara, the City of San José and Charities Housing have not engaged in open and honest discussions regarding the affordable housing project.

Applicant Kathy Robinson, Charities Housing spoke to the merits of the project.

11.4 (Cont'd.)

Public Comments: Expressing opposition, support, comments and suggestions were Chuck Jagoda, Kim Luong, Delbert Ng, Mrinal Venkatesh, Aditya Jain, Jay Joseph, Moria Merriweather, Hemanth Gohavarapu, Paul Tunison, Life Moves; Phil Olmstead, Eleanor Pedraza, Francisco Lozano, Mathew Reed, Ron Johnson, Jim Clark-Moore, Encompass Homeless Ministry; Robert Aguirre, Diego Zavala, Amanda Montez, Silicon Valley Leadership Group; Lucy Pham, John Cheung, Collen Haley, Destination: Home; Jonathan Fleming, Phil Mastrocola, Sandy Perry, Affordable Housing Network; Geoffrey Morgan, First Community Housing; Craig Nourie, Conklin Brothers; Rita Elliot Perry, Anthony King, Eileen Hunter, David Serrano, Daniel Peralta, Richard Hernandez, Van Le, Shaunn Cartwright, Veronica Lozano, Ben O'Hara and Lorena Villatoro.

Mayor Sam Liccardo closed the Administrative Public Hearing.

Motion: Council Member Tam Nguyen moved approval of his memorandum dated June 10, 2016. Council Member Pierluigi Oliverio seconded the motion

On a call for the question, the motion failed. (1-8-2. Noes: Carrasco, Herrera, Jones, Kalra, Oliverio, Peralez, Rocha; Liccardo. Absent: Khamis, M. Nguyen.)

Second Motion: Council Member Chappie Jones moved approval of the memorandum he cosigned with Mayor Sam Liccardo and Council Member Johnny Khamis, dated June 10, 2016, as described in "Action" below. Council Member Donald Rocha seconded the motion.

Vice Mayor Rose Herrera requested to amend the motion to include items iv. and v. from the memorandum from Council Member Tam Nguyen. The amendments to the motion were accepted by Council Member Chappie Jones and Council Member Donald Rocha.

Action: On a call for the question the second motion carried, the memorandum from Mayor Sam Liccardo, Council Member Chappie Jones and Council Member Johnny Khamis, dated June 10, 2016, was approved: (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

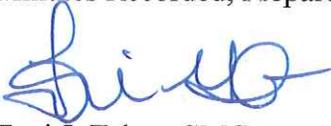
11.4 (Action Cont'd.)

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. 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 was adopted denying the appeal and upholding the Planning Commission's decision. (9-1-1. Noes: T. Nguyen. Absent: Khamis.)

ADJOURNMENT

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

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC
City Clerk

smd/06-28-16 MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/city> or <http://www.sanjoseca.gov/civiccentertv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

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 Creel 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

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