



CITY COUNCIL AGENDA

MAY 17, 2016

SYNOPSIS

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MANH NGUYEN
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

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

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

- **Call to Order and Roll Call**
 - 9:30 a.m. - Closed Session, Call to Order in Council Chambers
Closed Session Canceled per Administration.
 - 1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present.
 - 7:15 p.m. - Public Hearings, Council Chambers, City Hall
Absent Councilmembers: All Present.

- **Invocation (District 5)**
Pastor Jason Reynolds, Emmanuel Baptist Church, provided the Invocation.

- **Pledge of Allegiance**
Mayor Liccardo led the Pledge of Allegiance joined by students from Sakamoto Elementary School.

- **Orders of the Day – *Heard after Ceremonial Items***
The Orders of the Day and the Amended Agenda were approved, with Item 5.1 to be deferred to 6/14/16.

- **Closed Session Report – *To be heard after Ceremonial items***
Closed Session Canceled per Administration.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing the week of May 15 - 21, 2016 as “National Public Works Week” in the City of San José. (Public Works/M. Nguyen)
Mayor Sam Liccardo and Councilmember Manh Nguyen recognized the week of May 15 - 21, 2016 as “National Public Works Week” in the City of San José.
- 1.2 Presentation of a proclamation declaring May as Lupus Awareness Month in the City of San José. (Mayor)
Mayor Sam Liccardo proclaimed May as Lupus Awareness Month in the City of San José.
Heard in the Evening.
- 1.3 Presentation of a proclamation recognizing May as “Building Safety Month” in the City of San José. (Planning, Building and Code Enforcement/Khamis)
Mayor Sam Liccardo, Councilmember Johnny Khamis and Director of Planning, Building and Code Enforcement, Harry Freitas recognized May as “Building Safety Month” in the City of San José.
Heard in the Evening.
- 1.4 Presentation of a commendation to Jocelyn Woods, the Boys and Girls Club of Silicon Valley’s 2016 Youth of the Year. (Herrera)
Mayor Sam Liccardo and Vice Mayor Rose Herrera commended Jocelyn Woods, the Boys and Girls Club of Silicon Valley’s 2016 Youth of the Year, a title that embodies leadership service, academic excellence, and healthy lifestyle and exemplifies the critical impact that Boys and Girls Clubs of Silicon Valley have on the lives of young people.
Heard in the Evening.
- 1.5 Presentation of a proclamation recognizing the week of May 13-20, 2016 as “Affordable Housing Week” in the City of San José. (Rocha)
Mayor Sam Liccardo and Councilmember Donald Rocha recognized the week of May 13-20, 2016 as “Affordable Housing Week” in the City of San José.
- 1.6 Presentation of a commendation to Viet Thanh Nguyen, the winner of the 2016 Pulitzer Prize for Fiction and San José native. (M. Nguyen)
Mayor Sam Liccardo and Councilmembers Manh Nguyen and Tam Nguyen honored Viet Thanh Nguyen, the winner of the 2016 Pulitzer Prize for Fiction and San José native.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of February 2, 2016.
- (b) Study Session Minutes of February 8, 2016 on the San José Regional Wastewater Facility Capital Improvement Program.
- (c) Regular Minutes of February 9, 2016.
- (d) Study Session Minutes of February 16, 2016 on Civic Innovation in Smart Cities and Big Data Analytics.
- (e) Regular Minutes of February 23, 2016.

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

Approved.

2.2 Final Adoption of Ordinances.

Recommendation:

- (a) ORD. NO. 29730 – An ordinance of the City of San José adding Part 8 to Chapter 17.23 of Title 17 of the San José Municipal Code to provide an interim reduction in certain rent increases and pause in filings for pass through petitions. CEQA: Exempt, Section 15061(b)(3), No potential for causing a significant effect on the environment, File No. PP16-051.

Ordinance No. 29730 adopted.

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of April 20, 2016. (Mayor)
- (b) Community and Economic Development Committee Minutes of April 25, 2016. (Khamis)

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

Approved.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

Vice Mayor Rose Herrera offered a presentation on the USA/Ireland Sister Cities Summit “Independence & Interdependence, San José – Dublin, Celebrating 30 Years”, and she and Councilmembers Raul Peralez and Magdalena Carrasco offered highlights and reflections on their Sister Cities trip to Dublin.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2. CONSENT CALENDAR

2.7 Amendment to the Parkland Agreement with Essex Portfolio, L.P. for Iris Chang Park.

Recommendation: Approve the First Amendment to Turnkey Parkland Agreement with Essex Portfolio, L.P. for Tentative Map PT08-046, to extend the date of parkland dedication from Certificate of Occupancy for the 692nd unit to the earlier approval of park construction plans or two years from the effective date of this amendment. CEQA: Addendum to North San José Development Policies Update Final EIR, File No. PDC06-067. Council District 4. (Parks, Recreation and Neighborhood Services)

Approved.

2.8 Approval of the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program Undergrounding Master Plan.

Recommendation: Approve the proposed Fiscal Year 2015/16 – 2020/21 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program and the Fiscal Year 2014-2015 Rule 20B (In-Lieu Fee) Undergrounding Master Plan. CEQA: Not a Project, File No. PP10-069(a), Staff Report that involves no approvals of any City Actions. (Public Works)

Approved.

2.9 Actions Related to the Bicycle and Pedestrian Project Grants from Transportation Development Act, Article 3.

Recommendation: Adopt a resolution:

- (a) Authorizing the City Manager or designee to submit a request to the Metropolitan Transportation Commission (MTC) for the allocation of Fiscal Year 2016-17 Transportation Development Act, Article 3 (TDA3) State grant funding in the amount of \$790,288 for bicycle and pedestrian projects;
- (b) Making the certifications and assurances required under the grant program as explained in the memorandum to Council; and
- (c) Authorizing the City Manager or designee to accept TDA3 grant funding awarded from MTC and to negotiate and execute any grant documents to effectuate the grant.

CEQA: Exempt, Section 15301(c) Existing Facilities, File No. PP13-037.
(Transportation)

Resolution No. 77741 adopted.

2. CONSENT CALENDAR

2.10 Actions Related to the 6955 – Penitencia Creek Trail, Reach 1B Rebid Project.

Note: Renumbered From Item 5.3

Recommendation:

- (a) Report on re-bid and award of contract for the 6955 - Penitencia Creek Trail Reach 1B Rebid Project to the low bidder, Wattis Construction Co., Inc. for the base bid of \$1,027,755 and approval of a ten percent contingency in the amount of \$102,776.

Accepted.

- (b) Adopt the following 2015-2016 Appropriation Ordinance Amendment in the Subdivision Park Trust Fund:
- (1) Increase the TRAIL: Penitencia Creek Reach 1B (Noble to Dorel Drive) Appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$54,000; and
- (2) Decrease the Future PDO/PIO Projects Reserve by \$54,000.

CEQA: Addendum to the Penitencia Creek Trail Reach 1 Master Plan Mitigated Negative Declaration, File No. PP13-031. Council District: 4. (Public Works/Parks, Recreation & Neighborhood Services/City Manager's Office)

Ordinance No. 29731 adopted.

3. STRATEGIC SUPPORT SERVICES

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

No update provided. Councilmember Pierluigi Oliverio requested an informational memorandum from the City Manager's Office/Intergovernmental Relations regarding the status of legislation before Governor Brown which may affect local land use issues regarding land use by right.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
None provided.

3.3 Public Hearing on the Proposed Operating and Capital Budgets and the Proposed Fees and Charges Report for Fiscal Year 2016-2017.

Recommendation: Conduct a Public Hearing on the City's Proposed Operating and Capital Budgets for the Fiscal Year 2016-2017, the Proposed Five-Year Capital Improvement Program for 2017-2021, and the Proposed Fees and Charges Report for the Fiscal Year 2016-2017. CEQA: Not Project, File No. PP10-069(a), Reports that involve no approval of City Actions. (City Manager)

Public hearing held.
No action required.

3. STRATEGIC SUPPORT SERVICES

3.4 Report on Welcoming San José Immigrant Integration Plan.

Recommendation: Accept the report on Welcoming San José Immigrant Integration Plan. CEQA: Not a Project, File No. PP10-069(a), Staff Report that involves no approvals of any City Actions. (City Manager)

Accepted, with staff to follow up in the Fall by identifying primary actions to demonstrate a measurable process and impact, best use of resources, and to provide a status report in the March timeframe in regard to funding.

Noes: Khamis, Oliverio.

3.5 Actions Related to the Agreement with Infor Public Sector, Inc. for the Enterprise Asset Management System.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Infor Public Sector, Inc. (Rancho Cordova, CA) for the purchase of software for a hosted Enterprise Asset Management System (EAM) for the Parks, Recreation, and Neighborhood Services (PRNS) Department, including implementation, migration, testing, training, support, maintenance, and other related professional services for an initial three-year term commencing on or about June 1, 2016 and ending on or about May 31, 2019, with a maximum compensation not-to-exceed \$464,408 for the initial three-year term, subject to the appropriation of funds;
- (b) Execute change orders to cover any additional requirements or to purchase additional subscriptions at the same contract prices during the initial term, including related incremental hosting and support services for a not-to-exceed contingency amount of \$50,000, subject to the appropriation of funds;
- (c) Execute five one-year options to extend the term of the Agreement to provide ongoing software subscription, hosting, technical support services, and to purchase additional subscriptions as required after the initial three-year term, subject to the annual appropriation of funds; and
- (d) Negotiate and execute additional agreements for the purchase of a hosted EAM for the Environmental Services (Municipal Water) and Aviation Departments, subject to the same terms and conditions as the Agreement for the PRNS Department, for an initial three year term, with a combined maximum compensation not to exceed \$700,000 and execute five one-year options to extend the term of the agreements, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for professional services that involve no changes to the physical environment. (Finance)

Resolution No. 77742 adopted.

3. STRATEGIC SUPPORT SERVICES

3.6 Resolution to Ban All Non-Essential City Travel or Business with North Carolina and Mississippi.

Recommendation: As recommended by the Rules and Open Government Committee on May 4, 2016, adopt a resolution:

- (a) Banning non-essential city travel and business within the states of North Carolina and Mississippi;
- (b) Prohibiting the use of City funds in travel to North Carolina and Mississippi for attendance of conventions, meetings, or other events there; and
- (c) To the extent practicable, and in instances where there is no conflict with law, to refrain from entering into any new or amended City contracts to purchase goods or services from any company that is headquartered in North Carolina and Mississippi.

Such measures would remain in effect until a legislative or judicial change to overturn existing discriminatory policies on sexual orientation is passed.

CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities. (T. Nguyen/Kalra/Carrasco)

[Rules and Open Government Committee referral 5/4/16 – Item G(5)]

Resolution No. 77743 adopted, including the joint memorandum from Councilmembers Tam Nguyen, Ash Kalra and Magdalena Carrasco, dated April 27, 2016, as amended under item #1 “Bring forward a resolution to ban all non-essential city travel and business within the states of North Carolina and Mississippi.”

Noes: Oliverio.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Business Development Commission Workload Assessment.

Recommendation: As recommended by the Rules and Open Government Committee on April 6, 2016, accept the staff report regarding the scope, workload assessment and budget for the potential establishment of a Business Development Commission (BDC). CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions. (Economic Development)

[Rules and Open Government Committee referral 4/6/16 – Item G(2)]

(Deferred from 5/3/16 – Item 4.4 and 5/10/16 – Item 4.1)

Accepted, with the Office of Economic Development to return with recommendations for a body aligned with a task force format, participant managed and driven by members of the business community, which would have direct reporting to the City, and setting their own agenda with marginal support from the City; thereby giving more ownership to the community. Recommendations would then be reported out to the Community & Economic Development Committee (CED) before returning to Council for consideration.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Development Services Process Improvement Study Update.

Recommendation: As recommended by the Community and Economic Development Committee on April 25, 2016, accept the staff report on the Development Services Process Improvement Workplan and Development Services Staffing. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions. (Planning, Building and Code Enforcement)

[Community and Economic Development Committee referral 4/25/16 – Item (d)(2)]
(Deferred from 5/10/16 – Item 4.3)

Accepted, including the memorandum from Mayor Sam Liccardo, Councilmembers Jones, Khamis and Peralez, dated May 13, 2016, accepting the Staff's report and directing staff to deliver the following to Council in conjunction with the final report from Management Partners: (1) Report to Council through the budget process regarding the additional resources needed to implement a well-developed "change management" program, specifically to address training needs and implementation of new business processes, and empowering line staff to build and execute on a culture of continuous improvement; (2) Develop a revised set of performance metrics to accompany the implementation plan that will become a daily/weekly/monthly tool for managers to celebrate success, capture process improvements, address weaknesses, and incentivize department staff to break down silos between them. In addition, develop a base-line "performance dashboard" by most common project and permit types that Council, senior management, and the public can use to track progress towards process improvement goals; (3) Report to Council through the budget process on additional staff needed to implement a plan for code reform that will support the streamlining of current processes – e.g., by eliminating unnecessary permit requirements, eliminating hearing requirements where routinely not desired by the public, and reconciling conflicting mandates to reduce fees and liberate capacity for staff to work on more impactful projects; (4) Address additional questions during the Council hearing (as outlined in the May 13, 2016 memorandum noted above).

4.3 Actions Related to the Parking Improvement Agreement with San José Arena Management, LLC for Parking Solutions Near SAP Center and the Greater Downtown. *DEFERRED*

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute a Parking Improvement Agreement with San José Arena Management, LLC for the construction and operation of two parking lots.
- (b) Direct staff to continue efforts to provide both short term and long term parking solutions near the SAP Center and the Greater Downtown.

(Item Continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Actions Related to the Parking Improvement Agreement with San José Arena Management, LLC for Parking Solutions Near SAP Center and the Greater Downtown. *DEFERRED (Cont'd.)*

(c) Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Purpose Parking Fund:

(1) Establish the Arena Area Parking Development appropriation in the amount of \$750,000; and

(2) Decrease the Unrestricted Ending Fund Balance by \$750,000

CEQA: Exempt, Section 15301(c), Existing Facilities, File No. PP16-054. (Economic Development)

Deferred to 5/24/16 per Administration

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to Reducing Economic Barriers to Library Access.

Recommendation: As recommended by the Neighborhood Services & Education Committee on March 10, 2016:

(a) Accept the report regarding Reducing Economic Barriers to Library Access; and

(b) Adopt a resolution to authorize the Library Director, in partnership with the Director of Finance, to implement one-time and ongoing programs that eliminate outstanding Library cardholder debt, provided that certain conditions are met, including:

(1) A one-month fee Amnesty for patrons who return items in “billed” status, to be implemented in 2016;

(2) Programs that allow patrons to have their Library cardholder debt reduced or eliminated when they replace “billed” items, volunteer on behalf of the Library, or participate in designated reading activities; and

(3) A one-time per patron forgiveness of overdue fines for patrons who register for the 2016 Summer Reading Challenge.

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

[Neighborhood Services & Education Committee referral 3/10/16 – Item (d)(2)]

Deferred to 6/14/16 per Orders of the Day.

5.2 Alum Rock Park Parking Pilot Program. *DEFERRED*

Recommendation: Adopt a resolution authorizing Parks, Recreation and Neighborhood Services to suspend parking fees at Alum Rock Park as a temporary pilot program.

CEQA: Not a Project, File No. PP10-067(a), Adjustment to Rates, Tolls, Fares and Charges. Council District 5. (Parks, Recreation and Neighborhood Services)

Deferred to 5/24/16 per Administration

5.3 Actions Related to the 6955 – Penitencia Creek Trail, Reach 1B Rebid Project.

Recommendation:

- (a) Report on re-bid and award of contract for the 6955 - Penitencia Creek Trail Reach 1B Rebid Project to the low bidder, Wattis Construction Co., Inc. for the base bid of \$1,027,755 and approval of a ten percent contingency in the amount of \$102,776.
- (b) Adopt the following 2015-2016 Appropriation Ordinance Amendment in the Subdivision Park Trust Fund:
 - (1) Increase the TRAIL: Penitencia Creek Reach 1B (Noble to Dorel Drive) Appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$54,000; and
 - (2) Decrease the Future PDO/PIO Projects Reserve by \$54,000.

CEQA: Addendum to the Penitencia Creek Trail Reach 1 Master Plan Mitigated Negative Declaration, File No. PP13-031. Council District: 4. (Public Works/Parks, Recreation & Neighborhood Services/City Manager's Office)

Note: Renumbered to Item 2.10

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Approval of the Successor Agency’s Administrative Budget and Recognized Obligation Payment Schedule 16-17.

Recommendation: Successor Agency Board adopt resolutions to:

- (a) Approve the Administrative Budget for July 1, 2016 through June 30, 2017; **Successor Agency Resolution No. 7049 adopted.**
- (b) Approve the Recognized Obligation Payment Schedule 16-17 and authorize payment of expenditures for items on ROPS 16-17, which details the obligations of the Successor Agency for the period of July 1, 2016 through June 30, 2017.

CEQA: Not a Project, File No. PP10-067, Non-project specific funding mechanism. (Successor Agency)

Successor Agency Resolution No. 7050 adopted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.2 Merged Area Redevelopment Project Revenue Bonds Series 1996 A/B and Series 2003 A/B – JP Morgan Letters of Credit Extension.

Recommendation: Successor Agency Board adopt a resolution:

- (a) Authorizing the execution and delivery, in substantially final form, of a Second Amendment to the Amended and Restated Reimbursement Agreement ("Second Amendment") with JPMorgan Chase Bank, NA ("JPMorgan") to extend the terms of the letters of credit (the "Letters of Credit") relating to the (1) Redevelopment Agency of the City of San José Merged Area Redevelopment Project Revenue Bonds, 1996 Series A and 1996 Series B and (2) Redevelopment Agency of the City of San José Merged Area Redevelopment Project Revenue Bonds, 2003 Series A and 2003 Series B and making other changes relating to the release of liens held by JPMorgan and the County of Santa Clara on Successor Agency owned properties and to secure payment of the Letters of Credit;
- (b) Authorizing the execution and delivery, in substantially final form, of an Amended and Restated Fee Letter regarding fees and charges for the Letters of Credit provided by JPMorgan under the Reimbursement Agreement in the amount of 2.10% of the aggregate outstanding face amounts of the Letters of Credit, assuming that two of the three ratings assigned by Moody's, Standard & Poor's, or Fitch on the senior lien Redevelopment Agency of the City of San José Merged Area Redevelopment Project Tax Allocation Bonds are not withdrawn suspended or otherwise become unavailable;
- (c) Authorizing the Executive Officer, Chief Financial Officer of the Successor Agency, or their designee, to take any actions and execute the Second Amendment and the Fee Letter and any other documents necessary to complete this transaction; and
- (d) Authorizing the Executive Officer, Chief Financial Officer of the Successor Agency, or their designee, to take any actions and execute any and all documents necessary to extend and amend the Agreements at expiration, provided the fees and charges for the Letters of Credit provided by JPMorgan are equivalent to the Fee Agreement (2.10%) or better.

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

Successor Agency Resolution No. 7051 adopted.

Abstain: Liccardo.

9.3 Approval of Purchase and Sale Agreement for the 88 Garage with MVP San José 88 Garage, LLC.

Recommendation: Successor Agency Board approve the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller, and MVP San José 88 Garage, LLC, as buyer, to allow for the sale of the public parking garage located at 88 East San Fernando Street for a purchase price of \$3,575,500. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Successor Agency)

Approved.

- **Open Forum**
Robert Lindo representing Casino M8trix offered that increased fees on the cardroom are unjustified and questioned the validity of the Impact Analysis Report.
- **Adjournment**
Mayor Sam Liccardo adjourned the afternoon Council Meeting session at 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

- (a) **Conventional Rezoning of the Real Property Located at 549 West Julian Street.**

Recommendation: Consideration of an ordinance rezoning the real property located on the northeasterly corner of West Julian Street and North Montgomery Street (549 West Julian Street) from the HI Heavy Industrial Zoning District to the TEC Transit Employment Center Zoning District on a 0.11 gross acre site (Angelo Segrato, Owner). Director of Planning, Building and Code Enforcement recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final EIR, (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

C15-045 – Council District 3

Ordinance No. 29732 passed for publication.

- (b) **Conforming Rezoning of the Real Property Located at 1231 and 1233 North 1st Street.**

Recommendation: Consideration of an ordinance rezoning the real property located on the northwest corner of North 1st Street and Highway 880 (1231 and 1233 North 1st Street) from the CO Commercial Office and R-2 Two-Family Residence Zoning Districts to the CP Commercial Pedestrian Zoning District on a 0.47 gross acre site. Director of Planning, Building and Code Enforcement recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution 76041). (Planning, Building and Code Enforcement)

C16-004 – Council District 3

Ordinance No. 29733 passed for publication.

(Item continued on the next page)

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar. (Cont'd.)

(c) **Conforming Rezoning of the Real Property Located at 706 West Julian Street.**

Recommendation: Consideration of an ordinance rezoning the real property located on the south side of W. Julian Street, approximately 130 feet west of Stockton Avenue (706 West Julian Street) from the LI Light Industrial Zoning District to the CG Commercial General Zoning District on a 0.2 gross acre site (Imwalle Properties, LLC, Owner). Director of Planning, Building and Code Enforcement recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 general Plan (Resolution No. 76041). (Planning, Building and Code Enforcement)

C16-008 – Council District 6

Ordinance No. 29734 passed for publication.

(d) **Conforming Rezoning of the Real Property Located at 210 Umbarger Road.**

Recommendation: Consideration of an ordinance rezoning the real property located on the south side of Umbarger Road, approximately 400 feet east of Aiello Drive (210 Umbarger Road) from the IP Industrial Zoning District to the LI Light Industrial Zoning District on a 2.41 gross acre site (Lola D Nielsen Trust, Owner). Director of Planning, Building and Code Enforcement recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

C16-009 – Council District 7.

Ordinance No. 29735 passed for publication.

(e) **Conforming Rezoning of the Real Property Located at 2272 Camden Avenue.**

Recommendation: Consideration of an ordinance rezoning the real property located on the southwest side of Camden Avenue, approximately 350 feet northwest of Bascom Avenue (2272 Camden Avenue) from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District on a 0.28 gross acre site. Director of Planning, Building and Code Enforcement recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No 76041). (Planning, Building and Code Enforcement)

C15-066 – Council District 9

Ordinance No. 29736 passed for publication.

(Item continued on the next page)

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar. (Cont'd.)

(f) Conventional Rezoning the Real Property Located at 14861 Los Gatos - Almaden Road.

Recommendation: Consideration of an ordinance rezoning the real property located at the northwesterly corner of Los Gatos – Almaden Road and Warwick Road (14861 Los Gatos – Almaden Road) from the R-1-2 Single-Family Residence Zoning District to the R-1-5 Single-Family Residence Zoning District, on a 0.49 gross acre site, for the purpose of allowing front, side, and rear yard setbacks for the subject property that are consistent with the existing setbacks in the surrounding neighborhood (Saeed Onbirbak, Owner). Director of Planning, Building and Code Enforcement recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

C16-010 – Council District 9

Ordinance No. 29736 passed for publication.

END OF CONSENT CALENDAR

11.2 Planned Development Zoning and Planned Development Permit for the Real Property Located at 374 West Santa Clara Street.

Recommendation:

- (a) Adopt a resolution adopting the Delmas Mixed-Use Development Project Addendum to the San José Water Land Company Planned Development Rezoning Final Environmental Impact Report, the Downtown Strategy 2000 Final Program Environmental Impact Report, and the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Environmental Impact Report, all in accordance with CEQA, as amended, and adopting a revised Mitigation Monitoring and Reporting Program (MMRP).

Resolution No. 77744 adopted.

- (b) Adopt a resolution by 2/3 majority making certain findings required by California Public Utilities Code Section 21676 that Proposed Planned Development Rezoning Application File No. PDC15-051 (374 West Santa Clara Street) is consistent with the purposes set forth in California Public Utilities Code Section 21670 and overruling the Santa Clara County Airport Land Use Commission's (ALUC) determination that the proposed project is inconsistent with the ALUC noise and height policies as defined by the Comprehensive Land Use Plan for the San José International Airport (CLUP).

Please note: Approval of this item requires 8 or more affirmative votes (2/3).

Resolution No. 77745 adopted. (11-0).

(Item continued on the next page)

11. PUBLIC HEARINGS

11.2 Planned Development Zoning and Planned Development Permit for the Real Property Located at 374 West Santa Clara Street. (Cont'd.)

Recommendation:

- (c) Consideration of an ordinance rezoning the real property located on the southwest corner of West Santa Clara Street and Delmas Avenue (374 West Santa Clara Street) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow a mixed use development with up to 1.04 million square feet for office/commercial space and up to 325 multi-family attached residences on a 8.93 gross acre site (Trammell Crow Company, Owner).

Ordinance No.29738 passed for publication, including the memorandum from Mayor Sam Liccardo, Councilmember Raul Peralez and Councilmember Pierluigi Oliverio, dated May 13, 2016, approving recommendations as outlined in the May 5, 2016 staff report, with modifications to: (1) Accept the Applicant's offer to voluntarily: (a) Change balcony rails to a high quality, non-reflective material facing Los Gatos Creek; (b) Fund a two-year study to monitor bird collisions relating to the project. The City will determine the appropriate level of study and approve the consultant. Results of the study should be shared with the Administration and Audubon Society and brought to the City Council to aid future decision making and policy analysis. (c) Consider expanding the 50-foot riparian setback along Los Gatos Creek, if feasible, at the discretion of the Applicant. (2) Encourage the Applicant to continue to communicate with representatives of the: (a) Valley Transportation Authority, on the future design of the BART tunnel; (b) SAP Center and Silicon Valley Sports & Entertainment, on the impacts of the sequence of preconstruction and construction activities on parking, and on potential prospects of shared parking for Arena events; (c) Guadalupe River Park Conservancy, on opportunities to enhance the trail and/or open spaces in the vicinity of the proposed development; and, (d) Neighborhood associations, in the area adjacent to the development project on the timelines of construction activities.

- (d) Adopt a resolution approving the Planned Development Permit to allow the construction of a mixed use development with up to 1.04 million square feet for office/commercial space and up to 325 multi-family attached residences on an 8.93 gross acre site located at the southeast and southwest corner of West Santa Clara Street and Delmas Avenue (374 & 402 West Santa Clara Street; 415 West San Fernando Street; 15, 35, 45, 55, 63, & 99 Delmas Avenue).

CEQA: Addendum to the San José Water Land Company Planned Development Rezoning Final EIR (Resolution No. 71952) the Downtown Strategy 2000 Final Program EIR (Resolution No. 72767), and the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

PDC15-051 & PD15-061 – Council District 3

Adoption of Resolution No. 77746 continued to 5/24/16.

11. PUBLIC HEARINGS

11.3 Planned Development Zoning, Planned Development Permit, and Vesting Tentative Map for the Real Property Located at 1560 Oakland Road. *DEFERRED*

Recommendation:

- (a) Adopt a resolution approving the Araujo Street Subdivision 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) Consideration of an ordinance rezoning the real property located on the west side of Araujo Street approximately 300 feet southerly of the intersection of Townsend Park Circle and Araujo Street (1560 Oakland Road and 0 Araujo Street) from the A Agricultural Zoning District to a RM(PD) Planned Development Zoning District to allow 9 single-family detached residences (Villa Developers, LLC, Owner).
- (c) Adopt a resolution approving a Vesting Tentative Map to subdivided one parcel into nine parcels for residential uses and one lot for common uses.
- (d) Adopt a resolution approving a Planned Development Permit to allow the construction of nine single-family detached residences.

Planning Commission recommends approval (7-0-0). CEQA: Araujo Street Subdivision Mitigated Negative Declaration. (Planning, Building and Code Enforcement)

PDC14-058, PD14-047, & PT14-047 – Council District 4

Deferred to 6/14/16 per Administration

11.4 Planned Development Rezoning and Planned Development Permit for the Real Property Located at 1777-1797 Almaden Road.

Recommendation:

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

Resolution No. 77747 adopted.

- (b) Consideration of an ordinance rezoning the real property located on the west side of Almaden Road, approximately 410 feet south of Willow Glen Way (1777-1797 Almaden Road) from the R-M Multiple Residence Zoning District and the R-1-5 Single-Family Zoning District to the R-M(PD) Planned Development Zoning District to allow for up to 55 multi-family residential units (Royal Willow, LLC, Owner).

Ordinance No. 29739 passed for publication, including direction to address traffic calming measures geared towards two radar speed signs, one on Willow Glen Way and one on Almaden Road.

(Item Continued on the next page)

11. PUBLIC HEARINGS

11.4 Planned Development Rezoning and Planned Development Permit for the Real Property Located at 1777-1797 Almaden Road (Cont'd.)

- (c) Adopt a resolution approving a Planned Development Permit to allow the demolition of eight existing residences totaling approximately 8,000 square feet, the removal of 12 ordinance-sized trees, and the construction of 55 multi-family residential units. Planning Commission recommends approval (7-0-0). CEQA: Scotia Apartments, 1777 & 1797 Almaden Road Mitigated Negative Declaration.

PDC15-023 & PD16-001 – Council District 6

Resolution No. 77748 adopted.

- **Open Forum**
None provided.
- **Adjournment**
The Council of the City of San José adjourned at 9:12 p.m.