

CITY COUNCIL AGENDA

JANUARY 10, 2017

SYNOPSIS

CHAPPIE JONES
SERGIO JIMENEZ
RAUL PERALEZ
LAN DIEP
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS
TAM NGUYEN
SYLVIA ARENAS
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

- ***Strategic Support 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
Absent Council Members: Diep. (Excused)

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Diep. (Excused)

7:04 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: Diep. (Excused)
- **Invocation (District 1)**
Reverend Shernell Edney, First Congregational Church of San José offered the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, Item 4.1 was dropped and Item 8.2, Item 11.1(a)(b) and Item 11.4 were deferred to January 24, 2017.

- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Administer Oaths of Office for newly elected Council Members. (City Clerk)
The Oaths of Office were administered for Council Member Johnny Khamis, Council Member Sergio Jimenez, Council Member Dev Davis and Council Member Sylvia Arenas.

2. CONSENT CALENDAR

- 2.1 **Approval of City Council Minutes.**
There were none.

- 2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of Ordinances.

- (a) ORD. NO. 29843 – An ordinance of the City of San José amending Section 23.04.020 of Part 1 of Chapter 23.04 of Title 23 of the San José Municipal Code to increase the number of attached signs allowed for large ground-level single tenant spaces located on large shopping center sites, including specific regulations related to the number, size, and location of these additional attached signs, and making other nonsubstantive, ministerial, technical, or typographical changes to Chapter 23.04 of the Sign Code. CEQA: Negative Declaration, File No. PP13-067, and Addenda thereto File Nos: PP13-083, PP14-007 and PP16-083. (Planning, Building, and Code Enforcement)
Ordinance No. 29843 adopted.
- (b) ORD. NO. 29847 – An ordinance of the City of San José amending Section 4.46.036 of Chapter 4.46 and Section 4.47.089 of Chapter 4.47 of Title 4 of the San José Municipal Code to expand the suspension program for the collection of a portion of construction taxes on downtown high rise developments. CEQA: Not a Project, File No. PP10-067(a), Non-Project Specific Funding Mechanism, Increase or Adjustments to Fees, Rates, and Fares. (Mayor/Peralez)
Ordinance No. 29847 adopted.
- (c) ORD. NO. 29848 – An ordinance of the City of San José amending Chapter 4.76 of Title 4 of the San José Municipal Code adding a new Section 4.76.290.5 to extend the deadline from July 1, 2017 to December 15, 2017 for residential landlords of 1 or 2 units to apply for a business tax certificate and pay the business tax owed as of July 1, 2017 without incurring interest or penalties. CEQA: Exempt, CEQA Guidelines Section 15378(b)(4). (Finance/City Manager)
Ordinance No. 29848 adopted.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of Ordinances. (Cont'd.)

- (d) ORD. NO. 29850 – An ordinance of the City of San José amending Part 1 of Chapter 23.02 and Parts 1 and 2 of Chapter 23.04 of Title 23 of the San José Municipal Code to allow and regulate Supergraphic signs in both the Downtown Sign Zone and the North San José signage area, including specific regulations related to the number, size, location and duration of Supergraphic signs, and to amend and add definitions related to Supergraphic signs and make other nonsubstantive, ministerial, technical, or typographical changes to Chapter 23.04 of the San José Municipal Code. CEQA: Negative Declaration, File No. PP13-067, and Addenda thereto File Nos. PP13-083, PP14-007, PP16-083 and PP16-131. (Planning, Building, and Code Enforcement)
Ordinance No. 29850 adopted.
- (e) ORD. NO. 29854 – An ordinance of the City of San José rezoning certain real property of approximately 39.9 gross acres situated on the southeasterly corner of North First Street and Liberty Street (4701 North First Street and 1561, 1537 Liberty Street) from the CN Commercial Neighborhood and R-M Multi-Family Residence Zoning Districts to the CIC(PD) Planned Development Zoning District. CEQA: Mitigated Negative Declaration for the “Topgolf at Terra Project”. (Planning, Building and Code Enforcement)
Ordinance No. 29854 adopted.
- (f) ORD. NO. 29853 – An ordinance of the City San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Uriel Del Toro DBA Del Toro Trucking. CEQA: Exempt, File No. PP08-228. (Environmental Services)
Ordinance No. 29853 adopted.
- (g) ORD. NO. 29855 – An ordinance of the City of San José rezoning certain real property of approximately 0.85 acre, situated at the northwest corner of Almaden Expressway and Redmond Avenue (16455 Almaden Expressway), from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)
Ordinance No. 29855 adopted.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Community and Economic Development Committee minutes of November 28, 2016. (Khamis)
- (b) Transportation and Environment Committee minutes of December 5, 2016. (Kalra)
- (c) Neighborhood Services and Education Committee minutes of December 8, 2016. (Rocha)

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

Approved.

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.

Waived.

- (b) Request for an excused absence for Mayor Liccardo from the Regular Meeting of the Rules and Open Government Committee on January 18, 2017 due to Authorized City Business: U.S. Conference of Mayors in Washington, D.C.

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

Excused.

2.5 City Council Travel Reports.

There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

No Report.

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

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

(Deferred from 12/13/16 – Item 2.37)

Approved.

2. CONSENT CALENDAR

2.8 Approve Agreement and Authorize Payment to Santa Clara County Housing Authority for Legal Fees.

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute an agreement with the Santa Clara County Housing Authority and to reimburse the Housing Authority in the amount of \$355,890 for a portion of the legal fees associated with a breach of contract claim filed by Housing Authority against HUD, which resulted in a \$36 million judgment award to the City Housing Authority by the United States Court of Claims. CEQA: Not a Project; File No. PP10-066(e); Services that involve no physical changes to the environment. (City Attorney)

Resolution No. 78049 adopted.

2.9 Amendment to Agreement with West Publishing Corporation for the Legal Practice Management Software System.

Recommendation: Adopt a resolution authorizing the City Attorney to:

- (a) Negotiate and execute a third amendment to the agreement with West Publishing Corporation dba Thomson Reuters Elite for the Prolaw Legal Practice Management Software System to renew annual maintenance support services.
- (b) Negotiate and execute any amendment for supplemental services and to renew annual maintenance support, subject to the annual appropriation of funds.

CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney)

Resolution No. 78050 adopted.

2.10 Fall 2016 Boards and Commissions Appointments.

Recommendation: Approve the following Board and Commission Appointments:

- (a) Arts Commission:
 - (1) District 2 Seat: Appoint Charlie McCollum to a term expiring 6/30/18;
- (b) Council Appointment Advisory Commission:
 - (1) District 2 Seat: Appoint Claudia Clark to a term expiring 12/31/18;
 - (2) District 7 Seat: Appoint Karen Fox to a term expiring 12/31/20;
 - (3) District 9 Seat: Appoint Mary Cheryl B. Gloner to a term expiring 12/31/20;
- (c) Human Services Commission:
 - (1) Citywide Seat: Appoint Angie Lopez to a term expiring 12/31/20;
 - (2) District 7 Seat: Appoint Kimberly Carvallison to a term expiring 12/31/20;
 - (3) District 9 Seat: Appoint Tayesa Knight to a term expiring 12/31/20;
- (d) Youth Commission:
 - (1) District 7 Seat: Appoint Sarah Dang to a term expiring 5/31/17.

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

2. CONSENT CALENDAR

2.11 City Manager's Travel to Miami, Florida.

Recommendation: Authorize travel for City Manager Norberto L. Dueñas to Miami, Florida on January 18 – 21, 2017 to participate in the Large Cities Executive Forum. Source of Funds: City Manager's Non Personal Services Appropriation. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)
Approved.

2.12 Council District 7 Community Events.

Recommendation: As recommended by the Rules and Open Government Committee on December 14, 2016:

- (a) Retroactively approve the Iola Williams Holiday Party on Saturday, December 3, 2016 at SevenTrees Community Center as City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the Tully Library Holiday Program on Saturday, December 10, 2016 at Tully Branch Library as City Council sponsored Special Event and approve the expenditure of funds.
- (c) Retroactively approve the Holiday Fun at SevenTrees Library on Saturday, December 17, 2016 at the SevenTrees Branch Library as City Council sponsored Special Event and approve the expenditure of funds.
- (d) Approve the SevenTrees Lunar New Year Celebration on Saturday, January 14, 2017 at SevenTrees Community Center and Tully Lunar New Year Celebration on Saturday, February 4, 2017 at Tully Community Room as City Council sponsored Special Events and approve the expenditure of funds.
- (e) 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. (T. Nguyen)
[Rules Committee referral 12/14/16 – Item G.1.a.]

Approved.

2.13 African American History Month Flag Raising Ceremony and Reception.

Recommendation: As recommended by the Rules and Open Government Committee on December 14, 2016:

- (a) Approve the African American History Month Flag Raising Ceremony and Reception scheduled on February 3, 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 events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Jones)
[Rules Committee referral 12/14/16 – Item G.1.b.]

Approved.

2. CONSENT CALENDAR

2.14 2016 – 2017 Council Appointment(s).

Recommendation:

- (a) Apprise the Council of the Mayor’s Appointments for each of the standing committees, as described in Exhibit “A” of this Memorandum.
- (b) Appoint the following Council Members to each of the committees and assignments, as described in Exhibit “B” of this Memorandum.

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

2.15 Actions Related to Council Member Diep’s Travel to Chicago, IL.

Recommendation:

- (a) Approve travel by Council Member Diep to Chicago, IL from January 9, 2017 to January 11, 2017 for President Obama’s Farewell Address. Source of Funds: Personal funds.
- (b) Request for an excused absence for Council Member Diep from the Regular Meeting of the City Council on January 10, 2017.

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

2.16 Transfer Council District Funds for Incoming Council Members During “Transition Years” and Adoption of Appropriation Ordinance Amendments in the General Fund.

Recommendation: Adopt the following 2016-2017 Appropriation Ordinance amendments in the General Fund:

- (a) Increase Council District #02 appropriation by \$440,309;
- (b) Decrease Council District #02 (January – June) appropriation by \$440,309;
- (c) Increase Council District #04 appropriation by \$456,960;
- (d) Decrease Council District #04 (January – June) appropriation by \$456,960;
- (e) Increase Council District #06 appropriation by \$407,928;
- (f) Decrease Council District #06 (January – June) appropriation by \$407,928;
- (g) Increase Council District #08 appropriation by \$460,891;
- (h) Decrease Council District #08 (January – June) appropriation by \$460,891.

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

Ordinance No. 29856 adopted.

2. CONSENT CALENDAR

2.17 Celebrate Cambrian Festival.

Recommendation: As recommended by the Rules and Open Government Committee on January 4, 2017:

- (a) Approve the Celebrate Cambrian Festival scheduled on August 27, 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. (Rocha)
[Rules Committee referral 1/4/17 – Item G.1.a.]

Approved.

2.18 Council Member Diep’s Inauguration.

Recommendation: As recommended by the Rules and Open Government Committee on January 4, 2017:

- (a) Approve Lan Diep’s Inauguration scheduled on January 14, 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. (Diep)
[Rules Committee referral 1/4/17 – Item G.1.b.]

Approved.

2.19 SB 2 (Atkins) – Building Homes and Jobs Act.

Recommendation: As recommended by the Rules and Open Government Committee on January 4, 2017, adopt a position of support for SB 2 (Atkins) – Building Homes and Jobs Act so that the City’s Legislative Advocates in Sacramento can indicate a support position for SB 2 (Atkins). CEQA: Not a Project, File No. PP10-069(d), City Administrative Activities, Legislative Position. (Housing)

[Rules Committee referral 1/4/17 – Item G.3.]

Position of support for SB2 was adopted.

2.20 SB 3 (Beall) – Affordable Housing Bond Act of 2018.

Recommendation: As recommended by the Rules and Open Government Committee on January 4, 2017, adopt a position of support for SB 3 (Beall) – Affordable Housing Bond Act of 2018 so that the City’s Legislative Advocates in Sacramento can indicate a support position for SB 3 (Beall). CEQA: Not a Project, File No. PP10-069(d), City Administrative Activities, Legislative Position. (Housing)

[Rules Committee referral 1/4/17 – Item G.4.]

Position of support for SB3 was adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).
City Manager Norberto Dueñas welcomed the new Council Members and offered updates on the City's preparations for the impending rainstorms.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

Heard at 9:29 a.m.

No Report.

3.3 Annual Report on City Services 2015-2016.

Recommendation: Accept the Annual Report on City Services FY 2015-2016. CEQA: Not a Project, File No. PP10-069(a), City Administrative Activities, Annual reports that involve no approvals of City actions. (City Auditor)

Accepted.

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

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

The appointment was deferred. Staff directed to work with the City Attorney to pursue changing the Municipal Code and return to the Rules and Open Government Committee with the recommendations.

3.5 Coordinated Response to Immigrant Needs.

Recommendation: As recommended by the Rules and Open Government Committee on December 14, 2016:

(a) Direct the City Manager to prioritize recommendations #4, #6, #8, #13, and #14 of the Welcoming San José Plan to address the immediate needs that have been identified from the arrival of a new Federal Administration and to coordinate efforts with the Santa Clara County Office of Immigrant Relations.

(b) Direct the City Attorney's Office to coordinate with the County's Counsel to coordinate legal advocacy efforts with other municipalities nationwide.

CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Mayor/Peralez/Carrasco/Jimenez)

[Rules Committee referral 12/14/16 – Item G.2.]

(Action Continued on the Next Page)

3. STRATEGIC SUPPORT SERVICES

3.5 Coordinated Response to Immigrant Needs. (Action Cont'd.)

The memorandum from Mayor Sam Liccardo, Council Member Raul Peralez, Council Member Sergio Jimenez, Council Member Magdalena Carrasco and Council Member Sylvia Arenas, dated January 6, 2017, was approved:

- (1) Direct the City Manager and City Attorney to:
 - (a) Identify one-time funding through the mid-year budget process such that, if Council approves that funding in February, Staff can begin implementation of a coordinated response.
 - (b) Return to Council with a comprehensive strategy that engages immigrant serving organizations, legal assistance organizations, neighborhood associations, school districts, the County Office of Immigrant Relations, the Office of the County Counsel, private law firms, the business community, ethnic media and foundation partners to explore, among other potential remedies:

Communication: Establish immediate as well as long term strategies for a coordinated communications campaign, easily accessible in multiple languages including but not limited to:

 - (1) Leveraging existing resources such as 211, NALEO and other hotlines that provide referrals and information to immigrants seeking immediate assistance.
 - (2) Utilize text messaging, social media and other low cost technologies to educate, inform and engage the community.
 - (3) Coordination of “safe spaces” in City owned facilities such as libraries and community centers to host drop-in pro bono legal clinics, provide educational materials and other critical information.
 - (4) Raising awareness of “notario publico” fraud and availability of all resources and remedies for victims.

Capacity Building and Streamlining Legal Defense for Families and Youth: Work with school districts through the comprehensive communications campaign to help families develop safety plans and streamline the dissemination of critical information including “Know Your Rights” classes, potential remedies available to families and unaccompanied youths such as U-visa, VAWA, Special Immigrant Juvenile Status or asylum. Identify means to assist clients to obtain the necessary findings to successfully apply for lawful permanent residence or additional protections through legal support or increased access to translation in multiple languages.

Faith Based Organization Support: Explore amending the City’s ordinances relating to shelters hosted by faith based communities (cf. SJMC Section 20.80.1600 et. seq. (Temporary Shelter in Church) to ensure organizations that desire to provide sanctuary can readily do so, including an analysis of protections afforded to faith organizations from immigrant enforcement.

(Action Continued on the Next Page)

3. STRATEGIC SUPPORT SERVICES

3.5 Coordinated Response to Immigrant Needs. (Action Cont'd.)

- (1) (b) **Welcoming San José Plan**: Prioritize aspects of Welcoming San José Plan that directly affect immigrant communities and their interactions with City services into one year outcomes:
- (1) **Goal #4**: Identify linguistic and cultural barriers to inclusion in City services for immigrant residents and develop/implement a plan to mitigate these barriers.
 - (2) **Goal #6**: Expand access to information and resources about the naturalization and voter registration process.
 - (3) **Goal #8**: Expand opportunities for linguistic integration and education for children and adults.
 - (4) **Goal #13**: Facilitate stronger relationships between public safety departments and San José's immigrant residents.
 - (5) **Goal #14**: Develop access points for immigrant residents to gain information and services that will contribute to greater community, family and personal health.

Noes: Davis.

3.6 Analysis of Measure E.

Recommendation: As recommended by the Rules and Open Government Committee on December 14, 2016, direct the City Attorney and City Manager to move forward with the implementation of Measure E and the public information efforts including the following:

- (a) Provide analysis of the “right to cure” which includes how employers can cure and how much time is provided to do so.
- (b) Provide analysis and define the terms in items #3, #4, #5 and #6 of Council Member Khamis’ memorandum dated December 8, 2016.

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

[Rules Committee referral 12/14/16 – Item G.3.]

Dropped.

3.7 2017 Legislative Guiding Principles, Priorities and Advocacy Issues.

Recommendation: As recommended by the Rules and Open Government Committee on January 4, 2017, accept the 2017 Legislative Guiding Principles; the Top Legislative Priorities; and overall Priorities and Advocacy Issues for the first year of the two-year Legislative Session in Sacramento and the 115th Congress, so that the City’s lobbyists can advocate Council direction in Sacramento and Washington, D.C. CEQA: Not a Project, File No. PP10-069(d), City Administrative Activities, Legislative Position. (City Manager) **Accepted, with Staff directed to: add California Environmental Quality Act (CEQA) Reform as a bullet point to the “State Legislative Priorities” section of the two page summary titled: “City of San José’s Top Legislative Priorities for 2017”, included as part of Attachment A of the Staff Report.**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Public Hearing on the Vacation of a Sidewalk Easement at 1561 and 1564 Rosecrest Terrace near Dana Avenue.

Recommendation: Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of a sidewalk easement (“Easement”) at 1561 and 1564 Rosecrest Terrace near Dana Avenue.
- (b) Vacating the 238.7 square foot Easement, which is unnecessary for present or prospective public use.
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Exempt, File No. PP16-126. Council District 6. (Public Works)

Dropped per Orders of the Day.

4.2 Summary Vacation of a Portion of Berryessa Road, East of Mercado Way.

Recommendation: Adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of approximately 783 square feet of right-of-way along Berryessa Road, east of Mercado Way.
- (b) Summarily vacating the subject portion of Berryessa Road, which is excess right-of-way and no longer necessary for public purposes.
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: San José Flea Market General Plan Amendment and Planned Development Rezoning EIR (Resolution No. 73956). Council District 4. (Public Works)

The Public Hearing was Held.

Resolution No. 78051 adopted.

4.3 Actions Related to the 8038- Family Camp Workshop Replacement Project.

Recommendation: Report on bids and award of construction contract for the 8038 – Family Camp Workshop Replacement Project to the low bidder, Southwest Property Management and Construction, Inc., for the base bid amount of \$178,928 and approval of a contingency in the amount of \$17,892. CEQA: Exempt, File No. PP14-026. Council District 8. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Actions Related to Silicon Valley Community Foundation Grant Agreement for Community Trust in Policing Forum and Strengthening Community Relations Project.

Recommendation:

- (a) Approve Silicon Valley Community Foundation Grant Agreement granting the City of San José \$181,700 for the Independent Police Auditor Community Trust in Policing Forum and Strengthening Community Relations Project.

Approved.

- (b) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

- (1) Establish a City-wide Expense appropriation to the Independent Police Auditor's Office for the Silicon Valley Community Foundation Strengthening Community Relations Project in the amount of \$181,700.
- (2) Increase the revenue estimate for Other Revenue by \$181,700.

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

Ordinance No. 29857 adopted.

Resolution No. 78052 adopted.

8.2 Actions Related to Automated License Plate Readers.

Recommendation: Accept the staff report regarding Automated License Plate Readers and invite public comment in concurrence with California Civil Code Section 1798.90.55. CEQA: Not a Project, File No. PP10-069(a), City Administrative Activities, Staff Reports that involve no approvals of City actions. (Police)
Deferred to January 24, 2017 per Orders of the Day.

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
 - (1) **Chris Moylan, Assistant Director, representing Congressman Ro Khanna, offered his assistance to the Mayor and the Council Members.**
 - (2) **Sean Mulligan presented interesting highlights concerning naming the Berryessa Bart Station.**

Mayor Sam Liccardo noted that he would speak with Mr. Mulligan after the conclusion of the afternoon meeting.

- **Adjournment**

Mayor Sam Liccardo adjourned the Afternoon Council Session at 5:28 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearings.

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar.

(a) **Conforming Rezoning for the Real Property Located at 1737 North 1st Street.**

Recommendation: Consideration of an ordinance of the City of San José rezoning certain real property on an approximately 3.6-gross acre site, located at 1737 North 1st Street from the CO(PD) Planned Development and IP Industrial Park Zoning Districts to the CP Commercial Pedestrian Zoning District (Pacific Resources First American, LLC, Owner). CEQA: Determination of Consistency with Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental EIR for the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning, Building and Code Enforcement Director recommended approval. (Planning, Building and Code Enforcement)

C16-039 – Council District 3

Deferred to January 24, 2017 per Orders of the Day.

(b) **Conforming Rezoning for the Real Property Located at 320 Race Street.**

Recommendation: Consideration of an ordinance of the City of San José rezoning certain real property on an approximately 2.0-gross acre site, located at 320 Race Street from the LI Light Industrial Zoning District to the CIC Combined/Industrial Commercial Zoning District (Stanley A. Cotton, Trustee, Owner). CEQA: Determination of Consistency with Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental EIR for the Envision San José 2040 General Plan (Resolution No. 77617). Planning, Building and Code Enforcement Director recommended approval. (Planning, Building and Code Enforcement)

C16-048 – Council District 6

Deferred to January 24, 2017 per Orders of the Day.

END OF CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Planned Development Conforming Rezoning and Planned Development Permit and Vesting Tentative Map for Real Property Located at 641 N. Capitol Avenue.

Recommendation:

- (a) Adopt a resolution adopting the 641 North Capitol Avenue Mixed-Use Project Mitigated Negative Declaration, for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.

Resolution No. 78053 adopted.

- (b) Consideration of an ordinance of the City of San José rezoning certain real property on an approximately 10.6 gross acre site, at the southwest corner of North Capitol Avenue and Gimelli Way (641 N. Capitol Avenue), within the North Capitol/McKee Road Urban Village, from the RM Multiple Residence Zoning District to the CP(PD) Planned Development Zoning District to allow two development scenarios: (1) up to 188 residential units, a minimum of 108,000 square feet of commercial space, and an approximately 43,583 square feet publicly accessible park or (2) should the North Capitol/McKee Road Urban Village be amended by Council to reduce the amount of required jobs in the Urban Village for which the site is located then allow up to 493 residential units, a minimum of 38,360 square feet of commercial space, and an approximately 43,583 square feet of publicly accessible park (Krass Deborah Trustee, Owner).

Ordinance No. 29858 passed for publication.

- (c) Adopt a resolution approving Vesting Tentative Map PT16-035, subject to conditions, to subdivide one parcel into six parcels and to resubdivide three parcels to create up to 188 residential condominium units and allow commercial space on the remaining three parcels.

Resolution No. 78054 adopted.

- (d) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow the construction of up to 188 residential units and a minimum of 108,000 square feet of commercial space.

CEQA: 641 North Capitol Avenue Mixed-Use Project Mitigated Negative Declaration. Planning Commission recommends approval (6-0-01) (Commissioner Bit-Badal absent). (Planning, Building and Code Enforcement)

PDC16-002, PD16-025, & PT16-035 – Council District 5

The memorandum from Mayor Sam Liccardo and Council Member Magdalena Carrasco, dated January 6, 2017, was approved, approving the recommendations outlined in the Planning Commission memorandum to the City Council dated December 19, 2016, with the following modifications to support the public benefit findings for this proposed Signature Project:

- (a) **Adopt an ordinance rezoning the property at 641 North Capitol Avenue with the following Development Standards:**

(Action Continued on the Next Page)

11. PUBLIC HEARINGS

11.2 Planned Development Conforming Rezoning and Planned Development Permit and Vesting Tentative Map for Real Property Located at 641 N. Capitol Avenue. (Action Cont'd.)

- (a) (1) Allow up to 493 residential units, a minimum of ~~50,000~~ 108,000 square feet of commercial/retail space (rather than the Staff recommended 38,360 square feet of commercial/retail space) and approximately 43,583 square feet of publicly accessible park space.
- (2) Include Staff's recommended Phasing Plan requiring the Gear building and public amenities to commence in the first phase and be completed before the end of the second phase.
- (3) Include Planning Commission's recommended Development Standard requiring that all residential units be installed with solar power generating equipment.
- (4) Require the development to file a Planned Development Permit Amendment if any reduction to the approved 108,000 square feet is proposed in the future and that the new development proposal be required to have at least 50,000 square feet of total commercial/retail space, with the majority of the required square footage to Front North Capitol Avenue.
- (5) Direct the City Manager to require a developer contribution of \$50,000 toward transportation enhancements, which are currently planned but unfunded and will serve the proposed development, including but not limited to the Northbound Capitol/McKee Light Rail Platform and Northbound bus stop along Capitol Avenue, to be paid to the City on or before the issuance of any building permits.

Resolution No. 78055 adopted.

The Director of Planning, Building and Code Enforcement affirmed that the language in the document will be structured to ensure as strongly as possible that all the commercial will be built, the commercial in the front is guaranteed and the commercial in the rear is strongly protected.

The Director of Planning, Building and Code Enforcement will correct the record to clarify that although this project is being built as a signature project it does not automatically trigger that urban village to the current horizon.

11. PUBLIC HEARINGS

11.3 Conforming Rezoning and Conditional Use Permit for the Real Property Located at 2188 The Alameda.

Recommendation:

- (a) Consideration of an ordinance of the City of San José rezoning certain real property located on a 0.90 gross acre site at 2188 The Alameda from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District (Allied Housing, Owner).

The memorandum from Mayor Sam Liccardo and Council Member Dev Davis, dated January 6, 2017, was approved, approving the recommendations as outlined in the Staff Report dated December 19, 2016, to approve the proposed Conforming Rezoning and Conditional Use Permit to allow a 27-unit hotel supportive housing in an existing hotel.

Ordinance No. 29859 passed for publication.

- (b) Adopt a resolution approving a Conditional Use Permit, subject to conditions, to allow a 27-unit hotel supportive housing in an existing hotel.

CEQA: Exempt per CEQA Guidelines 15301(a) for Existing Facilities. Council District 6. Planning, Building and Code Enforcement Director recommended approval of the Conforming Rezoning and Conditional Use Permit, subject to conditions. (Planning, Building and Code Enforcement)

C16-032 & CP16-015 – Council District 6

Resolution No. 78056 adopted.

Staff was directed to return to the Rules and Open Government Committee with a work load assessment concerning loosening the restrictions around hotel conversions to make them more feasible.

11. PUBLIC HEARINGS

11.4 Planned Development Rezoning of Real Property Located on the Southeast Corner of Almaden Expressway and Chynoweth Avenue at the Almaden Ranch Shopping Center.

Recommendation:

- (a) Adopt a resolution adopting the Addendum to the Almaden Ranch Retail Center Subsequent Environmental Impact Report, all in accordance with the California Environmental Quality Act, as amended.
- (b) Consideration of an ordinance of the City of San José rezoning certain real property on a 43.5-gross acre site, located on the southeast corner of Almaden Expressway and Chynoweth Avenue at the Almaden Ranch Shopping Center to allow changes to the previously approved development standards under Planned Development Zoning File No. PDC14-001, to allow building height increase from 50 feet to 60 feet for future hotel, add a requirement that parking for hotel use shall be provided in accordance the Zoning Ordinance, and add that parking for uses described in Municipal Code Section 20.90.220(G) can be reduced by up to 20% (Almaden Ranch, LLC, owner).

CEQA: Addendum to the Almaden Ranch Retail Center Subsequent EIR (Resolution No. 76168). Planning, Building and Code Enforcement Director recommended approval.

(Planning, Building and Code Enforcement)

PDC16-049 – Council District 9

Deferred to January 24, 2017 per Orders of the Day.

11.5 Conforming Rezoning and Conditional Use Permit for the Real Property Located at 278 North 2nd Street.

Recommendation:

- (a) Adopt a resolution adopting the Villas on the Park Project Addendum to the Downtown Strategy 2000 Final Program Environmental Impact Report, and the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Environmental Impact Report, all in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program.

The memorandum from Mayor Sam Liccardo and Council Member Raul Peralez, dated January 6, 2017, was approved, approving the recommendations as outlined in the Planning Commission memorandum to the City Council dated December 15, 2016, to adopt a resolution approving the Addendum in accordance with the California Environmental Quality Act (CEQA) and approve the proposed Rezoning and Conditional Use Permit for a residential service facility at 278 North 2nd Street. Resolution No. 78057 adopted.

(Action Continued on the Next Page)

11. PUBLIC HEARINGS

11.5 Conforming Rezoning and Conditional Use Permit for the Real Property Located at 278 North 2nd Street. (Action Cont'd.)

- (b) Consideration of an ordinance rezoning certain real property located on a 0.35 gross acre site located at 278 North 2nd Street from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District (Mcmanis, James and Sara W., Owners).

Ordinance No. 29860 passed for publication.

- (c) Adopt a resolution approving a Conditional Use Permit, subject to conditions, to allow the demolition of an existing building, the construction of a six story, 78-unit residential care facility, and the removal of six ordinance size trees.

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

C16-020 & CP16-014 – Council District 3

(Re-noticed from 12/13/16 – Item 11.2)

Resolution No. 78058 adopted.

- **Open Forum**
Robert Aguirre took pictures of the Mayor and each Council Member.
- **Adjournment**
The Council of the City of San José was adjourned at 9:39 p.m.

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

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

<u>Tract</u>	<u>Location</u>	<u>District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
11397	Cul-de-sacs at George Blauer Place & Clara Smith Place	8	BWS	13/13	SFD

This notice is to be posted with the City Council's regular agenda for January 10, 2017.