

CITY COUNCIL AGENDA

FEBRUARY 28, 2017

SYNOPSIS

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS
TAM NGUYEN
SYLVIA ARENAS
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

- **Strategic Support 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 6 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=5322>. Council Meetings are televised live and rebroadcast on Channel 26.

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

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

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

- **Call to Order and Roll Call**
 - 9:33 a.m.** - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: None.

 - 1:30 p.m.** - Regular Session, Council Chambers, City Hall
Absent Councilmembers: None.

 - 6:00 p.m.** - Public Hearings, Council Chambers, City Hall
Cancelled.

- **Invocation (District 2)**

Mike Brock presented the Invocation. He is an influential leader known for his strong commitment to inspiring life and community transformation in the areas of social justice and faith. He encourages faith leaders to engage in robust solutions for their cities most pressing issues. He thrives in innovating systemic change models, quantifying outcomes and scaling operations.

- **Pledge of Allegiance**

Mayor Liccardo led the Pledge of Allegiance.

- **Orders of the Day – *Heard after Ceremonial Items***
The Orders of the Day and the Amended Agenda were approved, with Items 3.6, 3.7 and 5.1 deferred to 3/14/17; Item 4.1 deferred to 3/21/17; Items 4.3 and 11.1 dropped and Renoticed to 3/14/17; Item 5.2 deferred to 3/7/17; Item 1.3 deferred; Item 9.1 to be heard immediately following the Consent Calendar, and with Item 3.4, Board of Fair Campaign and Political Practices Interviews, not to be heard until after 4 p.m.

Note new Item 3.8(b), Proclamation of the Existence of a Local Emergency, "Adoption of an Urgency Ordinance waiving City permit and inspection fees for clean-up and repair efforts for property owners of dwelling units in the designated emergency flood area affected by the recent Coyote Creek flood, and to consider waiving fees for businesses located in the area for similar clean-up and repair efforts, as well." Added Under Orders of the Day. Requires a Determination by a Two-Thirds (2/3) Vote of the Members of the Council Present at the Meeting, or, if Less Than Two-Thirds (2/3) of the Members of the Council Are Present at the Meeting, a Unanimous Vote of those Members Present that there is a Need to Take Immediate Action. Council’s Rules of Conduct, Resolution No. 77919, Rule 3(d).

- **Closed Session Report – *None provided***

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation recognizing Amanda Fukamoto, Project Coordinator of the Coyote Creek Homeless Stream Stewards. (Nguyen)**
Mayor Sam Liccardo and Councilmember Tam Nguyen presented a commendation recognizing Amanda Fukamoto, Project Coordinator of the Coyote Creek Homeless Stream Stewards, for her tremendous efforts in working with homeless individuals to help keep Coyote Creek clean and beautiful for all to enjoy.
- 1.2 Presentation of commendations to Pamela Parrish and Gary Prideaux for their dedication and volunteerism in the City of San José. (Rocha)**
Mayor Sam Liccardo and Councilmember Donald Rocha presented a commendation to Pamela Parrish and Gary Prideaux for their dedication and volunteerism in the City of San José, and for their service on the Neighborhoods Commission and the Housing and Community Development Commission.
- 1.3 Presentation of a commendation recognizing Stephen Sherman, EMT, for his quick and valiant actions on October 2, 2016 at the scene of a fatal hit and run accident in San José. Stephen jumped into action blocking off traffic and providing urgently needed medical assistance to the victim. His behavior assisted first responders to effectively do their job, and kept the public at large safe. (Jimenez)**
Deferred.

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes. None provided.

2.2 Final Adoption of Ordinances.

Recommendation: Final Adoption of Ordinances.

- (a) ORD. NO. 29879 – An ordinance of the City of San José repealing Section 3.04.490 of Chapter 3.04, adding a new Chapter 3.57, and amending various sections of Chapters 3.32, 3.36 and 3.44 of Title 3 of the San José Municipal Code, to implement the terms of the Alternative Pension Reform Settlement Framework Agreement with the San José Police Officers’ Association and International Association of Fire Fighters, Local 230. CEQA: Not a Project; PP10-068(b), Municipal Code or Policy. (City Manager)

Ordinance No. 29879 adopted.

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of February 1, 2017. (Mayor)
(b) Rules and Open Government Committee Minutes of February 8, 2017. (Mayor)
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. None provided.

2.6 Report from the Council Liaison to the Retirement Boards. None provided.

2.7 Settlement of *Smithson v. City of San José*.

Recommendation: Approve a settlement in the amount of \$180,500 and authorize the City Attorney to execute a Settlement Agreement to settle the case of *Smithson v. City of San José*. CEQA: Not a Project, File No. PP10-066(h), Settlement Agreements. (City Attorney)

Approved.

2. CONSENT CALENDAR

2.8 Agreement with San Jose Water Company for Water Facilities Installation for the Coleman Highline Project.

Recommendation: Adopt a resolution authorizing the City Manager to execute an Easement Agreement with the San Jose Water Company for water facilities installation to support the construction of the Coleman Highline Project, a LEED Gold project located in San José. CEQA: Determination of Consistency with the FMC/Coleman Avenue PD Rezoning Final EIR, File No. PDC98-104 (Resolution No. 71716) and Addenda thereto. Council District 3. (Economic Development)

Resolution No. 78091 adopted.

2.9 Designation of Officials Authorized to Apply for Disaster Assistance.

Recommendation: Adopt a resolution designating City of San José officials to be authorized to apply for Federal and State Disaster Assistance. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Finance)

Resolution No. 78092 adopted.

2.10 Report on the Request for Proposal for the Master Address Database Development and Implementation.

Recommendation: Accept the report on the Request for Proposal for the development and implementation of a Master Address Database, and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Michael Baker International, Inc. (Pittsburgh, PA) for the development and implementation of a Master Address Database, including software licenses, professional services, technical support, and maintenance, for an initial term commencing on or about February 28, 2017 and ending on or about June 30, 2020, with a maximum compensation amount not to exceed \$391,400, subject to the appropriation of funds;
- (b) Execute amendments and/or change orders to cover any unanticipated changes in requirements or for future enhancements for an amount not to exceed \$200,000 during the initial term, subject to the appropriation of funds; and
- (c) Exercise up to five one-year options to extend the term of the Agreement after the initial term through June 30, 2025 to provide ongoing technical support, maintenance, and related professional services, subject to the appropriation of funds.

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

Report accepted.

Resolution No. 78093 adopted.

2. CONSENT CALENDAR

2.11 Amendment to the City's Pay Plan for Various Classifications.

Recommendation: Adopt a resolution to amend the City of San José Pay Plan effective February 28, 2017, to create the following classifications:

- (a) Employee Health Services Supervisor (5121) with a salary range of \$66,206.40-\$80,704.00 annually; and
- (b) Background Investigator FT/PT (1190/1191) with a salary range of \$82,222.40-\$100,172.80 annually.

CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy, Municipal Code or Policy. (Human Resources)

Resolution No. 78094 adopted.

2.12 Actions Related to the Great Oaks Central Park Master Plan.

Recommendation:

- (a) Approve the Great Oaks Central Park Master Plan.
- (b) Approve a Turnkey Parkland Agreement for Tentative Map No. PT15-039 with iStar San Jose LLC (iStar Financial, Inc.) to construct park improvements and dedicate approximately 1.5 acres of parkland to the City on the future iStar / Great Oaks Park site.

CEQA: Environmental Impact Report for the Great Oaks Mixed Use Project, File No. PDC12-028. Council District 2. (Parks, Recreation and Neighborhood Services)

Approved.

2.13 Agreements with Brown and Caldwell, RMC, and HDR Engineering, Inc. for Engineering Services for Sanitary Sewer and Storm Drain Improvement Projects.

Recommendation: Approve Master Agreements with Brown and Caldwell, RMC Water and Environment, and HDR Engineering Inc. from the date of execution through January 31, 2022 in an amount not to exceed \$1,000,000 for each agreement. CEQA: Exempt, File No. PP10-066(d), Agreements and Contracts, Consultant Services. (Public Works)
Approved.

2.14 Actions Related to the 7748 – Backesto Park Improvements Project.

Recommendation:

- (a) Report on bids and award of a construction contract for 7748 – Backesto Park Improvements project to the low bidder, Integra Construction Services, Inc. for the base bid and Add Alternate No. 2 in the total amount of \$446,341 and approval of a five percent contingency in the amount of \$22,317.

Accepted.

(Item Continued on the Next Page)

2. CONSENT CALENDAR

2.14 Actions Related to the 7748 – Backesto Park Improvements Project (Cont'd.)

- (b) Adopt the following 2016-2017 Appropriation Ordinance Amendments in Construction Tax & Property Conveyance Tax Fund: Parks Purposes Council District #3:
- (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the Backesto Park Renovation in the amount of \$107,000; and
 - (2) Decrease the Ending Fund Balance by \$107,000.

Ordinance No. 29881 adopted.

- (c) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:
- (1) Increase the Backesto Park Renovation appropriation to the Parks, Recreation and Neighborhood Services Department by \$105,000; and
 - (2) Decrease the Future PDO/PIO Projects Reserve by \$105,000.

CEQA: CEQA: Exempt, File No. PP16-057, CEQA Section 15301(e), Existing Facilities, File No. PP16-057. Council District 3. (Public Works, Parks, Recreation and Neighborhood Services/City Manager)

Ordinance No. 29883 adopted.

2.15 Agreement with Caltrans for State Highway Route 87 (Coleman to US 101) Project.

Recommendation: Approve the Maintenance Agreement between the State of California, Department of Transportation (Caltrans) and the City of San José for Route 87 (Coleman Avenue to US 101). CEQA: Exempt, File No. PP16-123, Section 15301, Existing Facilities. Council District 3. (Transportation)

Approved.

2.16 Actions Related to the Resolution Establishing Speed Limits.

Recommendation: Adopt a resolution to repeal Resolution No. 77826 and set forth speed limits in the City of San José in compliance with State law to re-establish speed limits with changes to four roadways, including portions of Capitol Avenue, Market Street, First Street, and Monterey Road. CEQA: Exempt, File No. PP14-017, Section 15301, Existing Facilities. Council Districts 2, 3, 5, 7, and 10. (Transportation)

Resolution No. 78095 adopted.

2. CONSENT CALENDAR

2.17 César Chavez Day Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on February 15, 2017:

- (a) Approve the César Chavez Day Flag Raising scheduled on Thursday, March 23, 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. (Peralez/Jimenez)
[Rules Committee referral 2/15/17 – Item G.1.a.]

Approved.

2.18 Council District 7 Community Events.

Recommendation: As recommended by the Rules and Open Government Committee on February 15, 2017:

- (a) Approve the Viet Heritage Gardens Grand Re-Opening and Ribbon Cutting Ceremony on Friday, February 17, 2017 at Viet Heritage Gardens; Read Across America on Thursday, March 2, 2017 at Tully Library; Grand Re-Opening of Alma Community Center on Saturday, March 4, 2017 at Alma Community Center; District 7 Budget Meeting on Thursday, March 9, 2017 at Tully Library Community Room; Spring Carnival and Egg Hunt on Saturday, April 15, 2017 at Tully Library as City Council sponsored Special Events 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. (Nguyen)
[Rules Committee referral 2/15/17 – Item G.1.b.]

Approved.

2.19 Washington & Minnesota v. Trump, et al. Amicus Brief.

Recommendation: As recommended by the Rules and Open Government Committee on February 22, 2017, authorize the City Attorney to join in an amicus curiae brief along with the City of Chicago in the case of State of Washington; State of Minnesota v. Trump to uphold the nationwide Temporary Restraining Order enjoining the President's Immigration Executive Order. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Attorney)

[Rules Committee referral 2/22/17 – Item G.2.]

Authorized.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Norberto Dueñas and Assistant City Manager David Sykes shared thoughts on last weeks' flood disaster in San José, offering praise to City employees, the community and many organizations that assisted in recovery efforts, reiterated that the resident's well-being is the top priority and addressed 'lessons learned' and hazard mitigation efforts.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
None provided

3.3 Settlement of Berg & Berg Enterprises, LLC v. City of San José, et al.

Recommendation: Approve a settlement in the amount of \$3.3 million, inclusive of attorney's fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of Berg & Berg Enterprises, LLC v. City of San José, et al. CEQA: Not a Project, File No. PP10-066(h), Settlement Agreements. (City Attorney)
Approved.

3.4 Board of Fair Campaign and Political Practices Interviews.

Recommendation:

- (a) Interview applicants for appointment to the Board of Fair Campaign and Political Practices.
- (b) Appoint one (1) member to the Board of Fair Campaign and Political Practices to an unexpired term ending March 1, 2019.
- (c) Appoint two (2) members to the Board of Fair Campaign and Political Practices for the term March 2, 2017 to March 1, 2021.
- (d) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

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

Three applicants were interviewed.

With nine votes each, Hugh Christopher Peacock and Thomas Goodwin were appointed to the Fair Campaign and Political Practices for the term March 2, 2017 to March 1, 2021. With nine votes, Amarpal Randhawa was appointed to the Board of Fair Campaign and Political Practices to an unexpired term ending March 1, 2019. (10-0-1. Noes: Nguyen.)

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

3. STRATEGIC SUPPORT SERVICES

3.5 Council Priority Setting Session. *DEFERRED*

- (a) Approve removal of 11 completed priorities from the Council Priority list.
- (b) Approve new items for the Council Priority list.
- (c) Rank items on Council Priority list.

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

(Deferred from 2/7/17 – Item 3.5)

Deferred to 3/7/17 per Rules Committee.

3.6 Semi-Annual Capital Improvement Program Report.

Recommendation: Accept the Semi-Annual Capital Improvement Program Report.

CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities, Staff Reports that involve no approvals of City Actions. (Public Works)

Deferred to 3/14/17 per Orders of the Day.

3.7 Status Report on Deferred Maintenance and Infrastructure Backlog.

Recommendation: As recommended by the Transportation and Environment Committee on February 6, 2017, accept the status report on the City's Deferred Maintenance and Infrastructure Backlog. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities, Staff Reports that involve no approvals of City Actions. (Public Works)

[Transportation and Environment Committee referral 2/6/17 – Item (d)(2)]

Deferred to 3/14/17 per Orders of the Day.

3.8 Proclamation of the Existence of a Local Emergency.

Recommendation:

- (a) Adopt a resolution ratifying the Director of Emergency Services' proclamations of the existence of a local emergency.

Resolution No. 78096 was adopted.

- (b) Adoption of an Urgency Ordinance waiving City permit and inspection fees for clean-up and repair efforts for property owners of dwelling units in the designated emergency flood area affected by the recent Coyote Creek flood, and to consider waiving fees for businesses located in the area for similar clean-up and repair efforts, as well.

CEQA: Statutory Exempt, Section 15269, Emergency Projects Undertake specific actions necessary to prevent or mitigate an emergency. (City Manager)

Urgency Ordinance No. 29882 was adopted, including additional direction that the City Manager may waive or defer certain City permit and inspection fees for clean-up and repair efforts...and consider waiving the fees or deferring fees for businesses located in the area for similar clean-up and repair efforts.

A public hearing was set for March 9, 2017 from 3-9 p.m. for discussion of the City's response to the flood disaster.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Construction Tax Modification. *DEFERRED*

Recommendation: As recommended by the Community and Economic Development Committee on January 23, 2017, accept the report and approve an ordinance to:

- (a) Amend Title 4 of the San José Municipal Code to create a temporary partial suspension from the Commercial-Residential-Mobilehome Park Building Tax (SJMC 4.47) to achieve a rate of 1% for the following uses:
 - (1) Office, General Business (SJMC 20.200.813)
 - (2) Office, Research and Development (SJMC 20.200.818)
 - (3) Data Center (SJMC 20.200.265) to allow the City Council the flexibility to review the uses included and verify that these sectors are being accurately represented this provision shall sunset March 31, 2022.
- (b) Amend Section 4.82.320 of Chapter 4.82 of Title 4 of the San José Municipal Code to authorize the City Manager or designee to compromise or settle tax refund claims for amounts between fifty thousand dollars (\$50,000.00) and a threshold to be determined by the City Council in its consideration of the proposed ordinance, with the written approval of the City Attorney.

CEQA: Not a Project, File No. PP10-067(a), Non-Project Funding Mechanism, Increase of Adjustment to Fees, Rates & Fares. (Economic Development)

(Deferred from 2/14/17 – Item 4.1)

[Community and Economic Development Committee referral 1/23/17 – Item (d)(2)]

Deferred to 3/21/17 per Rules Committee.

4.2 Agreement with KB Home California, LLC for Sanitary Sewer Improvements Located within Berryessa Road.

Recommendation: Approve a City-Private Developer Agreement with KB Home California LLC, a Delaware limited liability company (“Developer”) for the improvement and upsizing of approximately 3,700 linear feet of an existing sanitary sewer located within Berryessa Road, with a reimbursement to the Developer for the actual costs of design and construction in an amount not to exceed \$3,688,472. CEQA: Exempt, File No. PP16-118, CEQA Section 15282(k), Other Statutory Exemptions. Council Districts 3 and 4. (Public Works)

Approved.

4.3 Public Hearing on the Reorganization of Story No. 66.

Recommendation: Conduct a Public Hearing and adopt a resolution ordering the reorganization of territory designated as Story No. 66, which involves the annexation to the City of San José approximately 0.78 gross acres of land generally located 100 feet west of Roehampton Avenue, and the detachment of the same from the appropriate special districts including the Central Fire Protection District, the County Sanitation District 2-3, the Santa Clara County Lighting Service Area, and the Santa Clara County Library Services (Area No. 1).

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Public Hearing on the Reorganization of Story No. 66. (Cont'd.)

Recommendation:

CEQA: Determination of Consistency with Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617), File No. C15-012. Council District 5. (Planning, Building and Code Enforcement)

Dropped and Renoticed to 3/14/17 per Orders of the Day.

5. NEIGHBORHOOD SERVICES

5.1 Report on Sustainable Park Maintenance.

Recommendation: As recommended by the Neighborhood Services and Education Committee on February 9, 2017, accept the Department of Parks, Recreation and Neighborhood Services' report on Sustainable Park Maintenance. CEQA: Not a Project, File No. PP10-069(a), City Administrative Activities, Staff Reports. (Parks, Recreation, and Neighborhood Services)

[Neighborhood Services and Education Committee referral 2/9/17 – Item (d)(3)]

Deferred to 3/14/17 per Orders of the Day.

5.2 Actions Related to the 7715 – Trail: Three Creeks (Lonus Street to Minnesota Avenue) Project.

Recommendation:

- (a) Report on bids and award of a contract for 7715 – Trail: Three Creeks (Lonus Street to Minnesota Avenue) Project to the low bidder, GradeTech Inc., in the amount of \$2,714,500, and approve a ten percent contingency in the amount of \$271,450.
- (b) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:
 - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the TRAIL: Three Creeks (Lonus Street to Guadalupe River) by \$531,000; and
 - (2) Decrease the Future PDO/PIO Projects Reserve by \$531,000.

CEQA: Mitigated Negative Declaration for the Three Creeks Trail Master Plan, File No. PP14-012. Council District 6. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

Deferred to 3/7/17 per Rules Committee.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the 8288 – Mineta San José International Airport – Jetbridges at Gate 29 & Gate 30 Project.

Recommendation:

- (a) Report on bids and award of a construction contract to the low bidder Hensel Phelps Construction Co., for the base bid and Bid Alternate No. 1 in the amount of \$8,801,000 for the 8288 – Mineta San José International Airport – Jetbridges at Gate 29 & Gate 30 Project, and approval of a ten percent contingency in the amount of \$880,100.

Report accepted.

- (b) Adopt a resolution authorizing the Director of Public Works to issue any and all change orders up to the amount of the contingency.

Resolution No. 78097 adopted.

- (c) Adopt the following 2016-2017 Appropriations Ordinance Amendments in the Airport Renewal and Replacement Fund:
 - (1) Establish an appropriation to the Airport Department for Terminal B Gates 29 & 30 in the amount of \$4,000,000; and
 - (2) Decrease the Unrestricted Ending Fund Balance by \$4,000,000.

CEQA: Determination of Consistency with the Final Environmental Impact Report for the San José International Airport Master Plan Update, File No. PP16-089. (Public Works/Airport)

Ordinance No. 29884 adopted.

6.2 Report on Bids and Award of Contract for the 7780 – Ocala Avenue Bike and Pedestrian Improvements Project.

Recommendation: Report on bids and award of contract for the 7780 – Ocala Avenue Bike and Pedestrian Improvements Project to the low bidder Wattis Construction Co. Inc., in the amount of \$1,479,017, and approve a ten percent contingency in the amount of \$147,902. CEQA: Exempt, File Nos. PP14-011, and PP15-082, CEQA Section 15301(c), Existing Facilities. Council Districts 5 and 8. (Public Works/Transportation)
Accepted.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Actions Related to the Agreement with South Bay Regional Public Safety Training Consortium for Support Services for Academy Training for the Police Department.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute an Agreement between the City of San José and the South Bay Regional Public Safety Training Consortium for the provision of registration, instruction and clerical support services for academy training for the San José Police Department, for \$500,000 for the period of June 1, 2016, through May 31, 2017; and
- (b) Execute four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$2,500,000, subject to the appropriations of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Police)
(Deferred from 2/7/17 – Item 8.1 and 2/14/17 – Item 8.1)

Resolution No. 78099 adopted.

8.2 San José Police Department Traffic and Pedestrian Stop Study.

Recommendation: Accept the staff report and the San José Police Department Traffic and Pedestrian Stop Study. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Police)
Accepted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Actions Related to the Merged Area Redevelopment Project Taxable Subordinate Housing Set-Aside Tax Allocation Variable Rate Bonds, Series 2010C.

Recommendation: Successor Agency to the Redevelopment Agency of the City of San José (the “Successor Agency”) adopt a resolution:

- (a) Authorizing and approving, subject to the approval of the Oversight Board of the Successor Agency (the “Oversight Board”) and the State Department of Finance (“DOF”), the negotiation, execution and delivery, in substantially final form, of a Third Supplement to Fiscal Agent Agreement between the Successor Agency and Wells Fargo Bank, National Association, as Fiscal Agent (the “Fiscal Agent”) relating to the Redevelopment Agency of the City of San José Merged Area Redevelopment Project Taxable Subordinate Housing Set-Aside Tax Allocation Variable Rate Bonds, Series 2010C (the “2010C Bonds”);
- (b) Authorizing and approving, subject to the approval of the Oversight Board and DOF, the negotiation, execution, and delivery, in substantially final form, of a Third Amended and Restated Continuing Covenant Agreement with Wells Fargo Bank, National Association (“Wells Fargo” or “Bank Bond Holder”), as initial bond holder of the 2010C Bonds; and

(Item continued on the next page)

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Actions Related to the Merged Area Redevelopment Project Taxable Subordinate Housing Set-Aside Tax Allocation Variable Rate Bonds, Series 2010C. (Cont'd.)

Recommendation:

- (c) Authorizing the Executive Officer and Chief Financial Officer of the Successor Agency, or any other officer of the Successor Agency designated by the Executive Officer or the Chief Financial Officer to take any actions and execute all documents necessary to complete this transaction.

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

Successor Agency Resolution No. 7057 adopted.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing held.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

(a) **Conforming Rezoning of a Real Property Located at 3550 San Felipe Road. Recommendation:**

- (1) Adopt a resolution adopting the Oakmont of Evergreen Assisted Living Mitigated Negative Declaration, for which an Initial Study was prepared for the rezoning of the 4.9 gross acre site from the A Agricultural and R-1-5 Single-Family Residence Zoning Districts to the CN Commercial Neighborhood Zoning District and the onsite relocation of a Historic City Landmark (Smith House), to allow the construction of a 91,714 square foot, 94-unit Residential Care Facility, all in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program, which would allow for the consideration of a Historic Preservation Permit by the Director of Planning for the relocation of the Smith House, a Historic City Landmark, and an associated tank house, pump house, and aviary.
- (2) Consideration of an ordinance of the City of San José rezoning certain real property on a 4.9 gross acre site, located at 3550 San Felipe Road from the A Agricultural and R-1-5 Single-Family Residence Zoning Districts to the CN Commercial Neighborhood Zoning District (Shirley A. Poston Trustee, Owner).

CEQA: Mitigated Negative Declaration for Oakmont of Evergreen Assisted Living Facility. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)

C16-029 – Council District 8

Dropped and Renoticed to 3/14/17 per Orders of the Day.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

- (b) **Conforming Rezoning of a Real Property Located East Side of Aiello Drive, Approximately 950 Feet Southerly of Umbarger Road (2744 Aiello Drive).**

Recommendation: Consideration of an ordinance of the City of San José rezoning certain real property on a 0.55 gross acre site, located on the east side of Aiello Drive, approximately 950 feet southerly of Umbarger Road (2744 Aiello Drive) from the IP Industrial Park Zoning District to the LI Light Industrial Zoning District (Norberto Martinez, Owner). 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 Director recommends approval. (Planning, Building and Code Enforcement) **C16-044** – Council District 7

Dropped and Renoticed to 3/14/17 per Orders of the Day.

END OF CONSENT CALENDAR

11.2 STUDY SESSION PRESENTATION: Land Use Overview.

Recommendation: Accept the staff presentation on land use planning in San José, including development history, major strategies of the Envision San José 2040 General Plan, key area plans and policies, and workplan priorities. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Planning, Building and Code Enforcement)

Deferred to March 2017 per Administration.

- **Open Forum**

- (1) **Blair Beekman offered insights regarding Civil Rights issues and thanked Council for its action on the Washington & Minnesota v. Trump, et al. Amicus Brief.**
- (2) **Scott Largent expressed criticism for the City's property release policies.**
- (3) **John Max Reger spoke to prevalent xenophobia in D.C. and violations of the 1st and 8th Amendments to the Constitution.**
- (4) **Victorious Alexander asserted a need to have the open forum heard first on the agenda and complained of a lack of government accountability.**

- **Adjournment**

The Council of the City of San José adjourned at 6:57 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 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> |
|--------------|-----------------|-----------------------------|----------------------------------------------|------------------------|-------------|------------------------------|
| 10321 | 679 Elden Drive | 9 | Carole Rose John Giosso Richard McLeod | 6/6 | SFD | Approve |