



# CITY COUNCIL AGENDA

**MARCH 14, 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 14<sup>th</sup> 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](mailto: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**  
9:30 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  
**Absent Councilmembers: None.**
- **Invocation (District 3)**  
Jane Kovac and Jason Trees from the San José Digital Arts Program provided the Invocation.
- **Pledge of Allegiance**  
Mayor Liccardo led the Pledge of Allegiance.
- **Orders of the Day – *Heard after Ceremonial Items***  
None provided.

- Closed Session Report – *None provided.*

## 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a commendation to the Santa Clara County Alliance of Black Educators. (Jones)  
**Mayor Sam Liccardo and Councilmember Chappie Jones provided a commendation to the Santa Clara County Alliance of Black Educators.**  
*Heard in the Evening.*
- 1.2 Presentation of a proclamation proclaiming the month of March 2017 as Multiple Myeloma Awareness Month in the City of San José. (Davis)  
**Mayor Sam Liccardo and Councilmember Dev Davis presented a proclamation proclaiming the month of March 2017 as Multiple Myeloma Awareness Month in the City of San José.**

## 2. CONSENT CALENDAR

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- 2.1 **Approval of City Council Minutes.**  
**None provided**
- 2.2 **Final Adoption of Ordinances.**  
**None provided**
- 2.3 **Approval of Council Committee Minutes.**  
  
**Recommendation:** Approval of Council Committee Minutes.  
(a) Rules and Open Government Committee Minutes of February 22, 2017. (Mayor) CEQA: Not a Project, File No. PP10-069, City Organizational & 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. CONSENT CALENDAR

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### 2.7 Rainbow Flag and Transgender Pride Flag Raising Ceremony.

**Recommendation:** As recommended by the Rules and Open Government Committee on March 8, 2017:

- (a) Approve the Rainbow Flag and Transgender Pride Flag Raising Ceremony scheduled on Tuesday, June 6, 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. (Davis)  
[Rules Committee referral 3/8/17 – Item G.1.a.]

**Approved.**

### 2.8 District 6 SAP Grant for District 6 School.

**Recommendation:** As recommended by the Rules and Open Government Committee on March 8, 2017, approve a \$5,000 grant to Willow Glen Elementary for their 8<sup>th</sup> Annual Willow Glen 5K Run/Walk on May 13, 2017 to support after-school student programs and activities. CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Davis)

[Rules Committee referral 3/8/17 – Item G.2.]

**Approved.**

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the City Manager, Norberto Dueñas (Verbal Report). No report heard.

### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.

**None provided.**

### 3.3 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 from 2/28/17 – Item 3.6)

**Accepted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 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 from 2/28/17 – Item 3.7)

**Accepted.**

#### 3.5 Sale and Issuance of Bonds and Related Bond Documents for the City of San José Airport Revenue Refunding Bonds, Series 2017.

**Recommendation:**

- (a) Hold a TEFRA (“Tax Equity and Fiscal Responsibility Act”) hearing with respect to the proposed issuance by the City of airport revenue refunding bonds in an aggregate principal amount not to exceed \$750,000,000 pursuant to a plan of finance in order to provide proceeds to finance or refinance all or a portion of the costs of acquisition, construction, equipping, financing, reconstruction, development, and modification of airport facilities that are included in or are consistent with the Airport Master Plan for the Airport.

**Hearing held.**

- (b) Adopt the Twentieth Supplemental Resolution of the City Council:
  - (1) Authorizing the issuance of City of San José Airport Revenue Refunding Bonds in two or more series, including Series 2017A and Series 2017B, in an aggregate principal amount of not to exceed \$750,000,000 to be sold through negotiated sale;
  - (2) Approving substantially final forms of Eleventh Supplemental Trust Agreement, Preliminary Official Statement, Final Official Statement, Bond Purchase Agreement, and Continuing Disclosure Certificate; authorizing the distribution of one or more Preliminary Official Statements and Final Official Statements; and
  - (3) Authorizing the City’s Authorized Representative to take other necessary actions in connection therewith.

**Resolution No. 78103 adopted.**

*(Item Continued on the Next Page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Sale and Issuance of Bonds and Related Bond Documents for the City of San José Airport Revenue Refunding Bonds, Series 2017.

(c) Adopt a resolution authorizing the City Attorney to negotiate and execute an Agreement with Orrick, Herrington & Sutcliff LLP for bond and disclosure counsel services in an amount not to exceed \$315,000 in connection with the issuance of the Series 2017 City of San José Airport Refunding Bonds.

**Resolution No. 78105 adopted.**

(d) Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with Public Resources Advisory Group and Public Financial Management for financial advisory services in an amount not to exceed \$308,500 in connection with the issuance of the Series 2017 City of San José Airport Refunding Bonds.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Finance/Airport)  
**Resolution No. 78106 adopted.**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 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). 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)

***Heard in the Evening***

**Public hearing held.**

**Resolution No. 78107 adopted.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.2 Actions Related to the Report on Bids and Award of Contract for the 7673 - Agnews Demolition Project.**

#### **Recommendation:**

- (a) Report on bids and award of the construction contract for the 7673 – Agnews Demolition Project to the low bidder, AMPCO Contracting, Inc., for the base bid and Bid Alternate Nos. 1 and 2 in the amount of \$3,278,508, and approval of a contingency in the amount of \$656,000.

#### **Accepted.**

- (b) Adopt the following appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #4:
  - (1) Increase the Agnews Property Development appropriation to the Parks, Recreation and Neighborhood Services Department by \$1,299,000;
  - (2) Decrease the Agnews Property Development Reserve by \$2,650,000; and
  - (3) Increase Council District #4 Ending Fund Balance by \$1,351,000.

CEQA: Addendum to the North San José Development Policies Update EIR, File No. PP14-033. Council District 4. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

#### **Ordinance No. 29886 adopted.**

### **4.3 Declaration of the Existence of a Shelter Crisis for Victims of the 2017 Flood.**

#### **Recommendation:**

- (a) Adopt a resolution declaring the existence of a shelter crisis in the City of San José pursuant to and in accordance with the provisions of California Government Code section 8698 et seq. and designating the Seven Trees Community Center (3590 Cas Drive) as a temporary shelter to be used by flood victims, as well as other City facilities that may be deemed necessary by the Director of Housing to provide emergency shelter to flood victims through May 31, 2017.

#### **Resolution No. 78109 adopted.**

- (b) Adopt a resolution authorizing the Director of Housing to negotiate and execute an Agreement with HomeFirst without conducting a competitive procurement, to serve as the administrator of the Seven Trees Shelter and provide other shelter and services for homeless individuals including individuals made homeless by the flood retroactive from March 6, 2017 through April 5, 2017, at a cost of \$247,200, plus \$50,000 in contingency, for a total amount not to exceed \$297,200, with the option to extend the Agreement for two additional one-month term(s) at a cost of \$247,200 per each month, with a total not to exceed amount of \$791,600.

CEQA: Exempt, CEQA Section 15269(c), Emergency Projects, Specific actions necessary to prevent or mitigate an emergency. Council Districts 3 and 7. (Housing)

#### **Resolution No. 78110 adopted. Staff was also directed to work with hotel/motel vouchers to allow victims to get some privacy outside of the shelter system.**



## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report on Sustainable Park Maintenance. *DEFERRED*

**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 from 2/28/17 – Item 5.1)

**Deferred to 3/21/17 per Rules Committee.**

### 5.2 Actions Related to the Agreement for the Purchase of Real Property Located along the North Side of Payne Avenue Approximately 200 Feet West of Eden Avenue.

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager or his designee to:
  - (1) Negotiate and execute a Purchase and Sale Agreement with the Prince of Peace Evangelical Lutheran Church, in an amount not-to-exceed \$5,000,000, for the purchase of land and improvements located along the northern side of Payne Avenue approximately 200 feet west of Eden Avenue, Assessor Parcel Number 299-03-117, for the future construction of a Public Park at 3257 Payne Avenue.
  - (2) Negotiate and execute leases, pursuant to Section 1700 of the San José City Charter, with the existing tenant(s) and/or land owners as may be necessary to maintain interim uses on site until such time that a park can be fully planned and developed.
  - (3) Negotiate and execute all other documents and take such further actions as are necessary to complete these transactions.

**Resolution No. 78111 adopted.**

- (b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
  - (1) Establish an appropriation to the Parks, Recreation, and Neighborhood Services Department for Council District 1 Land Acquisition in the amount of \$1,065,000; and
  - (2) Decrease the Council District 1 Land Acquisition Reserve by \$1,065,000.

**Ordinance No. 29887 adopted.**

*(Item Continued on the Next Page)*

## **5. NEIGHBORHOOD SERVICES**

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### **5.2 Actions Related to the Agreement for the Purchase of Real Property Located along the North Side of Payne Avenue Approximately 200 Feet West of Eden Avenue. (Cont'd.)**

#### **Recommendation:**

- (c) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #1:
- (1) Establish an appropriation to the Parks, Recreation, and Neighborhood Services Department for Council District 1 Land Acquisition in the amount of \$4,000,000; and
  - (2) Decrease the Council District 1 Land Acquisition Reserve by \$4,000,000.
- CEQA: Exempt, File No. PP16-128, CEQA Section 15061(b)(3), No potential for causing a significant effect on the environment. Council District 1. (Economic Development/Parks, Recreation and Neighborhood Services/City Manager)  
**Ordinance No. 29888 adopted.**

## **6. TRANSPORTATION & AVIATION SERVICES**

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## **7. ENVIRONMENTAL & UTILITY SERVICES**

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## **8. PUBLIC SAFETY SERVICES**

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## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

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- Open Forum  
None provided.

## **10. GENERAL PLAN PUBLIC HEARINGS**

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No General Plan Public Hearing.

# 11. PUBLIC HEARINGS

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## 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.

**Resolution No. 78104 adopted.**

- (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

**Ordinance No. 29889 passed for publication.**

### (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

**Ordinance No. 29890 passed for publication.**

*(item continued on the next page)*

# 11. PUBLIC HEARINGS

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

### (c) Conforming Rezoning for the Real Property Located at 1645 Tully Road.

**Recommendation:** Consideration of an ordinance of the City of San José rezoning certain real property on an approximately .42 gross acre site, located at 1645 Tully Road from the CP Commercial Pedestrian Zoning District to the CG Commercial General Zoning (Stella A. Rakonitz Trustee, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). Planning, Building and Code Enforcement director recommends approval. (Planning, Building and Code Enforcement)

**C16-047** – Council District 7

**Ordinance No. 29891 passed for publication.**

### (d) Planned Development Rezoning of Real Property Located on the West Side of South King Road, Approximately 840 feet North of Aborn Road (2905 South King Road). *RENUMBERED*

**Recommendation:**

- (1) Adopt a resolution adopting the 2905 South King Road Ministorage & Light Industrial Project Mitigated Negative Declaration, for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopt a related Mitigation Monitoring and Reporting Program.
- (2) Consideration of an ordinance of the City of San José rezoning certain real property on a 9.9-gross acre site, located on the west side of South King Road, approximately 840 feet north of Aborn Road (2905 South King Road) from the A(PD) Planned Development Zoning District to the LI(PD) Planned Development Zoning District for miniwarehouse/ministorage and light industrial uses on (Principle Broadcasting Network, Owner).

CEQA: Mitigated Negative Declaration for the “2905 South King Road Ministorage & Light Industrial Project”. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)

**PDC16-037** – Council District 7

*Renumbered to Item 11.3*

**END OF CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

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### 11.2 Planned Development Rezoning of Real Property Located at the west terminus of Sharon Drive, Approximately 990 feet east of South De Anza Boulevard (7169 Sharon Drive).

**Recommendation:** Consideration of an ordinance of the City of San José rezoning certain real property on a 0.34-gross acre site at the west terminus of Sharon Drive, approximately 990 feet east of South De Anza Boulevard (7169 Sharon Drive) from the R-2 Two-Family Residential Zoning District to the R-M(PD) Planned Development Zoning District to allow up to six single-family attached residences (Seven Hills LLC., Owner). CEQA: Exempt, File No. PDC16-014, CEQA Section 15303(b), New Construction or Conversion of Small Structure. Planning Commission recommends approval (5-0-2, Chair Abelite and Vice Chair Pham absent). (Planning, Building and Code Enforcement)

**PDC16-014** – Council District 1

**Ordinance No. 29892 passed for publication.**

### 11.3 Planned Development Rezoning of Real Property Located on the West Side of South King Road, Approximately 840 feet North of Aborn Road (2905 South King Road).

**Recommendation:**

- (a) Adopt a resolution adopting the 2905 South King Road Ministorage & Light Industrial Project Mitigated Negative Declaration, for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopt a related Mitigation Monitoring and Reporting Program.

**Resolution No. 78112 adopted.**

- (b) Consideration of an ordinance of the City of San José rezoning certain real property on a 9.9-gross acre site, located on the west side of South King Road, approximately 840 feet north of Aborn Road (2905 South King Road) from the A(PD) Planned Development Zoning District to the LI(PD) Planned Development Zoning District for miniwarehouse/ministorage and light industrial uses on (Principle Broadcasting Network, Owner).

CEQA: Mitigated Negative Declaration for the “2905 South King Road Ministorage & Light Industrial Project”. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)

**PDC16-037** – Council District 7

*Renumbered from 11.1(d)*

**Ordinance No. 29893 passed for publication.**

- Open Forum  
None provided.
- Adjournment