



## MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, JUNE 13, 2017

The Council of the City of San José convened in Regular Session at 9:30 a.m. in the Council Chambers at City Hall.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, Nguyen, Peralez, Rocha; Liccardo.

Absent: Councilmembers - All Present.

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

There was no report.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:35 a.m. to a Closed Session in Room W133; (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(4) with respect to anticipated litigation in three (3) matters; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) In re: Claim of Gunsky; Amount of Money or Other Relief Sought: Administrative Appeal; (2) In Re: Claim of Saldivar; Amount of Money or Other Relief Sought: Administrative Appeal; (3) In re: Claim of Rossmiller; Amount of Money or Other Relief Sought: Administrative Appeal; (4) City of San José v. County of Santa Clara; Names Of Partie(s) Involved: City of San José, a municipal corporation, as Successor Agency to the Redevelopment Agency of the City of San José, Vinod K. Sharma, individually and in his official capacity as Santa Clara County Director of Finance, County of Santa Clara; Court: Superior Court of California, County of Sacramento; Case No.: 34-2012-80001190; Amount of Money or Other Relief Sought: Damages according to proof;

## CLOSED SESSION (Cont'd.)

(5) City of San José v. City of Santa Clara; Names Of Partie(s) Involved: City of San José, City of Santa Clara; Court: Superior Court of California, County of San Mateo; Case No. 16-CIV-02303; Amount of Money or Other Relief Sought: Writ of Mandate and Complaint for Declaratory Relief; (6) City of Santa Clara v. City of San José ; Names Of Partie(s) Involved: City of Santa Clara, City of San José, City of San José City Council, Does I through X; Federal Realty and Investment Trust, and Does 1-20; Court: Superior Court of California, County of San Mateo; Case No.: 17-CIV-00547; Amount of Money or Other Relief Sought: Petition for Writ of Mandate and Complaint for Declaratory Relief; (7) San José Police Officers' Association v. City, et al; Names Of Partie(s) Involved: San José Police Officers' Association, City of San José, Board of Administration for Police and Fire Department Retirement Plan of the City of San José and Does 1-10; Court: Superior Court of California, County of Santa Clara, Sixth District Court of Appeal; Case No.: 1-12-CV-225926; H0402979; H042074; Amount of Money or Other Relief Sought: Declaratory and injunctive relief; (8) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; H040979; H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (9) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: City of San José, John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B; (12) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B; (13) Peter Constant, Steven Haug and Silicon Valley Taxpayers' Association v. Superior Court; Names Of Partie(s) Involved: Peter Constant, Steven Haug, Silicon Valley Taxpayers' Association,

## CLOSED SESSION (Cont'd.)

a California non-profit Corporation, Proposed Intervenors, Appellants and Petitioners, Superior Court of California, County of Santa Clara, Respondent, the People of the State of California ex. Rel. San José Police Officers Association, Plaintiff, Respondent and Real Party in Interest, City of San José, City Council of San José, Defendants, Respondents and Real Parties in Interest; Court: Sixth District Court of Appeal; Case No.: H043540; Amount of Money or Other Relief Sought: Petition for Writ of Mandate or, In the Alternative, Supersedeas, or Other Appropriate Relief; (14) San José Retired Employees Association, et al. v. City of San José, et al; Names of Partie(s) Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City of San José, the Board of Administration for the Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-268085; Amount of Money or Other Relief Sought: Change to City medical plan; (C) to Confer with Real Property Designated Representatives Pursuant to Government Code Section 54956.8: Property Street Address, Parcel Number, or other Unique Reference of Property: 255 South Montgomery Street (APN 261-37-025), 8 South Montgomery Street (APN 259-38-130), 102 South Montgomery Street (APN 259-48-012), 510 West San Fernando Street (APN 259-48-011, 259-48-013), 150 South Montgomery Street (APN 259-48-059), 105 South Montgomery Street (APN 261-35-003, 261-35-006, 261-35-010), 645 Park Avenue (APN 261-35-014), 525 West Santa Clara Street/566 West Julian Street (APN 259-28-031, 259-28-041, 529-28-043, 259-28-044) West San Carlos Street (261-37-030) No Address (261-37-028); Negotiating Parties: Nanci Klein for the City of San José and Jay Bechtel for Google; Under Negotiation: The direction will concern price and terms of payment. Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values. (D) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA:

## **CLOSED SESSION (Cont'd.)**

Memorandum of Agreement between City of San José and IBEW; (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc.; Name of Existing Wages Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:10 a.m. and reconvened to Regular Session at 1:35 p.m. in the Council Chambers.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, Peralez, Rocha; Liccardo.

Absent: Councilmembers - T. Nguyen. (Excused)

## **INVOCATION**

Rabbi Levine from Congregation Am Echad provided the Invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Sam Liccardo led the Pledge of Allegiance.

## **CEREMONIAL ITEMS**

### **1.1 Presentation of a commendation to Rick Kos and Kevin Fang's Community Assessment classes. (Peralez)**

Mayor Sam Liccardo and Councilmember Raul Peralez presented a commendation to Rick Kos and Kevin Fang's Community Assessment classes for their dedication to engage the community in developing a collective vision for the future of the Northside Neighborhood.

## **ORDERS OF THE DAY**

Upon motion by Councilmember Donald Rocha, seconded by Councilmember Dev Davis and carried unanimously, the Orders of the Day and the Amended Agenda were approved with Items 9.1 and 9.2 to be heard directly after Item 3.5. (10-1. Absent: Carrasco.)

## **CONSENT CALENDAR**

Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-1. Absent: Peralez.)

### **2.1 Approval of City Council Minutes.**

None provided.

### **2.2 Final Adoption of Ordinances.**

None provided.

### **2.3 Approval of Council Committee Minutes.**

(a) **Community and Economic Development Committee Minutes of May 22, 2017. (Khamis)**

(b) **Rules and Open Government Committee Minutes of May 24, 2017. (Mayor)  
CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Clerk)**

Documents Filed: (1) Community and Economic Development Committee Minutes of May 22, 2017. (2) Rules and Open Government Committee Minutes dated May 24, 2017.

Action: The Council Committee Minutes were accepted. (10-1. Absent: Peralez.)

### **2.4 Retroactive request for an excused absence for Councilmember Tam Nguyen from the Closed Session and Regular Meeting of the City Council on June 6, 2017 due to illness.**

Documents Filed: Memorandum from Councilmember Tam Nguyen, dated May 23, 2017, requesting approval of an excused absence.

Action: The absence was approved. (10-1. Absent: Peralez.)

### **2.5 City Council Travel Reports.**

None provided.

**2.6 Report from the Council Liaison to the Retirement Boards**

None provided.

**2.7 Approve a Vended Massage Chair Concession Agreement at the Airport between the City of San José (City) and Smarte Carte, Inc., for a term of five years beginning July 1, 2017, with a Minimum Annual Guarantee to the City in the amount of \$60,000. CEQA: Not a Project, PP10-066(e), Agreements and Contracts, Services that involve no physical changes to the environment. (Airport)**

Documents Filed: City Council Action Request from Interim Director of Aviation, John Aitken, A.A.E, dated May 22, 2017, recommending approval of an agreement.

Action: The Vended Massage Chair Concession Agreement at the Airport between the City of San José (City) and Smarte Carte, Inc., for a term of five years beginning July 1, 2017, with a Minimum Annual Guarantee to the City in the amount of \$60,000, was approved. (10-1. Absent: Peralez.)

**2.8 Approve a Third Amendment to the Legal Services Agreement with Hawkins, Delafield & Wood LLP, to extend the term of the agreement through June 30, 2020, revise the scope of services, and increase the maximum amount of compensation from \$1,000,000 to \$2,500,000, subject to appropriation of funds by City Council, to support the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts, Services that involve no physical changes to the environment. (City Attorney)**

Documents Filed: (1) Letter from TPAC Advisory Chair, Sam Liccardo, dated June 9, 2017, providing recommendations from the Treatment Plant Advisory Committee. (2) Memorandum from City Attorney Richard Doyle, dated June 1, 2017, providing background on the legal services agreement.

Action: A Third Amendment to the Legal Services Agreement with Hawkins, Delafield & Wood LLP, to extend the term of the agreement through June 30, 2020, revise the scope of services, and increase the maximum amount of compensation from \$1,000,000 to \$2,500,000, subject to appropriation of funds by City Council, to support the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program, was approved. (10-1. Absent: Peralez.)

**2.9 Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Legal Professionals (ALP), and authorizing the City Manager to execute an agreement with a term of July 1, 2017 through June 30, 2018. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (City Manager)**

Documents Filed: Memorandum from Director of Employee Relations, Jennifer Schembri, dated May 30, 2017, recommending adoption of a resolution.

**2.9 (Cont'd.)**

Action: Resolution No. 78196 entitled: "A Resolution of the Council of the City of San José Approving the Terms of an Agreement with the Association of Legal Professionals (ALP), with a Term of July 1, 2017 – June 30, 2018, and Authorizing the City Manager to Execute an Agreement with ALP", was adopted. (10-1. Absent: Peralez.)

- 2.10 Adopt a resolution authorizing the City Manager to execute a Third Amendment to the Agreement with Bartel Associates, LLC, for actuarial consulting services in connection with labor matters related to various retirement benefits for both pension and retiree healthcare, extending the term to June 30, 2019, and increasing the amount of compensation by \$100,000 for a total compensation amount not to exceed \$535,000. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (City Manager)**

Documents Filed: Memorandum from Director of Employee Relations, Jennifer Schembri, dated June 1, 2017, recommending adoption of a resolution.

Action: Resolution No. 78197, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Third Amendment to the Agreement with Bartel Associates LLC for Actuarial Consulting Services in Connection with Labor Matters", was adopted. (10-1. Absent: Peralez.)

- 2.11 Adopt an annual renewal resolution authorizing the City Manager or his designee to negotiate and execute the following agreements relating to the Workforce Innovation and Opportunity Act (WIOA) Program and projects:**

- (a) **All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors, and partners providing services to the WIOA (formerly Workforce Investment Act) Program, including, but not limited to novations or assignments, case management contracts, and consultant contracts, for the period July 1, 2017 to June 30, 2018 in accordance with procurement procedures and requirements mandated by the State and Federal governments for WIOA grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Board, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.**
- (b) **All memorandums of understanding with Required and Additional One-Stop Partners for the period July 1, 2017 to June 30, 2020 in accordance with Section 121 of the WIOA, including, but not limited to memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost-sharing agreements, regional consultant agreements, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from work2future, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement.**

- (c) All amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (d) All grant applications, grants agreements, subgrant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year periods not to extend beyond June 30, 2020, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (e) All Eligible Training Provider List (ETPL), Youth Career Technical Training, Youth Workshops, Adult Workshops, and Adult Cohort agreements, and multiple-scope agreements that combine two or more of the above agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2017 to June 30, 2019, subject to annual appropriation of funds by the work2future Board.
- (f) All agreements specified in section (a) above with an end term beyond the fiscal year in which the contract begins (beyond June 30, 2018), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement, but not beyond the end of the following fiscal year (not beyond June 30, 2019).
- (g) All agreements specified in section (a) above that do not involve a disbursement of funds (no-fund agreement) beyond the fiscal year in which the agreement begins (beyond June 30, 2018), but not beyond the end of the following fiscal year (not beyond June 30, 2019).

**CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts, Services that involve no physical changes to the environment. (Economic Development)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 12, 2017, recommending approval of staff recommendations with modifications. (2) Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, dated May 22, 2017, recommending adoption of a resolution.

Mayor Sam Liccardo pulled Item 2.11 to pose questions to the staff. Environmental Services Department Deputy Director Jeff Provenzano offered responses and clarification.

Motion: Councilmember Donald Rocha moved approval of the Mayor's memorandum of June 12, 2017. Councilmember Johnny Khamis seconded the motion.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 78198, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Certain Agreements Related to the Workforce Innovation and Opportunity Act (WIOA) Program and Projects During FY 2017-2018", was adopted, including Mayor Sam Liccardo's memorandum dated June 12, 2017, to: Approve Staff recommendations on the annual resolution authorizing the negotiation and execution of the WIOA Program and projects, with the following changes:



## 2.11 (Cont'd.)

(1) Report to City Council with the status on the implementation of a client outcomes tracking tool, and on Employment Development Department (EDD) data-sharing. Specifically, ensure explicit reporting to the City Council within FY17-18 of federally mandated outcomes data: (a) For adults: rates of Work2Future clients securing employment, remaining employed six months later, remaining employed one year later, and wage gain. (b) For youth: rates of occupational skills training, obtaining a high school diploma or GED, enhancing basic skills, securing employment, and advancing to postsecondary education. (c) For all clients: report outcomes data within each of the priority economic sectors to enable the Board and Council to assess whether investments are optimally targeted. (d) For all clients: benchmark outcomes and per-client costs with other Workforce Investment Boards, particularly those within the Bay-Peninsula Regional Planning Unit.

(2) Identify and report to Council strategies to strengthen the composition of the Work2future board to enhance employer engagement and representation from IT and other priority sectors.

(3) Identify and report to Council strategies to broaden the impact of San José Works by expanding the number of low-income youth participants who require relatively lower cost, "light-touch" support to obtain employment. (11-0.)

## 2.12 Adopt a resolution authorizing the City Manager to:

(a) **Execute purchase order(s) with AssetWorks for the purchase of fleet management equipment, related professional services, ongoing support and maintenance, GPS/Telematics technology, and subscriptions for data services for the Police Department in an amount not to exceed \$300,000; and**

(b) **Execute additional purchase orders to expand the system on additional fleet vehicles and for ongoing support/maintenance, subscriptions, and professional services as may be required, subject to the appropriation of funds.**

**CEQA: Not a Project, File No. PP10-066(e), Agreements and Contract, Services that involve no physical changes to the environment. (Finance)**

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated June 13, 2017, recommending adoption of a resolution.

Public Comment: Blair Beekman offered observations.

Action: Resolution No. 78199, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Execute Purchase Order(s) with Assetworks for the Purchase of Fleet Management Equipment, Related Professional Services, Ongoing Support and Maintenance, GPS/Telematics Technology, and Subscriptions for Data Services for the Police Department in an Amount Not to Exceed \$300,000; and (2) Execute Additional Purchase Orders to Expand the System on Additional Fleet Vehicles and for Ongoing Support/Maintenance, Subscriptions and Professional Services as May be Required, Subject to the Appropriation of Funds", was adopted. (11-0.)

- 2.13 Adopt a resolution to redefine the maximum square footage in Secondary or Accessory Dwelling Units to 800 square feet for purposes of the Parkland Impact fees to align with updates to the Zoning Code. CEQA: Not a Project, File No. PP10-068(c), Code or policy change that involves no changes in the physical environment. (Parks, Recreation and Neighborhood Services)  
Resolution No. 78200 adopted**

Documents Filed: City Council Action Request from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated June 13, 2017, recommending adoption of a resolution.

Action: Resolution No. 78200, entitled: "A Resolution of the Council of the City of San José Setting Forth the Schedule of Parkland Fees Charged Pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code to Increase the Maximum Square Footage that is Permitted for Secondary Units or Accessory Dwelling Units to Remain Eligible for the Secondary Residential Unit Fee Rate", was adopted. (11-0.)

- 2.14 Retroactively approve international travel to Medellín, Colombia for Mario Maciel, Division Manager in the Department of Parks, Recreation and Neighborhood Services, to attend the Medellín Lab – Inclusive, Safe, and Resilient Cities from May 29 through June 2, 2017. Source of Funds: USAID. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities, Travel. (Parks, Recreation and Neighborhood Services)**

Action: Deferred to June 20, 2017 per Administration.

- 2.15 Adopt a resolution authorizing the City Manager to negotiate and execute a Continuation Agreement and any amendments or extensions with Los Lagos Golf Course, LLC to provide operations and maintenance services at Los Lagos Golf Course, effective retroactively from March 1, 2017 through June 30, 2018 and extended automatically thereafter month to month through the 20th of each month, subject to the appropriation of funds by City Council. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts, Services that involve no physical changes to the environment. Council District 7. (Parks, Recreation and Neighborhood Services)**

Documents Filed: (1) Memorandum from Councilmember Johnny Khamis, dated June 12, 2017, supporting staffs' recommendations with additional direction. (2) City Council Action Request from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated June 13, 2017, recommending adoption of a resolution.

Councilmember Johnny Khamis pulled Item 2.15 to recommend a comparative study. Mayor Sam Liccardo offered additional suggestions, and Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. responded to questions.

Motion: Councilmember Johnny Khamis moved approval of staff recommendations, including recommendations for staff to return in November with the inclusion of prevailing wage data in their report. Councilmember Dev Davis seconded the motion.

**2.15 (Cont'd.)**

Action: On a call for the question, the motion carried unanimously, Resolution No. 78201, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Continuation Agreement and Any Amendments or Extensions Thereto with Los Lagos Golf Course, LLC to provide Operations and Maintenance Services at Los Lagos Golf Course, Retroactively from March 1, 2017 through June 30, 2018 and Extended Automatically Thereafter Month to Month, Subject to the Appropriation of Funds", was adopted, with PRNS staff to return in November with the inclusion of prevailing wage data in their report. (11-0.)

- 2.16 (a) Approve a Consultant Agreement with Mark Thomas & Company for engineering design and construction management services for the subject project from the date of execution to December 31, 2020, for maximum compensation of \$990,000.**
- (b) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:**
- (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,510,000 for the TRAIL: Coyote Creek (Mabury Road to Empire Street) project; and**
  - (2) Decrease the TRAIL: Coyote Creek (Mabury Road to Empire Street) Reserve by \$1,510,000.**

**CEQA: Initial Study/Mitigated Negative Declaration for the Coyote Creek Trail Master Plan (Montague Expressway to Watson Park), File No. PP09-218. Council Districts 3 & 4. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)**

Action: Dropped per Administration.

- 2.17 Report on bids and award of contract for the 8314 – Sanitary Sewer Capacity Improvements 2016-2017 Project to the low bidder, JMB Construction, Inc., in the amount of \$1,275,490 and approve a contingency in the amount of \$127,549.**  
**CEQA: Addendum to the General Plan Environmental Impact Report, File No. PP12-076. Council Districts 7 & 9. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 22, 2017, recommending acceptance of a report and award of a contract.

Action: The report on bids and award of a contract for the 8314 – Sanitary Sewer Capacity Improvements 2016-2017 Project to the low bidder, JMB Construction, Inc., in the amount of \$1,275,490, with related contingencies, was accepted. (11-0.)

- 2.18 Adopt a resolution authorizing the City Manager to execute:**
- (a) An Agreement between the City of San José and Law Enforcement Psychological Services, Inc. for psychological services for the San José Police Department, in an amount not to exceed \$229,552 for the period of July 1, 2017 to June 30, 2018; and**

**2.18 (Cont'd.)**

- (b) Four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$1,147,760 subject to the appropriation of funds.**

**CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts, Professional Services with no changes to the physical environment. (Police)**

Documents Filed: Memorandum from Chief of Police Edgardo Garcia, dated May 22, 2017, recommending adoption of a resolution.

Action: Resolution No. 78202, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute: (A) An Agreement with Law Enforcement Psychological Services, Inc. for Psychological Services for the San José Police Department, in an Amount not to Exceed \$229,552 for the Period of July 1, 2017, to June 30, 2018; and (B) Four Additional Annual Renewal Options with the Total Amount of Compensation for the Entire Contract Not to Exceed \$1,147,760 Subject to the Appropriation of Funds", was adopted. (11-0.)

**2.19 As recommended by the Rules and Open Government Committee on June 7, 2017:**

- (a) Approve the Dumpster Day scheduled for Saturday, June 17, 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.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated June 7, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Dumpster Day scheduled for Saturday, June 17, 2017 as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

**2.20 As recommended by the Rules and Open Government Committee on June 7, 2017:**

- (a) Approve the District 1 Eats scheduled for Friday, June 30, 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.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated June 7, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 1 Eats scheduled for Friday, June 30, 2017 as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.21 As recommended by the Rules and Open Government Committee on June 7, 2017:**
- (a) Approve the Disability Awareness Day scheduled for Thursday, October 5, 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.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated June 7, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Disability Awareness Day scheduled for Thursday, October 5, 2017 as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.22 As recommended by the Rules and Open Government Committee on June 7, 2017:**
- (a) Retroactively approve the Dumpster Day scheduled for Saturday, June 10, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
  - (b) Retroactively approve and accept donations from various individuals, businesses or community groups to support the event.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated June 7, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Dumpster Day scheduled for Saturday, June 10, 2017 as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was retroactively approved. (11-0.)

## **END OF CONSENT CALENDAR**

### **STRATEGIC SUPPORT SERVICES**

- 3.3 (a) Review, discussion and approval of the Mayor's 2017 June Budget Message.**
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed.**

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

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 2, 2017, offering approval to the recommendations including changes in the manager's Budget Addenda. (2) Supplemental memorandum from Mayor Sam Liccardo, dated June 12, 2017, providing additional issues that require further attention. (3) Joint memorandum from

**3.3 (Cont'd.)**

Councilmember Sergio Jimenez and Councilmember Donald Rocha, dated June 9, 2017, offering additional recommendations for the June Budget Message. (4) Memorandum from Councilmember Donald Rocha, dated June 12, 2017, offering additional recommendations for the June Budget Message.

Mayor Sam Liccardo provided opening comments, and Assistant to the City Manager, Leland Wilcox, offered a report.

Public Comments: Susan Price and Shaunn Cartwright expressed support to the Responsible Landlord Engagement Initiative (RLEI).

Motion: Councilmember Raul Peralez moved approval of Mayor Sam Liccardo's memoranda of June 2 and June 12, 2017 and the memorandum he cosigned with Councilmember Donald Rocha, dated June 9, 2017. Councilmember Dev Davis seconded the motion.

Council discussion followed.

Action: On a call for the question, the motion carried unanimously, and the Mayor's 2017 June Budget Message was accepted; Resolution No. 78203, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Agreements Identified in the Mayor's 2017 June Budget Message which are for Amounts that Exceed the City manager's Contract Authority, Provided that any Required Environmental Review has been Completed", was adopted, including the memoranda from Mayor Sam Liccardo dated June 2, 2017 and June 12, 2017, Councilmember Donald Rocha's memorandum dated June 12, 2017, and the joint memorandum from Councilmember Sergio Jimenez and Councilmember Donald Rocha, dated June 9, 2017. (11-0.)

**3.4 (a) Adopt a resolution setting the following Sewer Service and Use Charge rates for 2017-2018:**

<u>Category</u>	<u>2017-2018 Monthly Rates</u>
Single-Family Residential	\$37.91
Multi-Family Residential	\$25.40 per unit
Mobile Home	\$28.62 per unit
Non-Monitored Commercial and Industrial	See Attachment A
Monitored Industrial	

**(b) Adopt a resolution setting the following Storm Sewer Service Charge rates for 2017-2018:**

<u>Category</u>	<u>2017-2018 Monthly Rates</u>
Single-Family Residential and Duplex	\$7.87
Mobile Home	\$3.94 per unit
Residential Condominium	\$4.30 per unit

3.4 (b) (Cont'd.)

Large Multi-Family Residential (5 or more units)	\$4.30 per unit
Small Multi-Family Residential (3-4 units)	\$14.95
Commercial, Institutional and Industrial	See Attachment B

**CEQA: Not a Project, File No. PP10-067(a), Non-Project Specific Funding Mechanism, Increases or Adjustments to Fees, Rates & Fares. (Environmental Services)**

Documents Filed: Memorandum from Director, Environmental Services, Kerrie Romanow, dated May 31, 2017, recommending adoption of resolutions.

Director, Environmental Services, Kerrie Romanow, responded to questions from Council.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 78204, entitled: "A Resolution of the Council of the City of San José Setting Schedules of Sanitary Sewer Service and Use Charges for Fiscal Year 2017-2018, and Superseding Resolution No. 77778", and Resolution No. 78205, entitled: "A Resolution of the Council of the City of San José Setting Schedules of Storm Sewer Service Charges for Fiscal Year 2017-2018, and Superseding Resolution No. 77779", were adopted. (11-0.)

**3.5 Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2017-2018 by 3.00% over the fiscal year 2016-2017 rates and approving the placement of the Library Parcel Tax on the fiscal year 2017-2018 Santa Clara County Property Tax Roll. CEQA: Statutory Exemption, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance/Library)**

Documents Filed: Joint memorandum from Director of Finance Julia H. Cooper and Library Director Jill Bourne, dated May 22, 2017, recommending adoption of a resolution.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Raul Peralez and carried unanimously, Resolution No. 78206, entitled: "A Resolution of the Council of the City of San José Approving the Increased Library Parcel Tax Rates for FY 2017-2018 and Approving the Placement of the Library Parcel Tax on the FY 2017-2018 Santa Clara County Property Tax Roll", was adopted. (11-0.)

- 3.6 (a) Adopt a resolution approving the Operating Budget for 2017-2018 for the City of San José, the Capital Budget for 2017-2018 for the City of San José, and the Five-Year Capital Improvement Program for 2018-2022 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.**
- (b) Adopt a resolution establishing the Schedule of Fees and Charges for 2017-2018.**

**CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities and Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy change that involves no changes in the physical environment. (City Manager)**

### 3.6 (Cont'd.)

Documents Filed: (1) The 2017-2018 Proposed Capital Budget and the 2018-2022 Proposed Capital Improvement Program (CIP) for the City of San José, provided by City Manager Norberto Dueñas. (2) Email correspondence from Darryl Ospring, dated June 12, 2017; Mike Evans, dated June 1, 2017; Lee Pauser, dated June 4, 2017; and Patrick Pizzo, dated June 4 and 5, 2017, requesting more funding for City parks. Letter from Mike Graves, Chair, Housing & Community Development Commission, dated June 8, 2017 regarding proposed fee structure for Rental Rights and Referrals program. Letters from Senter Monterey Neighborhood Association, dated February 28, 2017, citing concerns of representation.

Public Comments: Urging funding for neighborhood cleanup programs and the necessity for park aides, were Judy Soito, Danielle Pirslin and Charles Allen.

Director, Environmental Services, Kerrie Romanow, responded to questions regarding dumpster days. Councilmember Donald Rocha raised staffing concerns.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sylvia Arenas and carried, Resolution No. 78207, entitled: "A Resolution of the Council of the City of San José Approving for Adoption the Capital Budget for Fiscal Year 2017-2018"; Resolution No. 78208, entitled: "A Resolution of the Council of the City of San José Approving for Adoption the Five Year Capital Improvement Program for Fiscal Years 2018-2022"; Resolution No. 78209, entitled: "A Resolution of the Council of the City of San José Approving for Adoption the Operating Budget for Fiscal Year 2017-2018"; and Resolution No. 78210, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72737 to Amend and Establish Various Fees and Charges Effective July 1, 2017", were adopted. (10-0-1. Noes: Rocha.)

### 3.7 **Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Aviation as described in the memorandum to Council, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Manager)**

Documents Filed: Memorandum from City Manager Norberto Dueñas, dated June 2, 2017, recommending adoption of a Statement of Policy.

Interim Director of Aviation, John Aitken, A.A.E. responded to questions.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, a Statement of Policy and City Council Questions related to the selection of a prospective Director of Aviation as described in the memorandum to Council, in compliance with City Charter Section 411.1, was adopted, with additional questions to be included regarding solutions for a continued integrative model for T&C's, taxis, parking and ridesharing; also balancing competing needs of the airport with downtown development, and the best approach to airport expansion. (9-0-2. Absent: Arenas, Rocha.)



- 3.8 (a) Consider the results of the Innovative LED Streetlight Replacement Request for Proposal:**
- (1) Consider the appeal from Philips Lighting of North America.**
  - (2) Reject all proposals submitted for the Innovative LED Streetlight Replacement Request for Proposal.**

Action: Upon motion by Councilmember Chappie Jones, seconded by Mayor Sam Liccardo and carried unanimously, the appeal from Philips Lighting of North America was denied. (11-0.)

- (b) With respect to LED streetlight conversion: Direct the City Manager to return to Council following completion of the City's Broadband Strategy with requirements, financing strategies, and procurement recommendations for converting the approximately 40,000 remaining streetlights to LED luminaires.**
- (c) With respect to LED streetlight controller units: Direct the City Manager to evaluate alternatives regarding the deployment of LED streetlight controller units citywide, which may include potential demonstration and testing of emerging technologies.**
- (d) With respect to the Broadband Strategy: Direct the City Manager to include in the Broadband Strategy:**
  - (1) Recommendations regarding technology, governance, process, and policy for the City's broadband digital infrastructure including fiber/coax, streetlight poles, and small cells, including an analysis of the costs and benefits of combining proactive streetlight pole make-ready activities with installation; and**
  - (2) Requirements, policy considerations, and procurement recommendations for Internet of Things network, platform, and devices.**

**CEQA: Exempt, File No. PP11-002, Street Lighting Design Guidelines, CEQA Guidelines Section 15301, Existing Facilities. (City Manager)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 12, 2017, offering recommendations relating to the appeal of Philips Lighting. (2) Joint memorandum from Mayor Sam Liccardo and Councilmember Donald Rocha, dated June 5, 2017, recommending deferral of the hearing to the Council meeting of June 13, 2017. (3) Memorandum from Councilmember Johnny Khamis, dated June 2, 2017, providing recommendations for the Streetlight Replacement. (4) Memorandum from Councilmember Donald Rocha, dated June 12, 2017, providing recommendations regarding the LED Streetlight Replacement. (5) Replacement memorandum from Deputy City Manager, David Sykes, dated May 22, 2017, providing changes in staff recommendations due to policy considerations. (6) Supplemental memorandum from Deputy City Manager, David Sykes, dated June 12, 2017, revising original recommendation language. (7) Letter from Ricky Rinehart, City of Yuma, letter from FW Miller, and from Diepenbrock, Elkin Gleason LLP, each dated June 12, 2017, regarding Innovative LED Streetlight Replacement; (8) Letter from anyCOMM, dated June 13, 2017, offering support to the City's recommendation. (9) Letter from Kirk Vartan, WNAC, dated June 6, 2017, offering comments and suggestions

### 3.8 (Cont'd.)

regarding the RFP. (10) Letter from Josh Scharfberg, dated June 9, 2017, regarding the RFP. (11) Email from Blair Beekman, dated June 13, 2017, offering comments on innovation and technology. (12) "Key Points of Appeal", PowerPoint presentation from David Theriault, CEM, Philips Lighting, dated June 13, 2017.

Deputy City Manager, David Sykes offered opening comments, Assistant Director of Transportation, Kevin O'Connor, Assistant to City Manager, Michele McGurk and Deputy City Manager, Civic Innovation & Digital Strategy, Kip Harkness continued with the presentation.

Philips representative David Theriault, CEM, and in-house Counsel Benjamin Brinkert discussed RFP criteria, and the representative from Siemens asked that the Philips protest be denied.

Staff continued, indicating that they have thoroughly reviewed the appeal from Philips and stand by their April 3, 2017 decision to deny the protest.

Public Comments: Offering comments regarding the LED Streetlight Replacement, were Blair Beekman, Josh Scharfberg (AllVision); Rob Praske (AnyCOMM); Victor Sin; Thor Scordelis (LeoTek); David Bini (IBEW); Louise Auerhahn (Working Partnerships); David Wierhausen; Shaunn Cartwright; and Scott Meinzen (Siemens).

Council discussion followed, and Council posed questions to representatives of AnyCOMM representatives.

Motion: Councilmember Donald Rocha moved his memorandum, dated June 12, 2017. Councilmember Sylvia Arenas seconded the motion.

Councilmember Chappie Jones offered a substitute motion to accept items 3 and 4 from Mayor Sam Liccardo's memorandum of June 12, 2017 to add specific requirements for Siemens proposal as indicated below in "Action". Councilmember Raul Peralez seconded the motion.

Extensive Council discussion followed.

Action: On a call for the question the substitute motion carried, with Siemens declared as the winning bid, and including items #3 and #4 from Mayor Sam Liccardo's memorandum dated June 12, 2017 as follows: (3) If an award is ultimately approved by the Council, discuss and consider imposing several minimally acceptable terms in a pilot program that will further the City's interests in fiscal sustainability, system reliability, interoperability, and technological benefit to the public, as suggested by the Discussion, below. Council shall delegate authority to the City Manager such that: (a) City Manager shall have authority to enter a pilot for up to 1-year duration; but (b) Any commitment beyond that duration will require a vote of the Council in public session, and the City and prevailing vendor (Vendor) shall negotiate the terms of that commitment within 90 days. (c) If the prevailing bidder indicates a lack of willingness to submit to the minimally acceptable

### 3.8 (Cont'd.)

terms within 30 days the City Manager may terminate negotiations and follow the direction reflected in the Staff recommendations in the June 12, 2017 Supplemental Memorandum, including a revised RFP. (4) Proposals relating to the City's authorization of signage to generate revenues shall be referred to the sign code update process—including the pending consideration of a Downtown Sign District—for the Council to consider in context of a coherent approach to sign regulation that could include a future procurement process.

Including the already agreed upon process of working with labor development organizations and including that minimally accepted terms be accepted.

(7-4. Noes: Diep, Jimenez, Khamis, Rocha.)

### 3.9 Adopt a resolution to:

(a) Amend the City of San José Pay Plan effective June 18, 2017, to create the following classifications:

- (1) Enterprise Information Technology Engineer I/II (8558/8559) with a salary range of \$89,107.20- \$108,388.80 (I) and \$94,411.20- \$115,003.20 (II) annually;
- (2) Enterprise Supervising Technology Analyst (8560) with a salary range of \$103,833.60- \$126,505.60 annually;
- (3) Enterprise Principal Technology Analyst (8561) with a salary range of \$114,275.20- \$139,152.00 annually;
- (4) Assistant Independent Police Auditor U (8022) with a salary range of \$120,739.69- \$188,210.00 annually; and
- (5) Records Specialist (1115) with a salary range of \$62,753.60 - \$76,419.20 annually.

(b) Amend the City of San José Pay Plan effective June 18, 2017, to change the salary range and retitle the following classifications:

- (1) Geographic Information Systems Specialist I/II (1381/1383) (formerly Geographic Systems Specialist I/II) with a salary range of \$56,763.20- \$69,139.20 (I) and \$69,347.20- \$84,489.60 annually; and
  - (6) Director Economic Development U (1999) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (7) Director Employee Relations U (1430) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (8) Director Environmental Services U (1696) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (9) Director Finance U (1258) with a salary range of \$148,677.23- \$232,379.00
  - (10) Director Housing U (3989) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (11) Director Human Resources U (1429) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (12) Director Information Technology U (1375) with a salary range of \$148,677.23- \$232,379.00 annually;
- (b) (2) Senior Geographic Information Systems Specialist (1385) (formerly Senior Geographic Systems Specialist) with a salary range of \$76,252.80- \$92,934.40.

3.9 (Cont'd.)

- (c) Amend the City of San José Pay Plan effective June 18, 2017, to change the salary range for the following classifications:
- (1) Enterprise Technology Manager (1373) with a salary range of \$119,620.80- \$146,411.20 annually;
  - (2) Budget Director U (1656) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (3) City Librarian U (6245) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (4) Director Aviation U (3546) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (5) Director City Manager's Office U (1701) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (6) Director Economic Development U (1999) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (7) Director Employee Relations U (1430) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (8) Director Environmental Services U (1696) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (9) Director Finance U (1258) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (10) Director Housing U (3989) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (11) Director Human Resources U (1429) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (12) Director Information Technology U (1375) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (13) Director of Transportation U (3199) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (14) Director Parks, Recreation, and Neighborhood Services U (3996) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (15) Director Planning, Building, and Code Enforcement U (4154) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (16) Director Public Works U (3867) with a salary range of \$148,677.23- \$232,379.00 annually;
  - (17) Director of Communication U (1671) with a salary range of \$135,404.46- \$211,325.00 annually;
  - (18) Assistant Director U (8048) with a salary range of \$129,969.69- \$202,591.00 annually;
  - (19) Assistant Director of Economic Development U (1998) with a salary range of \$129,969.69- \$202,591.00 annually;
  - (20) Deputy Director U (1640) with a salary range of \$113,488.73- \$176,781.00 annually;
  - (21) Division Manager (8074) with a salary range of \$100,215.02- \$153,065.00 annually;
  - (22) Chief of Police U (2227) with a salary range of \$168,815.16- \$263,860.00 annually;

**3.9 Cont'd.)**

- (23) Assistant Police Chief U (2225) with a salary range of \$148,418.99-\$231,351.00 annually;
  - (24) Fire Chief U (2334) with a salary range of \$148,677.23 - \$232,379.00 annually;
  - (25) Assistant Fire Chief U (2333) with a salary range of \$129,962.00-\$202,591.00 annually;
  - (26) Assistant City Attorney U (2154) with a salary range of \$186,946.49-\$265,225.00 annually;
  - (27) Chief Trial Attorney U (2155) with a salary range of \$186,946.49-\$265,225.00 annually;
  - (28) Chief Deputy City Attorney U (2138) with a salary range of \$153,435.85- \$232,379.00 annually; and
  - (29) Assistant City Clerk U (1613) with a salary range of \$101,976.74-\$141,157.00 annually.
- (d) Amend the City of San José Pay Plan effective June 18, 2017, to change the title of the following classification:
- (1) Digital Media Technician (3731) (formerly Darkroom Technician).
- (e) Amend the City of San José Pay Plan effective June 18, 2017, to delete the following classifications:
- (1) Assistant to the City Manager-IR (1664); and
  - (2) Capital Projects Program Coordinator (3433).
- (f) Approve a 4.0% ongoing non-pensionable retention premium pay for the Assistant Police Chief U (2225), effective June 18, 2017.

**CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code, Title 3. (Human Resources)**

Documents Filed: (1) Memorandum from Director of Human Resources, Joe Angelo, dated May 26, 2017, recommending adoption of a resolution. (2) Supplemental memorandum from Deputy City Manager, David Sykes, dated June 1, 2017, asking that discussion and action be deferred from June 6, 2017 to June 13, 2017.

Public Comments: Offering comments and suggestions regarding the compensation study were: Yvonne Cabral (Network Engineers); Jon Max Reger (OE3), and Rachel Rosenberg.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, Resolution No. 78211, entitled: "A Resolution of the Council of the City of San José Amending the City of San José Pay Plan for Various Job Classifications", was adopted. (11-0.)

- 3.10 As recommended by the Rules and Open Government Committee on June 7, 2017, join the League of California Cities, Crime Victims United of California, and numerous law enforcement agencies and professional organizations in taking a position of support for AB 1408 (Calderon). CEQA: Not a Project; PP10-068, General Procedure & Policy Making. (Khamis)**

Action: Deferred to June 20, 2017 per Council action.

## COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 As recommended by the Community and Economic Development Committee on April 24, 2017, accept report and adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the Team San José contract to revise its performance measures, enhance its reporting requirements, and revise the incentive fee contract model to a management fee model in accordance with the recommendations outlined in the memorandum to Council. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports; and File No. PP10-066, Agreements & Contracts. (Economic Development)  
[Community and Economic Development Committee referral 4/24/17 – Item (d)(3)]  
(Deferred from 5/16/17 – Item 4.3)

Action: Dropped per Administration.

- 4.2 Adopt a resolution authorizing the Director of Housing to:
- (a) Negotiate and execute an Exclusive Negotiation Agreement between the City and Satellite Affordable Housing Associates (“SAHA”) for potential development of the City-owned property located at 226 Balbach Avenue for a future affordable housing development; and
  - (b) Negotiate and execute documents for a predevelopment loan between the City and SAHA in an amount not to exceed \$200,000.
- CEQA: Determination of Consistency with Downtown Strategy 2000 EIR, Resolution No. 72767. Council District 3. (Housing)

Documents Filed: (1) Memorandum from Director of Housing Jacky Morales-Ferrand, dated May 22, 2017, recommending adoption of a resolution. (2) Letter from Lisa Mallette, City Lights Theater Company, dated June 10, 2017, urging support to the staff recommendations.

Director of Housing Jacky Morales-Ferrand responded to questions from Council.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, Resolution No. 78212, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Negotiate and Execute an Exclusive Negotiation Agreement and a Predevelopment Loan for the Property at 226 Balbach Avenue”, was adopted. (11-0.)

- 4.3 Adopt a resolution authorizing the Director of Housing to:
- (a) Negotiate and execute an Exclusive Negotiation Agreement between the City and Eden Housing, Inc. (“Eden”), for potential development of the City-owned property located at 5647 Gallup Drive and 1171 Mesa Drive with an affordable housing development; and
  - (b) Negotiate and execute documents for a predevelopment loan to Eden in an amount not to exceed \$200,000.
- CEQA: Exempt, File No. PP16-007, CEQA Guidelines Section 15332, In-Fill Development Projects. Council District 10. (Housing)

#### 4.3 (Cont'd.)

Documents Filed: (1) Memorandum from Councilmember Johnny Khamis, dated June 7, 2017, recommending approval of staff recommendations with additional direction. (2) Replacement memorandum from Deputy City Manager/Director of Economic Development Kim Welsh, dated May 8, 2017, recommending revisions to Team San José Performance Measures. (3) Memorandum from Director of Housing Jacky Morales-Ferrand, dated May 22, 2017, recommending adoption of a resolution.

Public Comments: Susie Criscimagna, representing the developer, Eden Housing thanked Council for their consideration. Aubra Levine (Satellite Affordable Housing Associates) and Alex Shoar advocated for the project.

Motion: Councilmember Johnny Khamis moved approval of his memorandum dated June 7, 2017. Councilmember Sergio Jimenez seconded the motion.

Action: On a call for the question, and carried unanimously, Resolution No. 78213, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Housing to Negotiate and Execute an Exclusive Negotiation Agreement and Predevelopment Loan for the Properties Located at 5647 Gallup Drive and 1171 Mesa Drive", was adopted. (11-0.)

#### 4.4 Conduct a Public Hearing and adopt a resolution:

- (a) **Directing the Director of Public Works to temporarily close a sidewalk easement at 1561 and 1564 Rosecrest Terrace to all bicycle and pedestrian traffic by locking an existing fence and gate across the sidewalk for a period of no more than six months; and**
- (b) **Directing the Director of Public Works to restore public access to the Easement by removing the gate after the expiration of the six-month period, unless the Council has vacated the Easement prior to the end of the temporary closure.**

**CEQA: Exempt, File No. PP16-126, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 6. (Public Works)**

Documents Filed: (1) Memorandum from Director of Public Works Barry Ng, dated May 22, 2017, recommending conducting a public hearing and adoption of a resolution. (2) Email correspondence from 77 members of the public supporting vacation of an easement and addressing safety concerns.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Offering support to the vacation of an easement and offering support to staffs' recommendations, were: Andrew Poupart, Michele Free, Diane Doolittle, Armando Lopez, Mimi Lee, Colin Lee, Janet Akin and Malcolm Thompson, Karen Wierema, Colleen Pizarev, Michael Grusisich, Xochitl Foldenauer, Bill Moore, Dirk Wierema, Elizabeth Luna, Mark Purdy, Angie Lopez, Stacy Galasso and Lori Sweat. Expressing disagreement with the easement were Greg Ripa and Kelly Snider.

#### 4.4 (Cont'd.)

Mayor Sam Liccardo closed the public hearing.

Director of Public Works Barry Ng and Public Works Deputy Director Mike Liw provided a brief presentation and responded to questions.

Motion: Councilmember Dev Davis moved approval of staff recommendations. Councilmember Chappie Jones seconded the motion.

Councilmember Sergio Jimenez expressed that this may be setting a precedent whereby we are not in keeping with the General Plan.

Police Captain Troy addressed Council and suggested a pilot program.

Action: On a call for the question, the motion carried, and Resolution No. 78214, entitled: "A Resolution of the Council of the City of San José Directing the Director of Public Works to Temporarily Close a Sidewalk Easement at 1561 and 1564 Rosecrest Terrace", was adopted. (9-2. Noes: Arenas, Jimenez.)

#### NEIGHBORHOOD SERVICES

- 5.1 (a) **Adopt a resolution approving the Mitigated Negative Declaration for the Guadalupe River Trail Master Plan for which an Initial Study was prepared in accordance with the California Environmental Quality Act, as amended, and adopt a related Mitigation and Monitoring and Reporting Program; and**
- (b) **Approve the Guadalupe River Trail Master Plan to guide future development from Virginia Street to Chynoweth Avenue.**

**CEQA: Mitigated Negative Declaration for the Guadalupe River Trail Master Plan, File No. PP17-027. Council Districts 3, 6 & 9. (Parks, Recreation and Neighborhoods Services)**

Action: Deferred to June 20, 2017 per Administration.



The Meeting of the City Council was recessed at 3:26 p.m., and the Successor Agency to the Redevelopment Agency of the City of San José was convened.

## REDEVELOPMENT – SUCCESSOR AGENCY

*Heard after Item 3.5.*

### 9.1 Successor Agency Board adopt resolutions approving:

- (a) The Administrative Budget for July 1, 2017 through June 30, 2018; and
- (b) The Recognized Obligation Payment Schedule 17-18 and authorizing payment of expenditures for items on ROPS 17-18, which details the obligations of the Successor Agency for the period of July 1, 2017 through June 30, 2018.

**CEQA: Not a Project, File No. PP10-066(e), Agreements and Contract, Services that involve no physical changes to the environment. (Successor Agency)**

Documents Filed: Joint memorandum from Director of Finance Julia H. Cooper and Successor Agency Managing Director Richard A. Keit, dated June 1, 2017, recommending approval of the Administrative Budget and ROPS 17-18.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Johnny Khamis and carried unanimously, Successor Agency Resolution No. 7063, entitled: “A Resolution of the Successor Agency of the City of San José Approving the Administrative Budget for July 1, 2017 through June 30, 2018”; and Successor Agency Resolution No. 7064, entitled: “A Resolution of the Successor Agency of the City of San José Approving the Recognized Obligation Payment Schedule 17-18 and authorizing payment of expenditures for items on ROPS 17-18, which details the obligations of the Successor Agency for the period of July 1, 2017 through June 30, 2018”, were adopted. (11-0.)

### 9.2 (a) City Council adopt a resolution:

- (1) Authorizing the City Manager or his designee to transfer City owned property located on Bassett Street (Assessor Parcel Number 259-51-008) from the City of San José to the Successor Agency to the Redevelopment Agency of the City of San José, as part of parcel consolidation for the 135-unit Stand Alone Affordable Housing Project (“Affordable Project”) that the Successor Agency will, in turn, transfer the consolidated parcel to First Community Housing to develop the Affordable Project;
- (2) Authorizing the City Manager or his designee to accept certain properties for public use and to transfer certain other properties, all as part of the North San Pedro Housing Project and Infill and Infrastructure Housing Project; and
- (3) Allowing an exception to the City’s Policy for the Issuance of Multifamily Housing Revenue Bonds (“Bonds Policy”) to permit the California Housing Finance Agency (“CalHFA”) to issue private-activity bonds for the Affordable Project.

**The Meeting of the City Council was recessed at 3:26 p.m., and the Successor Agency to the Redevelopment Agency of the City of San José was convened.**

## **REDEVELOPMENT – SUCCESSOR AGENCY**

*Heard after Item 3.5.*

### **9.1 Successor Agency Board adopt resolutions approving:**

- (a) The Administrative Budget for July 1, 2017 through June 30, 2018; and**
- (b) The Recognized Obligation Payment Schedule 17-18 and authorizing payment of expenditures for items on ROPS 17-18, which details the obligations of the Successor Agency for the period of July 1, 2017 through June 30, 2018.**

**CEQA: Not a Project, File No. PP10-066(e), Agreements and Contract, Services that involve no physical changes to the environment. (Successor Agency)**

Documents Filed: Joint memorandum from Director of Finance Julia H. Cooper and Successor Agency Managing Director Richard A. Keit, dated June 1, 2017, recommending approval of the Administrative Budget and ROPS 17-18.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Johnny Khamis and carried unanimously, Successor Agency Resolution No. 7063, entitled: “A Resolution of the Successor Agency of the City of San José Approving the Administrative Budget for July 1, 2017 through June 30, 2018”; and Successor Agency Resolution No. 7064, entitled: “A Resolution of the Successor Agency of the City of San José Approving the Recognized Obligation Payment Schedule 17-18 and authorizing payment of expenditures for items on ROPS 17-18, which details the obligations of the Successor Agency for the period of July 1, 2017 through June 30, 2018”, were adopted. (11-0.)

### **9.2 (a) City Council adopt a resolution:**

- (1) Authorizing the City Manager or his designee to transfer City owned property located on Bassett Street (Assessor Parcel Number 259-51-008) from the City of San José to the Successor Agency to the Redevelopment Agency of the City of San José, as part of parcel consolidation for the 135-unit Stand Alone Affordable Housing Project (“Affordable Project”) that the Successor Agency will, in turn, transfer the consolidated parcel to First Community Housing to develop the Affordable Project;**
- (2) Authorizing the City Manager or his designee to accept certain properties for public use and to transfer certain other properties, all as part of the North San Pedro Housing Project and Infill and Infrastructure Housing Project; and**
- (3) Allowing an exception to the City’s Policy for the Issuance of Multifamily Housing Revenue Bonds (“Bonds Policy”) to permit the California Housing Finance Agency (“CalHFA”) to issue private-activity bonds for the Affordable Project.**

9.2 (Cont'd.)

- (b) **Successor Agency Board adopt a resolution:**
- (1) **Approving a Third Amendment to the Amended and Restated Off-Site Improvement and Disbursement Agreement (“Improvement Agreement”) among the Successor Agency, North San Pedro Townhomes LLC, San Pedro Life 1 LLC, and First Community Housing (“FCH”), the Affordable Housing Developer for the Project, to amend the Improvement Agreement to add FCH’s right to use up to \$1,058,467 of State Prop 1C Infill and Infrastructure Grant Funds towards construction of the North San Pedro Affordable Housing Project;**
  - (2) **Providing the Executive Officer or Managing Director the authority to execute other documents as may be necessary to effectuate and finalize the Successor Agency obligations related to the North San Pedro Affordable Housing Project; and**
  - (3) **Authorizing the Successor Agency to pursue a Quiet Title action to obtain fee title to certain real property located at the terminus of Terraine Street north of Bassett Street in conjunction with the vacation of a public right-of-way by the City.**

**CEQA: Determination of Consistency to the Brandenburg Mixed-Use Project/North San Pedro Housing Sites Final Environmental Impact Report and Addenda thereto, File Nos. CP11-034, H12-020, and PP16-056. (Successor Agency)**

Documents Filed: Joint memorandum from Successor Agency Managing Director Richard A. Keit and Director of Housing Jacky Morales-Ferrand, dated June 1, 2017, recommending adoption of resolutions.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Johnny Khamis and carried unanimously, Successor Agency Resolution No. 7065, entitled: “A Resolution of the Successor Agency of the City of San José (1) Approving a Third Amendment to the Amended and Restated Off-Site Improvement and Disbursement Agreement (“Improvement Agreement”) among the Successor Agency, North San Pedro Townhomes LLC, San Pedro Life 1 LLC, and First Community Housing (“FCH”), the Affordable Housing Developer for the Project, to amend the Improvement Agreement to add FCH’s right to use up to \$1,058,467 of State Prop 1C Infill and Infrastructure Grant Funds towards construction of the North San Pedro Affordable Housing Project;(2) Providing the Executive Officer or Managing Director the authority to execute other documents as may be necessary to effectuate and finalize the Successor Agency obligations related to the North San Pedro Affordable Housing Project; and (3) Authorizing the Successor Agency to pursue a Quiet Title action to Obtain Fee Title To Certain Real Property Located at the Terminus of Terraine Street North of Bassett Street in conjunction with the vacation of a public right-of-way by the City”; and Resolution No. 78215, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or His Designee to Transfer City Owned Property located on Bassett Street (Assessor Parcel Number 259-51-008) from the City of San José to the Successor Agency to the Redevelopment Agency of the City of San José, as part of parcel consolidation for the 135

## 9.2 (Cont'd.)

unit Stand Alone Affordable Housing Project (“Affordable Project”) that the Successor Agency will, in turn, transfer the consolidated parcel to First Community Housing to develop the Affordable Project; (2) Authorizing the City Manager or his designee to accept certain properties for public use and to transfer certain other properties, all as part of the North San Pedro Housing Project and Infill and Infrastructure Housing Project; and (3) Allowing an exception to the City’s Policy for the Issuance of Multifamily Housing Revenue Bonds (“Bonds Policy”) to permit the California Housing Finance Agency (“CalHFA”) to issue private-activity bonds for the Affordable Project”, were adopted. (11-0.)

**The meeting of the Successor Agency to the Redevelopment Agency of the City of San José was adjourned at 3:30 p.m., and the meeting of the City Council was reconvened.**

## LAND USE

### 10.1 Public Hearings on Consent Calendar.

- (a) **Continue General Plan Hearing from May 16, 2017.**
- (b) **General Plan Text Amendment: Urban Village Commercial.**  
**Approval of a Director Initiated General Plan Text Amendment to add a new land use designation entitled “Urban Village Commercial” located within Urban Villages. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution 77617). Planning Commission recommends approval (5-0-2, Abelite and Pham absent).**  
**GPT17-001 – Citywide**

Documents Filed: (1) Memorandum from Planning Commission Secretary, Harry Freitas, dated May 22, 2017, transmitting the Planning Commission recommendations. (2) Proof of Publication of Notice of Public Hearing, executed on April 21, 2017, submitted by the City Clerk.

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

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 78216, entitled: “A Resolution of the Council of the City of San José Amending the Envision San Jose 2040 General Plan Pursuant to Title 18 Of The San Jose Municipal Code to Create the “Urban Village Commercial” Land Use Designation”, was adopted. (11-0.)

- 10.1 (c) **Consideration of an ordinance of the City of San José rezoning a 0.21 gross acre site, located at the north side of Lorraine Avenue, approximately 50 feet easterly of Bird Avenue from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District (Carl J. and Yun Cai Sugg, Owners). CEQA: Determination of Consistency with the Final Program EIR for the Diridon Station Area Plan (Resolution No. 77096), the Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution 77617). Planning Commission recommends approval (5-0-2, Abelite and Pham absent).  
C17-007 – Council District 3**

Documents Filed: (1) Memorandum from Planning Commission Secretary, Harry Freitas, dated May 22, 2017, transmitting the Planning Commission recommendations. (2) Proof of Publication of Notice of Public Hearing, executed on April 21, 2017, submitted by the City Clerk.

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

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Tam Nguyen and carried unanimously Ordinance No. 29951, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.2 Acre, Situated Approximately 50 Feet East of Bird Avenue on the North Side of Lorraine Avenue (0 Lorraine Avenue And 543 Lorraine Avenue), from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District”, was passed for publication. (11-0.)

- (d) **Consideration of an ordinance of the City of San José rezoning an 8.79 gross acre site (Presentation High School), located on the East side of Booksin Avenue, approximately 550 feet southerly of Curtner Avenue (2281 Plummer Avenue) from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District (Presentation High School SJ, Owner). CEQA: Determination of Consistency with Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617). Planning Commission recommends approval (5-0-2, Abelite and Pham absent).  
C17-016 – Council District 6**

Action: Deferred to June 27, 2017 per Applicant.

- (e) **Continue General Plan Hearing to June 27, 2017.**

**END OF CONSENT CALENDAR**

- 10.2 (a) **Adopt a resolution certifying the 350 S. Winchester Mixed-Use Project (Volar) Environmental Impact Report, making certain findings concerning significant impacts, mitigation measures, and alternatives, and adopting a statement of overriding consideration for construction noise and adopting a mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act of 1970, as amended.**

Documents Filed: (1) Joint memorandum from Councilmember Dev Davis and Councilmember Chappie Jones, dated June 9, 2017, offering support to staff recommendations with modifications. (2) Memorandum from Planning Commission Secretary Harry Freitas, dated May 26, 2017, transmitting the Planning Commission recommendation. (3) Proof of Publication of Notice of Public Hearing, executed on May 12, 2017, submitted by the City Clerk. (4) Letter from Change.Org United Communities for Sensible Development (UC4SD) dated June 13, 2017, asking for approval of the Volar project and providing 430 signatures of support. (5) Two email from Randy Shingai, dated June 13 and 14, 2017, indicating shortcomings of the Volar project. (6) Letter from Bill Guthrie, UA Local Union 393, dated June 13, 2017, offering concerns and objections. (7) Comments from Kirk Vartan, dated June 12, 2017, offering support to the plan. (8) Letter from Andrew Crabtree, Director of Community Development, City of Santa Clara, dated June 13, 2017 recommending deferral of action on this project.

Director of Planning, Building and Code Enforcement Harry Freitas offered an introduction, and Deputy Director of Planning, Building and Code Enforcement Steve McHarris provided a presentation.

Mayor Sam Liccardo opened the public hearing.

Public Comment: Erik Schoennauer, representing the applicant, and the applicant, Sal Caruso, spoke to merits of the project. Expressing support to the Volar project, were: Alex Shoor and Kirk Vartan, Catalyze SV; Neal Schwartz, Coldwell Banker; Lia Zavodivker, Marissa Seto, David Seto, Greg Jorgensen, Erin Badillo, Kelly Snider, Judy Jorgensen, Norm Barnes. Expressing objections, citing traffic, size and scale of the project and other concerns, were: Daphne Woolfe, Winchester Orchard Neighborhood Association; Ron Canario, Aseem Vaid, Randy Shingai, Steven Scharr, David Bini (IBEW & MEPS), and Alex Caraballo (IBEW). Blair Beekman noted that this will set a precedent.

Mayor Sam Liccardo closed the public hearing.

Interim Director, Planning, Building and Code Enforcement, Rosalynn Hughey provided a presentation.

Motion: Councilmember Dev Davis moved approval of the staffs' recommendations, including modifications as outlined in the memorandum she coauthored with Councilmember Chappie Jones, dated June 9, 2017. Councilmember Chappie Jones seconded the motion.

Council discussion followed.

## 10.2 (Cont'd.)

Action: On a call for the question, the motion carried, and Resolution No. 78221, entitled: "A Resolution of the Council of the City of San José Authorizing Certifying The 350 S. Winchester Mixed-Use Project (Volar) Environmental Impact Report (SCH #2016052020) And Making Certain Findings Concerning Significant Impacts, Mitigation Measures, Alternatives, AND ADOPTING A Statement of Overriding Considerations and Mitigation Monitoring And Reporting Program, all in Accordance with the California Environmental Quality Act, as Amended", was adopted, including the joint memorandum from Councilmember Dev Davis and Councilmember Chappie Jones, dated June 9, 2017, to support the Planning staff recommendations as outlined in their June 5, 2017 memo to Council to certify the final EIR and approve the rezoning, the PD permit, and the tentative map with the following modifications: (1) Developer has agreed to also fund, design, and build a wayfinding art project at the ground level, directing people to the publicly accessible open space on the rooftop as an additional community benefit. (2) Add the following requirements to the Transportation Demand Management program already required as a condition of approval:

- a. Free "Last Mile" Shuttles to local train systems
- b. Carpool Matching Program utilizing zip code matching
- c. Centrally-Located Kiosks with transit schedules, bike and transit maps, and other commute alternative information
- d. Secured Bicycle Lockers or Storage
- e. Onsite amenities which allow employees to complete errands without a car (e.g., bicycle repair, dry cleaning, etc.)

Also including a commitment by the developer to pay fees imposed as the result of the creation of an urban village financing plan for this urban village.

(9-2. Noes: Carrasco, Liccardo.)

- (b) Consideration of an ordinance of the City of San José rezoning real property located on a 0.89 gross acre site, located at 350 South Winchester Boulevard from the CG Commercial General Zoning District to the CG(PD) Planned Development Zoning District (Winchester Plaza on the Row, LLC, Owner).**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones and carried, Ordinance No. 29952, entitled "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.89 Gross Acre Situated on the East Side of South Winchester Boulevard, Approximately 590 Feet South of Stevens Creek Boulevard (350 South Winchester Boulevard) from the CG Commercial General Zoning District to the CG (PD) Planned Development Zoning District", was passed for publication.

(9-2. Noes: Carrasco, Liccardo.)

10.2 (Cont'd.)

- (c) **Adopt a resolution approving a Vesting Tentative Map, subject to conditions, to subdivide one parcel into 307 residential units and 10 commercial condominium units approximately 52,167 square feet of commercial and office uses, and four levels of below grade parking.**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones and carried, Resolution No. 78217, entitled: "A Resolution of the Council of the City of San José Approving A Vesting Tentative Map, Subject to Conditions, to Subdivide One Parcel Into 307 Residential Condominium Units and 10 Commercial Condominium Units on a 0.89 Gross Acre Site, Located on the East Side of South Winchester Boulevard, Approximately 590 Feet South of Stevens Creek Boulevard (350 South Winchester Boulevard)", was adopted.  
(9-2. Noes: Carrasco, Liccardo.)

- (d) **Adopt a resolution approving a Planned Development Permit, subject to conditions, to demolish an existing building and remove four ordinance-sized trees for the construction of an 18-story (maximum 185 feet tall with 15 feet of architectural projections) mixed-use building. Planning Commission recommends approval (7-0-0).**

**CEQA: 350 S. Winchester Mixed-Use ("Volar") Project Environmental Impact Report. PDC15-065, PD15-059 and PT15-069 – Council District 6**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones and carried, Resolution No. 78218, entitled: "A Resolution of the Council of the City of San José Approving A Planned Development Permit, Subject To Conditions, To Allow The Demolition Of The Existing 26,850 Square Foot, Two-Story Commercial Building, To Remove Four Ordinance-Sized Trees, To Allow the Construction of an 18-Story (Maximum 185 Feet Building, 15 Feet Of Architectural Projections, FOR a Maximum Total of 200 Feet) Mixed-Use Building, With Up To 307 Residential Units, 10 Commercial Condominium Units, 52,167 Square Feet Of Commercial And Office Uses, AND Four Levels Of Below Grade Parking Located on a 0.89 Gross Acre Site on the East Side of South Winchester Boulevard, Approximately 590 Feet South Of Stevens Creek Boulevard (350 South Winchester Boulevard)", was adopted.  
(9-2. Noes: Carrasco, Liccardo.)

- 10.3 (a) **Adopt a resolution certifying the Addendum to the Downtown College Preparatory Relocation Project Mitigated Negative Declaration, making certain findings and adopting a mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act of 1970, as amended.**
- (b) **Consideration of an ordinance of the City of San José rezoning real property on a 3.4 gross acre site, located on the south east corner of Monterey Highway and East Alma Avenue (1402 Monterey Highway) from the CIC Combined Industrial/Commercial Zoning District to the CIC(PD) Planned Development Zoning District (San José Unified School District, Owner).**



10.3 (Cont'd.)

- (c) **Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow an increase in student population at Downtown College Preparatory, to create a custom parking requirement for the existing school, to allow a redesign of a previously approved parking lot, to alter the existing driveway locations, and to create outdoor recreation space, and to allow an after school evening academic program until 8:00 p.m. for high school students. Planning Commission recommends approval (6-0-1, Allen abstained).**

**CEQA: Addendum to the Final Initial Study/Mitigated Negative Declaration for the Downtown College Preparatory Relocation Project.**

**PDC16-050 and PD16-035 – Council District 7**

Documents Filed: (1) Memorandum from Planning Commission Secretary, Harry Freitas, dated May 26, 2017, transmitting the Planning Commission recommendations. (2) Proof of Publication of Notice of Public Hearing, executed on May 12, 2017, submitted by the City Clerk.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 78219, entitled: “A Resolution of the Council of the City of San José Adopting the Addendum to the Downtown College Preparatory Relocation Project Initial Study/Mitigated Negative Declaration in Accordance with the California Environmental Quality Act, as Amended, and Adopting a Related Mitigation Monitoring And Reporting Program” and Resolution No. 78220, entitled: “A Resolution of the Council of the City of San José Approving a Planned Development Permit, Subject to Conditions, to Allow an Increase in Student Population, Create a Custom Parking Requirement, Allow an After-School Evening Academic Program Until 8:00 p.m., and Allow a Redesign of a Previously Approved Parking Lot, Driveway Locations, and Outdoor Recreation Space for an Existing School (Downtown College Preparatory) on a 3.4 Gross Acre Site, Located at the Southeast Corner of Monterey Highway and East Alma Avenue (1402 Monterey Highway), were adopted; and Ordinance No. 29953, entitled: “A Ordinance of the Council of the City of San José Rezoning Certain Real Property of Approximately 3.4 Gross Acres Situated on the Southwest Corner of Monterey Highway and East Alma Avenue (1402 Monterey Highway) from the CIC Combined Industrial/Commercial Zoning District to the CIC(PD) Planned Development Zoning District”, was passed for publication. (11-0.)

- 10.4 (a) **Consideration of an ordinance of the City of San José rezoning real property on a 2.4 gross acre site, located at the northeast corner of Cottle Road and Poughkeepsie Road (5550 Cottle Road) from A(PD) to A(PD) on approximately 17.1 gross acre site (Lowes Hiw Inc, Owner).**

(b) **Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow a 3867 square foot fast food restaurant with drive through use in the Lowe's Shopping Center. Planning Commission approved deferral (5-0-2, Bit-Badal and Pham absent).**

10.4 (Cont'd.)

**CEQA: Initial Study/Addendum to the San José Lowe's Final Environmental Impact Report (Resolution No. 73814) and Addenda thereto.  
PDC17-003 & PD17-001 – Council District 2**

Action: Deferred to June 27, 2017 per Administration.


**OPEN FORUM**

Blair Beekman spoke on civil protection issues, transparency and his disappointment over the Council's decision regarding development of 350 S. Winchester Boulevard.

**ADJOURNMENT**

The Council of the City of San José was adjourned at 11:00 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC  
City Clerk

rmk/06-13-17 MIN

• **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>
10354	580 S. 1 <sup>st</sup> Street	3	The Core Companies LLC	1 Lot/ 105 Units	MFA	Approval

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10424	190 W. Julian Street	3	Trumark Services	Construction 6/21	MFA