



# **City Council Meeting**

# **SYNOPSIS**

## **Tuesday, October 24, 2017**

SAM LICCARDO, MAYOR

CHAPPIE JONES, DISTRICT 1

SERGIO JIMENEZ, DISTRICT 2

RAUL PERALEZ, DISTRICT 3

LAN DIEP, DISTRICT 4

MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5

DEV DAVIS, DISTRICT 6

TAM NGUYEN, DISTRICT 7

SYLVIA ARENAS, DISTRICT 8

DONALD ROCHA, DISTRICT 9

JOHNNY KHAMIS, DISTRICT 10

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.

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

#### 17-289 Closed Session Agenda

- Call to Order and Roll Call

**9:35 a.m.** - Closed Session, Call to Order in Council Chambers  
**Absent: Liccardo. (Excused)**

**1:32 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Councilmembers: All Present.**

**6:22 p.m.** - Public Hearings, Council Chambers, City Hall  
**Absent Councilmembers: All Present.**

- Invocation (District 9)  
City of San José Animal Care & Services Division representatives brought adoptable dogs and kittens and highlighted the good work of the shelter in honor of Adopt a Shelter Pet Month.
- Pledge of Allegiance  
Mayor Sam Liccardo, accompanied by students from Rosemary Elementary School, led the Pledge of Allegiance.
- Orders of the Day - *Heard after Ceremonial Items*  
The Orders of the Day and the Amended Agenda were approved, with Item 4.1 deferred one week at the request of the Applicant.

- Closed Session Report – None provided.

## **1. CEREMONIAL ITEMS**

- 1.1 17-150** Presentation of a commendation to the Fire Department Communications Center. (Peralez)  
**Mayor Sam Liccardo and Councilmember Raul Peralez presented a commendation to the Fire Department Communications Center for renewal of their status as an Emergency Medical Dispatch Accredited Center of Excellence.**
- 1.2 17-173** Presentation of a commendation to the Tai Ji Men Qigong Academy. (Rocha)  
**Mayor Sam Liccardo and Councilmember Donald Rocha presented a commendation to the Tai Ji Men Qigong Academy for their promotion of love and peace through the ancient traditional qigong martial arts and for their performances that kicked off the 2017 29th Summer Universiade.**
- 1.3 17-187** Presentation of a proclamation declaring City of San José’s participation in the 2017 Combined Giving Campaign. (Planning, Building and Code Enforcement)  
**Mayor Sam Liccardo and City Manager David Sykes, joined by Rosalynn Hughey, Assistant Director, Planning, Building and Code Enforcement, promoted the City of San José’s participation in the 2017 Combined Giving Campaign.**
- 1.4 17-053** Presentation of a commendation to Silicon Valley Shakespeare. (Davis)  
**Silicon Valley Shakespeare was presented with a commendation by Mayor Sam Liccardo and Councilmember Dev Davis for their innovative approach in performing the works of Shakespeare.**  
*Heard in the evening.*
- 1.5 17-164** Presentation of a proclamation declaring October as Filipino American History Month in the City of San José. (Jimenez/Carrasco)  
**Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmember Sergio Jimenez provided a proclamation declaring October as Filipino American History Month in the City of San José.**  
*Heard in the evening.*
- 1.6 17-233** Presentation of a commendation to Ranger Mike Peasland in honor of his work and dedication to the residents of the City of San José. (Carrasco)  
**Mayor Sam Liccardo and Vice Mayor Magdalena Carrasco presented a commendation to Ranger Mike Peasland in honor of his heroic actions and dedication to the residents of the City of San José.**  
*Heard in the evening.*

## **2. CONSENT CALENDAR**

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

None provided.

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

#### **17-234 Final Adoption of Ordinances.**

**Recommendation:** ORDINANCE NO. 30013 - An ordinance of the City of San José adding Part 21 to Chapter 2.08 of Title 2 of the San José Municipal Code to establish the Clean Energy Community Advisory Commission. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Clerk)  
**Adopted.**

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

#### **17-209 Approval of Council Committee Minutes.**

**Recommendation:** (a) Rules and Open Government Committee Minutes. (Mayor)  
(1) August 23, 2017.  
(2) August 30, 2017.  
(3) September 6, 2017.  
(4) September 13, 2017.  
(5) September 20, 2017.  
(b) Ad-Hoc Committee for Development Services Minutes of September 28, 2017. (Khamis)  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.  
**Approved.**

### **2.4 Mayor and Council Excused Absence Requests.**

None provided.

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

**Mayor Sam Liccardo reported on his trip to Paris, France, where he spoke at a conference co-hosted by Bloomberg Philanthropies Atlantic regarding Smart City efforts. It included a gathering of mayors for C40, which focuses on climate change and is engaged in releasing a sustainability plan to comply with the Paris Agreement.**

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

None provided.

**2.7 17-201 Amendment to the Agreement with Price Waterhouse Coopers to Support the Implementation of the Environmental Sustainability Plan.**

**Recommendation:** Approve an Amendment to the Master Consultant Agreement between the City of San José and Price Waterhouse Coopers, Public Sector LLP (PwC) dated December 19, 2016 to increase maximum total compensation from \$250,000 to \$325,000. CEQA: Not a Project, File No. PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

**Approved.**  
**(10-0-0-1. Abstain: Rocha.)**

**2.8 17-168 Semi-Annual Status Report on the Citywide Capital Improvement Program.**

**Recommendation:** Accept the Semi-Annual Status Report on the Citywide Capital Improvement Program. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

**Accepted.**

**2.9 17-194 Amendment to the Agreements with Callander Associates Landscape Architecture, Inc. and PlaceWorks for Landscape Architectural Design Services for various City Facility Projects.**

**Recommendation:** Approve the First Amendments to the Master Agreements with Callander Associates Landscape Architecture Inc. and PlaceWorks extending the duration from December 31, 2017, to December 31, 2019, for a continuation of ongoing consultant design services supporting various City facility projects, at no additional cost to the City. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts resulting in no physical changes to the environment. (Public Works)

**Approved.**

**2.10 17-212 Actions Related to the SJSC Tower Project Located at 43 N. 5th Street.**

**Recommendation:** Adopt a resolution authorizing the City Manager or his designee to:  
(a) Negotiate and execute a Lateral Tie-Back Agreement with SJSC Properties, LLC, and providing consent to the Developer to allow a crane to operate non-live loads over the City's Parking Garage located at 43 N 5th Street in the City of San Jose, County of Santa Clara, State of California; and (b) Negotiate and execute all other documents and take such further actions as are necessary to complete these transactions.

CEQA: Addendum to the Downtown Strategy 2000 EIR, the Envision San Jose 2040 General Plan and the Envision San Jose 2040 General Plan Supplemental EIR, Planning File No. SP17-009. Council District 3. (Economic Development)

**Deferred to 10/31/17 per the City Attorney.**

**2.11 17-272**

**Actions Related to Vice Mayor Carrasco's Travel to Annapolis, Maryland.**

**Recommendation:**

(a) Approve travel by Vice Mayor Carrasco to Annapolis, Maryland on October 31, 2017 to November 3, 2017 for the Sister Cities International Fall Leadership Meeting. Source of Funds: Mayor/Council Travel Budget.

(b) Request for an excused absence for Vice Mayor Carrasco from the Regular Meeting of the City Council on October 31, 2017 and the Rules and Open Government Committee and Committee of the Whole on November 1, 2017.

CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (Carrasco)  
**Approved.**

**2.12 17-274**

**Actions Related to Councilmember Khamis' Travel to Tainan, Taiwan.**

**Recommendation:**

(a) Authorize international travel by Councilmember Khamis to Tainan, Taiwan from October 27, 2017 to November 4, 2017 to lead a delegation, as an official representative of the City of San José, to celebrate the 40th Anniversary of the Sister City relationship between Tainan, Taiwan and the City of San José, with additional meetings with officials from the City of Taipei, Taiwan. Source of Funds: San José - Tainan Sister City Association.

(b) Authorize an excused absence for Councilmember Khamis from the following meetings due to Authorized City Business:

(1) The October 31, 2017 Closed Session and Regular Session meetings of the City Council.

(2) The November 1, 2017 meeting of the Rules and Open Government Committee and Committee of the Whole.

(3) The November 2, 2017 meetings of the Police & Fire Department Retirement Plan Board of Directors and the Smart Cities & Service Improvements Committee.

(4) The November 3, 2017 Special Meeting of the City of San José and the Santa Clara Valley Water District.

(c) Approve the receipt of gifts of air travel, hotel, and meals received in an official capacity as a representative of the City in accordance with San Jose Municipal Code section 12.08.040(c). While the City could reimburse for the meals, they will be provided as a gesture to foster a positive working relationship between the City of San José and its Sister City of Tainan, Taiwan as well as with the City of Taipei, Taiwan.

CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (Khamis)

**Authorized.**

**2.13 17-275 Sponsored International Travel to Tainan, Taiwan for the Sister City 40th Anniversary City Relationship.**

**Recommendation:** Authorize international travel to Tainan and Taipei, Taiwan, for Joseph Hedges, International Affairs Manager, as the City Manager’s designated representative on the Sister City trip to Tainan, from October 30, 2017 to November 4, 2017 and accept the gift of travel from the San Jose Tainan Sister City Association. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (City Manager)  
**Authorized.**

**2.14 17-276 Agreement with United Neighborhoods of Santa Clara County for Funding of BeautifySJ Grants Program.**

**Recommendation:** Approve an Agreement with United Neighborhoods of Santa Clara County to administer the funding of BeautifySJ Grants as a fiscal agent from the time of execution until December 31, 2018 in an amount not to exceed \$300,000. CEQA: Exempt, File No. PP17-039, CEQA Guidelines Section 15301, Existing Facilities. (Parks, Recreation and Neighborhood Services)  
**Approved.**

**2.15 17-277 PATH San José Fundraiser.**

**Recommendation:** As recommended by the Rules and Open Government Committee on October 18, 2017:  
(a) Approve the PATH San José Fundraiser scheduled on October 25, 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. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Peralez)  
[Rules Committee referral 10/18/17 - Item G.1.a.]  
**Approved.**

**2.16 17-278 District 6 Office Grant for District 6 School.**

**Recommendation:** As recommended by the Rules and Open Government Committee on October 18, 2017, approve a \$5,000 grant to support the Herbert Hoover Middle School Parent Teacher Staff Association for their school beautification project, “The Quad Makeover,” which will be used by all 1,100 students. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Davis)  
**Approved.**

### **3. STRATEGIC SUPPORT**

**3.1 Report of the City Manager, David Sykes (Verbal Report)**  
None provided.

**3.2 Labor Negotiations Update. *Accept Labor Negotiations Update.***  
None provided.

**3.3 17-098 CWA/PLA Task Force Committee Recommendations.**

**Recommendation:** (a) Accept the Community Workforce Agreement/Project Labor Agreement (CWA/PLA) Task Force Report;  
(b) Provide further direction to City staff.  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Public Works)

**Staff was directed to negotiate with the labor unions around terms as outlined in Mayor Sam Liccardo’s memorandum dated October 23, 2017, with modifications as noted. Recommendations were approved as outlined in the Community Workforce Agreement (CWA)/Project Labor Agreement (PLA) Task Force memorandum, dated September 22, 2017, and the supplemental memorandums dated October 12, 2017 and October 20, 2017 with the following changes:**

**A. Allow the first ~~sixty (60)~~ *thirty-five (35)* workers employed by non-signatory Contractor/Employer to come from its own core workforce, prior to the imposition of any requirement to hiring workers from the union hall. (a) To minimize risk of malfeasance, staff may consider measures to ensure accurate designation of “core” employees, such as by requiring non-signatory subcontractors to identify their core workforce at the time of bidding. (b) “Core” employees of non-signatory employers shall not be required to pay union dues and fees.**

**B. Permit signatory and non-signatory Contractors/Employers to select and directly hire all supervisors above general foreman.**

**C. A non-signatory Contractor/Employer shall compensate any workers for benefits in excess of the basic hourly wage in accordance with the applicable prevailing wage determination established by the Department of Industrial Relations pursuant to California Labor Code and the City’s Prevailing Wage Policy. Contractor/Employer shall either: (a) Directly compensate the core worker, or (b) Contribute to Contractor/Employer’s sponsored benefit plans on behalf of the worker, or (c) Contribute to the Union’s established employee benefit plan on behalf of the worker.**

**D. Exempt small business employers having a subcontract of \$250,000 or less in value.**

**E. Direct the City Manager to develop metrics for annual reporting that measure the effectiveness of this Program.**

**F. Apply a ~~\$ 10 million~~ *\$ 6 million threshold* for applicability of CWA/ PLA mandates.**

*(Item continued on the next page)*



**3.3 17-098 CWA/PLA Task Force Committee Recommendations (Cont'd.)**

Also including second part of Councilmember Johnny Khamis' memorandum dated October 23, 2017:

Direct staff to gather additional information to be presented by City Staff so that we may better understand the effects of a CWA/PLA policy on projects within San Jose:

1. Estimate the impact on qualified ethnic/minority/woman-owned (disadvantaged) small businesses which participate in our BidSync system from the implementation of a CWA/PLA policy.
  2. For the 396 construction contracts awarded over the past five years identified in the Staff Memorandum, provide a chart of statistics on bids for all projects where bidding was required, to include: (a) Number of qualified bids received for each project; (b) Number of bids that exceeded Engineer's Estimates; (c) Dollar variance and percentage variance of awarded bid, positive or negative, from Engineer's Estimates; (d) Dollar variance and percentage variance of final actual project cost, positive or negative, from Engineer's Estimates included in bid award; (e) Type of contractor to which bid was awarded - union or merit contractor, and whether the contractor was a disadvantaged business; (f) For any merit contractor awarded bids, the total reduction in take-home pay for their employees that would have resulted were they to have had union dues deducted from their paychecks and the total cost of union benefit fund contributions that would have been required for the contractor.
  3. For the pool of all projects identified in the six-month projection of City CIP projects: (a) Provide the dollar impact of a 15% cost increase on the cost of the project (b) Provide an assessment of project impact from a 15% cost increase on project costs (i.e. is the project scope reduced, e.g. miles of road paved reduced by 15%, or, if scope cannot be reduced, where additional monies would be sourced for project completion)
  4. Commission a non-biased study of the economic impacts of implementing a CWA/PLA policy in the City of San Jose, based on an analysis of economic impacts of implementation of CWA/PLA where they have been in place for at least two years.
- (6-5. Noes: Arenas, Carrasco, Jimenez, Peralez, Rocha.)

**3.4 17-211 Amendment of the City's Gift Ordinance.**

**Recommendation:** Approve an ordinance amending Chapter 12.08 of the San José Municipal Code related to the Gift Ordinance to strike the City's exceptions for allowable gifts and incorporate the exceptions for allowable gifts under the Political Reform Act while maintaining a \$50.00 gift limit. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Attorney)

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

**Ordinance No. 30016 passed for publication.**

3.5 17-195

**Terms of an Agreement with the Nine (9) Federated Bargaining Units Regarding the Alternative Pension Reform Framework and Modifications for Employees in Units 99 and 81/82.**

**Recommendation:**

(a) Adopt a resolution approving the terms of an Agreement between the City and nine (9) Federated bargaining units regarding additional amendments to the Alternative Pension Reform Framework Settlement Agreement, including, but not limited to pension cost-sharing, the independent medical review panel, the Voluntary Employees' Beneficiary Association (VEBA) and retiree healthcare, and authorizing the City Manager to execute an Agreement with those terms.

**Resolution No. 78388 adopted. (10-0-0-1. Abstain: Arenas.)**

(b) Approve the modifications for unrepresented employees in Unit 99 and Units 81/82 similar to those in the Agreement except for certain provisions specified in the memorandum to Council. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

**Approved.**

**(10-0-0-1. Abstain: Arenas.)**

3.6 17-196

**Ordinance Implementing Additional Changes from the Alternative Pension Reform Framework Agreement and the Implementation of Measure F.**

**Recommendation:**

Approve an ordinance amending various sections of Chapters 3.28 and 3.58 of Title 3 of the San José Municipal Code to implement additional revisions including but not limited to pension cost-sharing, the independent medical review panel, the Voluntary Employees' Beneficiary Association (VEBA) and retiree healthcare based on the implementation of the Alternative Pension Reform Framework and Measure F for members of the Federated City Employees' Retirement System. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Manager)

**Ordinance No. 30017 passed for publication.**

**(10-0-0-1. Abstain: Arenas.)**

**3.7 17-197 Actions Related to the Agreement with US Digital Design, Inc., for Fire Station Alerting System.**

**Recommendation:** (a) Adopt a resolution authorizing the City Manager to:  
(1) Negotiate and execute an agreement with US Digital Designs, Inc., (Tempe, AZ) to purchase and replace the existing Fire Station Alerting System, including hardware, software, related professional services, support and maintenance, and applicable taxes, under the pricing and terms obtained through the National Purchasing Partners and its Government Division (doing business as NPPGov) cooperative agreement, for an initial five-year term commencing on or about October 24, 2017, and ending on or about April 30, 2024, with a maximum compensation not-to-exceed amount of \$1,282,165, subject to the appropriation of funds; (2) Negotiate and execute amendments and change orders to the Agreement to cover unanticipated changes in requirements, additions, deletions or relocations of fire stations as may be required, or for future enhancements for a not-to-exceed amount of \$120,000, subject to the appropriation of funds; and (3) Execute one-year options to extend the term of the Agreement for ongoing technical support, maintenance, and related professional services as may be required, subject to the appropriation of funds.

**Resolution No. 78389 adopted.**

(b) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes:  
(1) Increase the Fire Station Alert System Appropriation to the Fire Department by \$185,160; and  
(2) Decrease the Unrestricted Ending Funding Balance by \$185,160.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance/Fire/City Manager)

**Ordinance No. 30018 adopted.**

**3.8 17-271 Actions related to Board of Fair Campaign and Political Practices Recommended Revisions to Title 12 and San José City Council Resolution 77879.**

**Recommendation:** (a) Approve an ordinance amending Section 12.06.910 of Chapter 12.06 of Title 12 of the San José Municipal Code to require Independent Committees to complete the “Per Election to Date” column of the Form 460 when reporting contributions and expenditures, and repealing Section 12.06.920, which requires the City Clerk to publish a report before an election with the total amount of contributions and expenditures made by each candidate and candidate controlled committee, and the total independent expenditures made by each independent committee.

**Ordinance No. 30019 passed for publication.**

**3.8 17-271 Actions related to Board of Fair Campaign and Political Practices  
Recommended Revisions to Title 12 and San José City Council Resolution  
77879 (Cont'd.)**

(b) Adopt a resolution amending the regulations and procedures of the San José Ethics Commission to set forth the current investigation and hearing procedures for the San José Board of Fair Campaign and Political Practices, and repealing Council Resolution No. 77879. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (City Clerk)  
**Resolution No. 78390 adopted.**

**4. COMMUNITY & ECONOMIC DEVELOPMENT**

**4.1 17-205 Memorandum of Understanding with Adobe Systems Incorporated for the  
Headquarters Expansion and Pedestrian Bridge Project.**

**Recommendation:** Adopt a resolution authorizing the City Manager to execute a non-binding Memorandum of Understanding with Adobe Systems Incorporated addressing Adobe's contemplated headquarters expansion project and pedestrian bridge. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 3. (Economic Development)  
**Deferred to 10/31/17 per Orders of the Day.**

**4.2 Actions Related to the SJSC Tower Project Located at 43 N. 5th Street. *RENUMBERED***

**4.3 17-198 Extension of the Interim Apartment Rent Ordinance.**

**Recommendation:** Approve an ordinance amending Part 8 of Chapter 17.23 of Title 17 of the San José Municipal Code (Interim Ordinance) to extend the termination date of the Interim Ordinance until after the effective date of an Ordinance amending Chapter 17.23 consistent with Council direction (revised Apartment Rent Ordinance). CEQA: Exempt, File No. PP16-051, CEQA Guidelines Section 15061(b)(3) No potential for causing a significant effect on the environment. (Housing)  
**Ordinance No. 30020 passed for publication.**

4.4 17-199 **Potential Modifications to the Affordable Housing Impact Fee and Inclusionary Housing Programs.**

**Recommendation:** (a) Accept the staff report regarding potential changes to the Affordable Housing Impact Fee and Inclusionary Housing Programs and the impact of AB 1505 on those programs.  
(b) Adopt a resolution that amends Resolution No. 77218 as previously amended by Resolution No. 78010 (collectively, “Housing Impact Fee Resolution”) to revise the definition of “dwelling unit” to clarify the distinguishing characteristics of a unit subject to the Affordable Housing Impact Fee.  
(c) Direct the City Attorney and Housing Department to return with a new ordinance that imposes an inclusionary housing obligation on for-sale and rental projects with three (3) to nineteen (19) homes.  
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.  
(Housing)

**Resolution No. 78392 adopted. Staff recommendation, dated October 10, 2017, only items #1 and #2 accepted, to:**

- 1. Accept the staff report regarding potential changes to the Affordable Housing Impact Fee and Inclusionary Housing Programs and the impact of AB 1505 on those programs.**
- 2. Adopt a resolution that amends Resolution No. 77218 as previously amended by Resolution No. 78010 (collectively, “Housing Impact Fee Resolution”) to revise the definition of “dwelling unit” to clarify the distinguishing characteristics of a unit subject to the Affordable Housing Impact Fee.**

**(7-3-1. Noes: Jones, Khamis, Rocha. Absent: Carrasco.)**

## **5. NEIGHBORHOOD SERVICES**

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

6.1 17-193 **Report on Bids and Award of Contract for the 8463 - Mineta San José International Airport Terminal B South Ramp Reconstruction - Phase 1 Project.**

**Recommendation:** Report on bids and award of contract for the 8463 - Mineta San José International Airport Terminal B South Ramp Reconstruction - Phase 1 Project to the low bidder, Graniterock Company in an amount of \$6,247,416, and approve a ten percent contingency in the amount of \$624,742. CEQA: Determination of Consistency with the Final Environmental Impact Report for the San José International Airport Master Plan Update, as supplemented (Resolution Nos. 67380 and 71451), File No. PP15-129. (Public Works/Airport)  
**Accepted.**

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

### **7.1 17-056 Actions Related to San José Water Company.**

**Recommendation:** (a) Accept staff report responding to questions laid out in Item (a) in the Clerk’s transmittal memo titled “Actions Related to San Jose Water Company” on August 31, 2017.  
(b) Provide direction to staff on options for how the City can take a greater role in advocating to the California Public Utilities Commission on behalf of the City and customers of San Jose Water Company.  
CEQA: Not a Project, PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Environmental Services)  
(Deferred from 9/12/17 - Item 7.2) [Rules Committee referral 8/23/17 - Item G.2.]  
*Heard in the Evening*

**Accepted, including the joint memorandum from Mayor Sam Liccardo, Councilmember Johnny Khamis and Councilmember Donald Rocha, dated October 20, 2017, directing the City Manager as follows:**

- 1) Upon hearing and considering the information provided by Staff, the San José Water Company, and members of the public at this October 24th hearing, Council should determine whether to send a letter on behalf of the City of San Jose to the California Public Utilities Commission (CPUC) in support of the Office of Ratepayer Advocates proposed rates for San Jose Water Company (SJWC) on CPUC Proceeding A1704001 - San Jose Water Company Cost of Capital.**
- 2) Direct the City Manager to pursue the level of involvement staff proposed under Option 1, using existing resources: Monitor all applications to the CPUC that will result in an increase to the cost of water service. Perform a brief analysis and provide a recommendation for response or further action.**
- 3) Through our existing Office of Intergovernmental Relations, direct the City Manager to support state and federal efforts to promote water affordability with a goal of access to safe, clean, and reliable water for all residents.**

**With Staff to provide an update through the Transportation and Environment Committee within six months to one year.**

## **8. PUBLIC SAFETY**

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

## **10. LAND USE**

### **10.1 Land Use on Consent Calendar**

- (a) **17-090** **Conforming Rezoning for the Real Property Located at 524 East Brokaw Road.**

**Recommendation:** Consideration of an ordinance of the City of San José rezoning a 0.72-gross acre site located at 524 East Brokaw Road from HI Heavy Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District (Bedrok, LLC, Owner). CEQA: Determination of Consistency with the Final Program Environmental Impact Report (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 No. 77617) and Addenda thereto. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement) C17-028 - Council District 3

**Ordinance No. 30021 passed for publication.**

- (b) **17-203** **Conforming Rezoning for the Real Property Located at 5952 Silver Creek Valley Road.**

**Recommendation:** Consideration of an ordinance of the City of San José rezoning a 2.18-gross acre site located at 5952 Silver Creek Valley Road from IP Industrial Park Zoning District to CIC Combined Industrial/Commercial Zoning District (Buddy Silvercreek, LLC, Owner). CEQA: Determination of Consistency with the Final Program Environmental Impact Report (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 No. 77617), and Addenda thereto. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement) C17-036 - Council District 2

**Ordinance No. 30022 passed for publication.**

**END OF CONSENT CALENDAR**

10.2      17-094      **Conforming Rezoning, Special Use Permit and Development Exception for Real Property Located at 1657 Alviso-Milpitas Road.**

**Recommendation:** (a) Adopt a resolution (i) approving the Water Supply Assessment and, then, (ii) certifying the 237 Industrial Center Environmental Impact Report 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 to the California Environmental Quality, Act, as amended.

**Resolution No. 78393 adopted.**

(b) Consideration of an ordinance of the City of San José Rezoning an approximately 64.59 gross acre site, located northwest of Highway 237 and McCarthy Boulevard (1657 Alviso-Milpitas Road), from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District (Cilker Carl A And Kathleen C Trustee, Owners).

**Ordinance No. 30023 passed for publication.**

(c) Adopt a resolution approving (i) Special Use Permit No. SP16-053, subject to conditions, to allow the removal of eight ordinance sized and 14 non-ordinance sized trees, and construction of six buildings for a data center use totaling approximately 376,519 square feet with associated site improvements and 14 generators, and (ii) a Development Exception to allow a reduction in off-street parking. CEQA: 237 Industrial Center Environmental Impact Report.

Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

C15-054, SP16-053 & V17-004 - Council District 4

*Deferred from 10/3/17 to 10/24/17 per Administration*

**Resolution No. 78394 adopted.**

**Staff's recommendations were accepted, including direction as outlined in the joint memorandum from Mayor Sam Liccardo and Councilmember Lan Diep, dated October 20, 2017, to: Approve the recommendations outlined in the October 10, 2017 staff report related to Microsoft Corporation's (Microsoft) proposed 237 Industrial Center development at Highway 237 and Zanker Road, with the following modifications and direction to the City Manager, to:**

- 1. Allocate up to \$ 100,000 for appropriate traffic calming improvements in Alviso from the \$350,000 contribution by Microsoft towards land acquisition and design of a water well; and,**
- 2. Provide a status report to Council, by way of an Info Memo prior to the end of the year, outlining the location and construction schedule for the water well to serve the Microsoft development.**

*(Item continued on the next page)*



**10.2 Conforming Rezoning, Special Use Permit and Development Exception for Real Property Located at 1657 Alviso-Milpitas Road (Cont'd.)**

And including the memorandum from Councilmember Sergio Jimenez, dated October 23, 2017, to:

- **Outline a schedule for the completion and development of Iris Chang Park.**
- **Work with the local community and City of San Jose Municipal Water System on a new location in the general North San Jose area for the proposed groundwater well that would not impact the park.**

**10.3 17-192 Planned Development Rezoning and Planned Development Permit for Real Property Located at 1220 Curtiss Avenue.**

**Recommendation:**

Adopt a resolution denying (i) the proposed Planned Development Rezoning from the R-1-8 Single-Family Zoning District to the R-1-8(PD) Planned Development Zoning District, and (ii) Planned Development Permit to allow the demolition of an existing residence and accessory structures for the construction of three single-family detached residences on individual lots, including two flag lots on a 0.42-gross acre site in the R-1-8 Single-Family Residential Zoning District, located on the southeast side of Curtiss Avenue, approximately 650 feet southerly of Willow Street (1220 Curtiss Avenue) (Goldsilverisland Properties LLC, Owner). Planning Commission recommends denial (5-0-2, Bit-Badal and Vora absent). CEQA: Exempt per CEQA Guidelines 15270 for Projects Which Are Disapproved. PDC17-018 & PD17-011 - Council District 6

**Resolution No. 78395 adopted, including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, Councilmember Dev Davis and Councilmember Raul Peralez, dated October 20, 2017 to deny the rezoning and planned development permit application for 1220 Curtiss Avenue.**

**(9-2. Noes: Nguyen, Rocha.)**

**10.4 17-207 Appeal Hearing on Conditional Use Permit and Site Development Permit for the Real Property Located at 3702 South Bascom Avenue.**

**Recommendation:**

(a) Conduct an Administrative Hearing and consider the Permit Appeal of the Planning Commission's approval of the Conditional Use Permit and Site Development Permit to allow the demolition of an existing 1,276-square foot gas station convenience store with incidental service and vehicle repair, and the construction of a new 5,754-square foot convenience store and fully automated car wash, and early morning use for the gas station and convenience store only (one hour extension between 5:00 a.m. and 6:00 a.m.), a temporary use trailer, and an exceedance of the Zoning Ordinance noise performance standards by two decibels.

**Public hearing held.**

*(Item continued on the next page)*

**10.4 Appeal Hearing on Conditional Use Permit and Site Development Permit for the Real Property Located at 3702 South Bascom Avenue (Cont'd.)**

(b) Adopt a resolution denying the permit appeal and approving the Conditional Use Permit and Site Development Permit, subject to Conditions, to allow the demolition of an existing 1,276-square foot gas station convenience store with incidental service and vehicle repair, and the construction of a new 5,754-square foot convenience store and fully automated car wash, and early morning use for the gas station and convenience store only (one hour extension between 5:00 a.m. and 6:00 a.m.), a temporary use trailer, and an exceedance of the Zoning Ordinance noise performance standards by two decibels on an approximately on a 0.81-gross acre site located at 3702 South Bascom Avenue (southeast corner of South Bascom Avenue and Woodard Road).

CEQA: Exempt per CEQA Guidelines Section 15302 for Replacement or Reconstruction and 15332 for Infill Development Projects. Planning Commission approved the Conditional Use Permit and Site Development Permit (4-3-0; Phan, Bit-Badal opposed). (Planning, Building and Code Enforcement)

CP16-035 - Council District 9

**Deferred to 11/28/17 per Council.**

- **Open Forum**

**Steve Bennette spoke regarding the fire danger posed by 50 acres of dry brush in his neighborhood. He urged the need for fire prevention to be in the hands of trained personnel.**

- **Adjournment**

**Mayor Sam Liccardo adjourned the meeting of the San José City Council at 11:58 p.m.**

**17-287 Notice of City Engineer's Pending Decision on Final Maps**

**Recommendation:** 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:

Tract-10429, Location - 3581 Bournemouth Dr., District 9, Developer - Castro Valley Edenbridge, Lots/Units-5/5, Type-SFD, Proposed Decision - Approval