



# **City Council Meeting**

# **SYNOPSIS**

**Tuesday, November 14, 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

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

- Call to Order and Roll Call

**9:32 a.m.-** Closed Session, Call to Order in Council Chambers  
**Absent Councilmembers: Carrasco, Arenas, Rocha.**

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

**6:31 p.m.-** Public Hearings, Council Chambers, City Hall  
**Absent Councilmembers: All Present.**

- Invocation (District 10)

**Pastor Isabella Nyakundi from Vessel for Honor Ministries provided the Invocation.**

- Pledge of Allegiance

**Mayor Sam Liccardo led the Pledge of Allegiance accompanied by third-grade students from Queen of Apostles school.**

- Orders of the Day

**The Orders of the Day and the Amended Agenda were approved.**

- Closed Session Report

**None provided.**

## 1. CEREMONIAL ITEMS

- 1.1 17-268 Presentation of commendations to members of the San José Fire Department.  
(City Manager)  
**Mayor Sam Liccardo and City Manager David Sykes presented a commendation to members of the San José Fire Department who distinguished themselves with outstanding performance in the swift-water rescue and evacuations during the Coyote Creek Flood and to members of the San José Fire Department who were deployed to respond to two major hurricanes in Texas and Florida.**
- 1.2 17-345 Presentation of a proclamation recognizing the implementation of Sonic Runway.  
(Peralez)  
**Mayor Sam Liccardo and Councilmember Raul Peralez presented a proclamation recognizing the implementation of Sonic Runway, a sound-activated light artwork installation in front of City Hall. The duration of Sonic Runway is three months beginning November 3, 2017 in partnership with City of San José Office of Cultural Affairs, Playa to Paseos, and the Burning Man Project.**
- 1.3 17-351 Presentation of a commendation to Boston Medeiros and Rodney Marquez for their heroism in risking their own safety to save the life of their neighbor. (Khamis)  
**Mayor Sam Liccardo and Councilmember Johnny Khamis presented a commendation to Boston Medeiros and Rodney Marquez for their heroism in risking their own safety to save the life of their neighbor.**
- 1.4 17-343 Presentation of a proclamation declaring November 15, 2017 as National Philanthropy Day in the City of San José. (Mayor)  
**Mayor Sam Liccardo presented a proclamation declaring November 15, 2017 as National Philanthropy Day in the City of San José.**  
*Heard in the Evening*
- 1.5 17-165 Presentation of a proclamation declaring November 17, 2017 as Prematurity Awareness Day in the City of San José. (Jimenez/Davis)  
**Mayor Sam Liccardo, Councilmember Sergio Jimenez and Councilmember Dev Davis presented a proclamation declaring November 17, 2017 as Prematurity Awareness Day in the City of San José.**  
*Heard in the Evening*
- 1.6 17-344 Presentation of a proclamation declaring the month of November 2017 as "National Alzheimer Awareness Month" in the City of San José. (Carrasco)  
**Mayor Sam Liccardo and Vice Mayor Magdalena Carrasco presented a proclamation declaring the month of November 2017 as "National Alzheimer Awareness Month" in the City of San José.**  
*Heard in the Evening*

## **2. CONSENT CALENDAR**

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

**17-328            Approval of City Council Minutes.**

**Recommendation:** (a) City Council Budget Study Sessions on May 10 - 16, 2017.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Clerk)  
**Approved.**

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

**None provided.**

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

**None provided.**

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

**17-368            Mayor and Council Excused Absence Requests.**

**Recommendation:** (a) Request for an excused absence for Councilmember Arenas from the Closed Session and the Regular Meeting of the City Council on November 7, 2017 due to illness. (Arenas)  
**Approved.**

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

**Councilmember Johnny Khamis discussed the 2017 American Public Transportation Association's Annual Meeting and Expo he attended as a VTA board member representing San José. Mayor Sam highlighted his trip to Washington D.C. where he attended a hearing at the Federal Communications Commission fighting against proposed regulations from the industry and the Trump Administration.**

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

**None provided.**

**2.7    17-306            Lease of Airport Premises Agreement with SJ Automotive, LLC for Parking Lot.**

**Recommendation:** Approve a First Amendment to the Lease of Airport Premises between the City of San José and SJ Automotive, LLC dba Lexus of Stevens Creek ("Lexus") to extend the term of its Lease through December 31, 2021, to allow Lexus to continue to park vehicles in a former Airport long term parking lot. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)  
**Approved.**

**2.8 17-307 Lease of Airport Premises with Fox Rent A Car, Inc. for Parking Lot.**

**Recommendation:** Approve a Second Amendment to the Lease of Airport Premises between the City of San José and Fox Rent A Car, Inc. (“Fox”) to extend the term of its Lease through April 30, 2022, to allow Fox to continue to park vehicles in a former Airport long term parking lot. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)  
**Approved.**

**2.9 17-308 Report on Bids and Award of Contract for the 8687 - Repairs of Water Services and Mains: 2017 Project.**

**Recommendation:** (a) Report on bids and award of contract for the 8687 - Repairs of Water Services and Mains: 2017 project to the lowest responsive bidder, San José Water Company, for the initial term of November 2017 through November 2020, in an amount not to exceed \$1,617,407.  
**Accepted.**

(b) Adopt a resolution authorizing the City Manager to exercise one option to extend the contract for an additional one-year term after the expiration of the initial term in an amount not to exceed \$539,136, and a second option to extend the term of the contract for an additional one-year term after the first option year in an amount not to exceed \$539,136, for a total maximum contract amount of \$2,695,678 if both option years are exercised.  
CEQA: Exempt, File No. PP17-050, CEQA Guidelines Section 15301, Existing Facilities; Section 15302 Replace or Reconstruction. (Environmental Services)  
**Resolution No. 78411 adopted.**

**2.10 17-304 Agreement with Envirocom for Industrial Hygienist Services for Various Facilities.**

**Recommendation:** Approve a Master Agreement with Envirocom for industrial hygienist services from the date of execution through December 31, 2022, in an amount not to exceed \$1,000,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)  
**Approved.**

**2.11 17-310 San José Property-Based Improvement District (PBID) Annual Financial Report for FY 2016-17.**

**Recommendation:** Approve the Downtown San José Property-Based Improvement District (PBID) Annual Financial Report for FY 2016-17. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation)  
**Approved.**

**2.12 17-366 Vacation of Setback Easement at 5159 and 5181 Brewster Avenue.**

**Recommendation:** Adopt a resolution of intention to vacate a 25-foot light and air easement located at 5159 and 5181 Brewster Avenue and set a Public Hearing on Tuesday, December 5, 2017, at 1:30 p.m. CEQA: Exempt, File No. PP17-054 & PP17-055, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)  
**Resolution No. 78412 adopted.**

**2.13 17-367 Mayor's Travel to Washington, DC.**

**Recommendation:** Retroactively approve travel by Mayor Liccardo to Washington, DC, on November 9, 2017 to November 10, 2017 to attend the FCC Broadband Deployment Advisory Committee meeting. Source of Funds: Mayor's Office funds. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)  
**Approved.**

**2.14 17-369 District 7 Community Events.**

**Recommendation:** As recommended by the Rules and Open Government Committee on November 8, 2017:  
(a) Retroactively approve the Dump Your Junk at Dahl Elementary School on Saturday, September 16, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.  
(b) Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:  
(1) Ring in the New Year Celebration on Sunday, December 31, 2017 at the Vietnamese American Community Center;  
(2) TET Festival on Saturday, February 24, 2018 at the Vietnamese American Community Center; and  
(3) Black April Commemoration on Monday, April 30, 2018 at City Hall Rotunda.  
(c) Approve and accept donations from various individuals, businesses, or community groups to support the event.  
**Approved.**

**2.15 17-370      Evento Cultural Jaliscience Norte de California.**

**Recommendation:** As recommended by the Rules and Open Government Committee on November 8, 2017:  
(a) Retroactively approve Evento Cultural Jaliscience Norte de California held on September 9, 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. (Carrasco/Arenas)  
**Approved.**

**2.16 17-371      Community Pancake Breakfast.**

**Recommendation:** As recommended by the Rules and Open Government Committee on November 8, 2017:  
(a) Retroactively approve the Community Pancake Breakfast held on November 4, 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. (Carrasco)  
**Approved.**

**2.17 17-372      District 8 Faith Leaders Appreciation Brunch.**

**Recommendation:** As recommended by the Rules and Open Government Committee on November 8, 2017:  
(a) Approve District 8 Faith Leaders Appreciation Brunch scheduled on November 16, 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. (Arenas)  
**Approved.**

**2.18 17-373      District 9 SAP Grant for District 9 School.**

**Recommendation:** As recommended by the Rules and Open Government Committee on November 8, 2017, approve a \$750 grant for Bagby Elementary for their Home and School Club to support student programs and activities.  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Rocha)  
**Approved.**

### **3. STRATEGIC SUPPORT**

#### **3.1 Report of the City Manager, David Sykes (Verbal Report)**

City Manager David Sykes announced the appointment of Jennifer Maguire as Assistant City Manager.

#### **3.2 Labor Negotiations Update. *Accept Labor Negotiations Update.***

None provided.

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

#### **4.1 17-085 Report on the Implementation of the Urban Village Component of the Envision San José 2040 General Plan. *DEFERRED***

**Recommendation:** Accept the progress report on the implementation of the Urban Village component of the Envision San José 2040 General Plan, and provide comments on the proposed approach for implementation. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Economic Development/Planning, Building and Code Enforcement) (Deferred from 5/23/17 - Item 4.1, 6/6/17 - Item 4.1, 8/29/17 - Item 4.3)  
*Deferred to 11/28/17 per Administration.*

#### **4.2 17-305 Public Hearing on the Vacation of a 25-foot Setback Easement at 5159 and 5181 Brewster Avenue. *DROP***

**Recommendation:** Conduct a Public Hearing and adopt a resolution:  
(a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of a 25-foot public easement for light and air (“setback easement”) located at 5159 and 5181 Brewster Avenue;  
(b) Vacating the 25-foot setback easements located at 5159 and 5181 Brewster Avenue; and  
(c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara. CEQA: Exempt, File No. PP17-054 & PP17-055, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)  
*Dropped - Renoticed per Administration.*



**Amendment to Title 6 (Business Licenses and Regulations) and Title 20 (The Zoning Ordinance) for Medical and Non-Medical Marijuana/Cannabis Collectives/Businesses, and Cultivation and Dispensing of Medical and Non-Medical Marijuana.**

**Recommendation:**

- (a) Consider the Negative Declaration and addenda thereto and Statutory Exemption in accordance with CEQA.
  - (b) Consider an ordinance amending Title 20 (the Zoning Code) of the San José Municipal Code to:
    - (1) Change the terminology for existing medical cannabis uses;
    - (2) Add “Medical Cannabis Business” and “Non-Medical Cannabis Business” as newly restricted uses; and
    - (3) Make other technical, non-substantive, or formatting changes.
  - (c) Consider an ordinance of the City of San José amending Title 6 (Business Licenses and Regulations) of the San José Municipal Code by amending Chapter 6.88 to:
    - (1) Allow each Registered Collective to conduct non-medical (“recreational/adult-use”) cannabis activities;
    - (2) Allow each Registered Collective to deliver non-medical cannabis to customers and establish the parameters under which deliveries could take place;
    - (3) Approve other changes to update the Code to align with new state laws, amend not-for-profit requirements, update definitions; and
    - (4) Make other technical, non-substantive, or formatting changes.
- CEQA: Negative Declaration (File No. PP11-039, Resolution No. 75984), as addended by File Nos. PP11-076, PP14-030, PP16-076 and PP17-070; and Statutory Exemption pursuant to Section 26055(h) of the California Business and Professions Code: Without limiting any other statutory exemption or categorical exemption, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. (Planning, Building and Code Enforcement/Police)  
PP17-070 – Citywide

**Ordinance No. 30029 passed for publication.**

**Ordinance No. 30030 passed for publication.**

**Approved, including the joint memorandum from Councilmembers Rocha, Jimenez and Khamis, dated November 9, 2017, recommending that the City Council adopt the staff recommendation and adopt the following additional staff direction: As the State releases marijuana regulations over the coming months, staff is directed to analyze how the State rules will regulate ownership of cannabis collectives, and bring forward a recommendation as to whether San Jose should allow a single cannabis business to operate more than one of the 16 dispensaries currently licensed in San Jose. (There is an existing prohibition against a single business operating more than one dispensary in San José Municipal Code section 6.88.310. See Attachment A for full text of this code section as revised by staff per their recommendation for this item.)**

*(Item Continued on the Next Page)*

**4.3 17-302 Amendment to Title 6 (Business Licenses and Regulations) and Title 20 (Cont'd.)**

Also, including Items 1, 2, 4 and 5 from Councilmember Lan Diep's memorandum dated 11/13/17: (1) Allow the transfer of one's ownership of a licensed dispensary - in its entirety or by fractional share - to a new owner by sale, inheritance, or other legal means; (2) Limit any single entity from owning or having a controlling stake in no more than two licensed dispensaries within San Jose; (4) Return to Council by the autumn of 2018 (*by way of an information memorandum*) to provide an update on the impacts of the commercial cannabis program, such as revenues generated, associated illegal activities, code enforcement complaints, impacts to staff time and administrative resources; (5) Study the viability of an impact fee to counteract the adverse impacts of commercial cannabis, and the possibility of achieving the following with the revenue from such fees: (a) Campaigns educating minors about the dangers of cannabis; (b) More police staff to regulate the commercial activity of nonmedicinal cannabis and to combat the sale of marijuana from unlicensed sources; (c) More planning department staff to study and align San Jose's zoning with its general plan, as a prerequisite to considering the possibility of allowing the sale of cannabis outside of the currently designated areas.

**4.4 17-315 Amendments to the Tenant Protection Ordinance.**

**Recommendation:**

Approve an ordinance amending Part 12 of Chapter 17.23 of Title 17 of the San José Municipal Code modifying the definition of Rental Unit to exempt restricted affordable or government operated rental units, to remove the suspension of Part 6 and 7, and to modify the scope of the exception to the material or habitual lease violation of tenancy cause for eviction to:

- (a) Remove the exception for the addition of a brother or sister to a tenant household; and
- (b) Reduce the maximum occupancy limit on that protection to the greater of the number allowed by the rental agreement or two adults per bedroom.

CEQA: Statutorily Exempt, File No. PP17-030, CEQA Guidelines Section 15061(b)(3), No potential for causing a significant effect on the environment. (Housing)

**Ordinance No. 30031 passed for publication, including Councilmember Arenas's memorandum dated November 13, 2017 to: (1) Accept staff recommendation on Amendments to the Tenant Protection Ordinance with the following amendment: to add "minor in their care" to the list of allowed children, by editing TPO Section 17.23.1250.A.2.b.ii to end with the sentence: "The Landlord has the right to approve or disapprove a prospective additional tenant who is not a dependent child, foster child, minor in the tenant's care, spouse or domestic partner, or parent of a Tenant, provided that the approval is not unreasonably withheld."**

**(2) Modify staff recommendation of the Apartment Rental Ordinance, Section 17.23.350.C's final sentence to read: "Provided that no increase in the Rent is allowed for a Tenant's dependent child, foster child, minor in the tenant's care, spouse or domestic partner, or parent which terms may be further defined in the Regulations."**

*(Item continued on the next page)*

4.4 17-315

**Amendments to the Tenant Protection Ordinance (Cont'd.)**

**(3) Add “minor in the tenant’s care” to any other place in the Apartment Rental Ordinance and Tenant Protection Ordinance which includes the other relevant family members who can safely join a tenant household, including ARO Regulations 5.02.3b and 10.02**

**Additionally, direct Housing Staff to report back to the Neighborhood Services Committee on what a plan would look like to address the impacts of inadequate housing on children including the steps they could take to incorporate this into their upcoming Annual Action Plan, federal funding update.**

**(10-1. Noes: Khamis)**

4.5 17-314

**Actions Related to the Apartment Rent Ordinance and Regulations.**

**Recommendation:**

(a) Approve an ordinance amending Parts 1 through 9 of Chapter 17.23 of Title 17 of the San José Municipal Code to make changes including revising the petition and hearing process, providing for the registration of rent stabilized units, exempting units with affordable housing vouchers from annual rent increase limitations, authorizing tenant buyout agreements, and including one of the following options:  
(1) Retain the limit on annual rent increases as 5% with no banking, and implement a capital improvement pass through petition process for specified improvements including sustainability, safety and seismic upgrades and major system upgrades that improve housing services.  
(2) Modify the annual increase to 100% of the San Francisco-Oakland-San José Consumer Price Index for All Urban Consumers (CPI-U), with a 2% floor and an 8% ceiling for annual increases, allow maximum allowable rate form of banking with a limit of 5% in any one year; implement a capital improvement pass through petition process for specified improvements including sustainability, safety and seismic upgrades, major system upgrades that improve housing services and major maintenance replacements for a five-year period, and allow the pass through of 50% of program administrative fees.

**Ordinance No. 30032 passed as amended for publication.**

**(10-1. Noes: Khamis)**

(b) Adopt a resolution approving the Regulations implementing Parts 1 through 9 of Chapter 17.23 of Title 17 of the San José Municipal Code.

(c) Accept the Staff Report and its recommendation not to include a one-year lease requirement or duplexes in this amendment to Chapter 17.23 of Title 17 of the San José Municipal Code.

CEQA: Statutorily Exempt, File No. PP17-075, CEQA Guidelines Section 15061(b)(3), No potential for causing a significant effect on the environment. (Housing)

**Resolution No. 78413 adopted as amended.**

**(10-1. Noes: Khamis)**

*(Item continued on the next page)*

**4.5 Actions Related to the Apartment Rent Ordinance and Regulations (Continued)**

**Pursuant to action taken and referred to under item 4.4 to approve Councilmember Arenas' memo: (2) Modify staff recommendation of the Apartment Rental Ordinance, Section 17.23.350.C's final sentence to read: "Provided that no increase in the Rent is allowed for a Tenant's dependent child, foster child, minor in the tenant's care, spouse or domestic partner, or parent which terms may be further defined in the Regulations." (3) Add "minor in the tenant's care" to any other place in the Apartment Rental Ordinance and Tenant Protection Ordinance which includes the other relevant family members who can safely join a tenant household, including ARO Regulations 5.02.3b and 10.02**

**Defer action on Ratio Utility Billing (RUBS) to March 2018, provide options to Council for action and return with further study on submeter installations and try to incentivize submetering, and strike paragraph in ordinance stating RUBS is not allowed.**

**(8-3. Noes: Arenas, Carrasco, Jimenez.)**

**Maintain the rent registry as recommended by staff.**

**(8-3. Noes: Davis, Diep, Khamis)**

**Keep rate at 5% with no banking.**

**(6-5. Noes: Arenas, Carrasco, Jimenez, Peralez, Rocha.)**

**4.6 17-316 Apartment Rent Ordinance Staffing and Fee Implementation.**

**Recommendation:**

(a) Approve the proposed staffing plan for the Rental Rights and Referrals Program as follows:

(1) Add 5.0 positions (1.0 Senior Analyst, 3.0 Analyst I/II, and 1.0 Public Information Representative I/II) in the Housing Department effective January 1, 2018; and

(2) Add 1.0 position (1.0 Legal Analyst I/II) in the City Attorney's Office effective January 1, 2018.

**Approved. (10-1. Noes: Khamis)**

(b) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution Amendments in Multi-Source Housing Fund:

(1) Increase the appropriation to the Housing Department for Personal Services by \$295,218;

(2) Increase the appropriation to the Housing Department for Non-Personal/Equipment budget by \$682,189;

(3) Increase the appropriation to the Finance Department for Overhead by \$99,034;

(4) Increase the appropriation to the City Attorney's Office for Personal Services by \$54,442; and

(5) Increase the Fees, Rates and Charges estimate by \$1,130,885.

**Ordinance No. 30033 adopted. (10-1. Noes: Khamis)**

**Resolution No. 78414 adopted. (10-1. Noes: Khamis)**

*(Item Continued on the Next Page)*

**4.6 17-316 Apartment Rent Ordinance Staffing and Fee Implementation (Cont'd.)**

(c) Adopt a resolution amending the 2017-2018 Schedule of Fees and Charges (Resolution No. 72737, as amended) to increase the annual Rental Rights and Referrals Program fees for rent stabilized apartments subject to San José Municipal Code Chapter 17.23 by \$25.50, from \$30.30 to \$55.80 per unit annually, effective retroactively from July 1, 2017, to be collected through a supplemental billing for the additional balance of the fee for rent stabilized units.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Housing/City Manager)

**Approve staff recommendation with the addition of the memorandum from Mayor Sam Liccardo, dated November 14, 2017, to (1) Approve Phase I and Phase II of the proposed staffing plan for the Rental Rights and Referrals Program, adding 6 FTE to reach 14.5 FTE, with a fee increase to \$55.80 by January 1, 2018; (2) Require staff to return during the Spring budget process with: (a) A current workload assessment for the 14.5 FTE already budgeted; (b) The status, workplan, and effectiveness assessment of the on-line registry; (c) An analysis of the extent to which technology, alternative staffing models (e.g., outsourcing to a non-profit for short-term, one-time needs), or other options may reduce the costs and staffing needed; (d) An assessment of the need for the staffing proposed in Phase III, and whether outsourcing to a non-profit might more appropriately address near-term needs that will not require sustained staffing. In particular, explain why the City needs three FTE for outreach.**

**Resolution No. 78415 adopted. (10-1. Noes: Khamis)**

**5. NEIGHBORHOOD SERVICES**

**6. TRANSPORTATION & AVIATION SERVICES**

**7. ENVIRONMENTAL & UTILITY SERVICES**

**8. PUBLIC SAFETY**

**9. REDEVELOPMENT – SUCCESSOR AGENCY**

**10. LAND USE**

## 10.1 Land Use on Consent Calendar

(a) 17-296 **General Plan Amendment: Land Use/Transportation Diagram. DROP**

**Recommendation:** Approve Director Initiated General Plan Amendment to address Land Use/Transportation Diagram errors at locations within the boundaries of the Rincon South Urban Village, Jackson-Taylor Specific Plan, Martha Gardens Specific Plan, and Evergreen Village. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report GP17-014 - Council Districts 3 and 8  
*Dropped - Renoticed per Administration.*

## 10.1 Land Use on Consent Calendar (Cont'd.)

(b) 17-297 **General Plan Text Amendment: Envision San José 2040 General Plan and The Alameda (East) Urban Village Plan. DROP**

**Recommendation:** Approve Director Initiated General Plan Text Amendment to make minor modifications to the Envision San José 2040 General Plan and the Alameda (East) Urban Village Plan, including clarifying revisions to General Plan Policy IP-2.11 and The Alameda (East) Urban Village Policy LU-2.1, updates to Appendix 5 of the General Plan, and other minor grammatical and clarifying revisions. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)  
GPT17-003 - Citywide  
*Dropped - Renoticed per Administration.*

(c) 17-298 **General Plan Text Amendment: General Plan Land Use Designations. DROP**

**Recommendation:** Approve Director Initiated General Plan Text Amendment to clarify General Plan Land Use designations associated with the vacation or sale of City right-of-way and State freeways and transportation corridors. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San Jose General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)  
GPT17-004 - Citywide  
*Dropped - Renoticed per Administration.*

**(d) 17-299 General Plan Text Amendment: Diridon Station Area Plan. DROP**

**Recommendation:** Approve Director Initiated General Plan Text Amendment to add text from the adopted Diridon Station Area Plan Final Program Environmental Impact Report to the General Plan, and associated General Plan Amendment to reinstate the Downtown Core and modify the boundaries of the Midtown Specific Plan and the Downtown Growth Area. CEQA: Determination of Consistency with the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096) and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning Building and Code Enforcement)

GPT17-005/GP17-011 - Council District 3

*Dropped - Renoticed per Administration.*

**(e) 17-300 General Plan Text Amendment: Revision to Policy IP-5.10. DROP**

**Recommendation:** Approve Director Initiated General Plan Text Amendment to revise Policy IP-5.10 to clarify that the commercial component of a Signature Project must be constructed before or concurrently with residential uses. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

GPT17-006 - Citywide

*Dropped - Renoticed per Administration.*

**(f) 17-301 Conforming Rezoning for Real Property Located at 6970 Santa Teresa Boulevard. DROP**

**Recommendation:** Consideration of an ordinance of the City of San José rezoning a 0.51-gross acre site, located at the north east corner of Santa Teresa Boulevard and Realm Drive (6970 Santa Teresa Boulevard) from the IP Industrial Park Zoning District to the CN Commercial Neighborhood Zoning District (American Real Estate Group LLC, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

C17-039 - Council District 2

*Dropped - Renoticed per Administration.*

**END OF CONSENT CALENDAR**

- Open Forum

Blair Beekman provided comments on the rent registry.

- **Adjournment**

The meeting of the City Council of the City of San José was adjourned at 12:30 a.m. in the memory of Hank Coca, who passed away at the age of 85 on April 29, 2017. It is an honor to recognize Hank for his contributions to our downtown community as owner of Hank Coca's Furniture Store.



**17-375 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 receipt of the following Final Maps for review:

Tract: 10437, Location- 39 N. Fifth Street, CD3, Developer-SJSC Towers LLC, Lots/Units - 1/630, Type-MFA

Tract: 10444, Location- 3770 Quimby Road, CD8, Developer-Quimby Road Holdings, LLC, Lots/Units - 8/7, Type-SFD

This notice is to be posted with the City Council's regular agenda for 11/14/17.

**JOINT CITY OF SAN JOSE CITY COUNCIL/SAN JOSE FINANCING  
AUTHORITY/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY  
OF SAN JOSE AGENDA**

**November 14, 2017**

1. Call to Order and Roll Call

**2. 17-311            Actions Related to the Sale and Issuance of Multiple Series of Tax Allocation Refunding Bonds.**

**Recommendation:**

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

(1) Confirming the approval of the issuance of refunding bonds (the “Refunding Bonds”) to refund certain outstanding obligations of the former Redevelopment Agency of the City of San José;

(2) Approving the preliminary and final official statements for such Refunding Bonds and authorizing and approving other related actions in connection with the Refunding Bonds; and

(3) Authorizing the Executive Officer and Chief Financial Officer of the Successor Agency, or their designees, to take all actions necessary or advisable in the issuance, sale, and delivery of the Refunding Bonds.

**Successor Agency Resolution No. 7067**

(b) Successor Agency adopt a resolution:

(1) Authorizing the Executive Officer to negotiate and execute an amendment to the current Agreements with Ross Financial and Public Financial Management (PFM) to expand the scope of services and to increase the compensation by amounts not to exceed \$15,000 and \$32,000 for total contract amounts not to exceed \$136,800 and \$210,200; and

(2) Authorizing the City Attorney to negotiate and execute an amendment to the current Agreement with Jones Hall, a Professional Law Corporation (Jones Hall), to expand the scope of services and increase the compensation by an amount not to exceed \$85,000 for a total contract amount not to exceed \$535,000.

**Successor Agency Resolution No. 7068 adopted.**

*(Item continued on the next page)*

2. 17-311 **Actions Related to the Sale and Issuance of Multiple Series of Tax Allocation Refunding Bonds (Cont'd.)**

(c) City of San José Financing Authority Board adopt a resolution authorizing the execution and delivery of irrevocable refunding instructions and authorizing other related actions in connection with the City of San José Financing Authority Revenue Bonds, Series 2001A (4th & San Fernando Parking Facility Project) and the City of San José Financing Authority Lease Revenue Bonds, Series 2001F (Convention Center Refunding Project).

**Financing Authority Resolution No. 140 adopted.**

(d) City Council of the City of San José adopt a resolution authorizing the execution and delivery of irrevocable refunding instructions and authorizing other related actions in connection with the City of San José Financing Authority Revenue Bonds, Series 2001A (4th & San Fernando Parking Facility Project) and the City of San José Financing Authority Lease Revenue Bonds, Series 2001F (Convention Center Refunding Project).

CEQA: Not a Project, File No. PP17-003, Agreements and Contracts (New and Amended) resulting in no physical changes to the environment. (Finance)

**Resolution No. 78416 adopted.**

*Item heard immediately following Consent Calendar.*