



# CITY COUNCIL AGENDA

**AUGUST 29, 2017**

**AMENDED AGENDA**

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

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS  
TAM NGUYEN  
SYLVIA ARENAS  
DONALD ROCHA  
JOHNNY KHAMIS

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

- **Strategic Support** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. On May 2, 2017, the City Council authorized combining two sections of the Council agenda, Section 10 – General Plan Amendments and Section 11 – Land Use, into a single section labeled Section 10 – Land Use. Section 10 – Land Use indicates whether an item will be heard at 1:30 p.m. or 6:00 p.m. If you have any questions, please direct them to the City Clerk’s staff seated at the tables just below the dais. Thank you for taking the time to attend today’s meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=5322>. Council Meetings are televised live and rebroadcast on Channel 26.

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

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

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

- **Call to Order and Roll Call**
  - 9:00 a.m. - Closed Session, Call to Order in Council Chambers
  - Open Session, Labor Negotiations Update (See Item 3.2)
  - Adjourn to Closed Session in Council Chambers Conference Room, W133
  - See Separate Agenda
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall
  
- **Invocation (District 7)**
  - Lokahi Polynesian Dance Group*
  
- **Pledge of Allegiance**
  
- **Orders of the Day – *To be heard after Ceremonial Items***

\* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting. **Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- Orders of the Day – *(Continued)*

\* **SEE AMENDED ITEM 2 ON THE JOINT CITY OF SAN JOSE CITY COUNCIL/FINANCING AUTHORITY AGENDA, “Actions Related to the City of San José Financing Authority’s Commercial Paper Program to Finance San José Clean Energy” REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council’s Rules of Conduct, Resolution No. 78063, Rule 3(d).**

- Closed Session Report – *To be heard after Ceremonial Items*

## **1. CEREMONIAL ITEMS**

---

## **2. CONSENT CALENDAR**

---

**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

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

**Recommendation:** Approval of City Council Minutes:

- (a) Regular Minutes of February 28, 2017.
- (b) Joint City of San José City Council/Successor Agency to the Redevelopment Agency of the City of San José/Financing Authority Minutes of March 7, 2017.
- (c) Regular Minutes of March 7, 2017.
- (d) Regular Minutes of March 14, 2017.

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

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

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

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

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

## 2. CONSENT CALENDAR

---

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

### 2.7 Amendment to the Agreement with Landrum & Brown, Inc. for Airport Airspace and Airfield Analysis Services.

**Recommendation:** Approve a Second Amendment to the Consultant Agreement with Landrum & Brown, Inc. for Airport airspace and airfield analysis services, increasing compensation by \$100,000 to a maximum compensation of \$650,000, with no change to the term of the Agreement. CEQA: Not a Project, File No. PP10-066(d), Agreements & Contracts, Consultant services for design, study, research, inspection, to other professional consulting services to determine the feasibility of a project with no commitment to future action. (Airport)

### 2.8 Sponsored Travel to Copenhagen, Denmark for the Urban Park Study Tour.

**Recommendation:** Authorize international travel to participate in a study tour of best practices for urban park and transportation design and activation in Copenhagen, Denmark, from October 7, 2017 through October 11, 2017, for the following delegates to represent the City of San José: Angel Rios, Jr., Director of Parks, Recreation and Neighborhood Services; John Brazil, Associate Transportation Specialist for Department of Transportation; and John Ristow, Deputy Director of Department of Transportation. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (City Manager)

### 2.9 Appropriation Ordinance and Funding Sources Resolution Amendments in Various Funds to Rebudget Funds to 2017-2018 for Completion of Projects.

**Recommendation:**

- (a) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Airport Renewal and Replacement Fund:
  - (1) Increase the Beginning Fund Balance by \$510,000; and
  - (2) Increase the Airfield Paint Truck appropriation to the Airport Department by \$510,000.
- (b) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Airport Revenue Bond Improvement Fund:
  - (1) Increase the Beginning Fund Balance by \$160,000;
  - (2) Increase the Southeast Area Building Demolition appropriation to the Airport Department by \$80,000; and
  - (3) Increase the Southeast Area IT Infrastructure Relocation appropriation to the Airport Department by \$80,000.

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

---

### 2.9 Appropriation Ordinance and Funding Sources Resolution Amendments in Various Funds to Rebudget Funds to 2017-2018 for Completion of Projects. (Cont'd.)

**Recommendation:**

- (c) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 10:
  - (1) Increase the Beginning Fund Balance by \$51,000;
  - (2) Increase the Chris Hotts Park Lighting Improvements appropriation to the Parks, Recreation and Neighborhood Services Department by \$36,000; and
  - (3) Increase the Strategic Capital Replacement and Maintenance Needs appropriation to the Parks, Recreation and Neighborhood Services Department by \$15,000.
- (d) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Water Utility Capital Fund:
  - (1) Increase the Beginning Fund Balance by \$60,000; and
  - (2) Increase the Edenvale Reservoir Rehabilitation appropriation to the Environmental Services Department by \$60,000.

CEQA: Not a Project, File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (City Manager)

### 2.10 Purchase and Sale Agreement with Del Grande Properties for Real Property Located at Almaden Blvd. and Carlisle St. *RENUMBERED*

**Recommendation:** Adopt a resolution:

- (a) Approving the use of a Purchase and Sale Agreement between the City and Del Grande Properties for the sale of the City's 6,708 square feet of vacant surplus land at the corner of Almaden Blvd. and Carlisle St., Assessor's Parcel Number 259-35-029, in the amount of \$1,341,600; and
- (b) Authorizing the City Manager or his designee to negotiate and execute the Purchase and Sale Agreement, the deed, all other documents necessary to complete the transaction, and any amendments or modifications.

CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. Council District 3. (Economic Development)

(Deferred from 6/27/17 – Item 4.1 and 8/8/17 Item 4.1)

\* **RENUMBERED TO ITEM 4.5**

## 2. CONSENT CALENDAR

---

### 2.11 Actions Related to the Purchase Order with Iteris, Inc. for Modular Video Detection Systems.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Iteris, Inc. (Santa Ana, CA) for the purchase of 110 modular video detection systems including hardware, software, and support, for the twelve-month term of August 30, 2017 through August 29 2018, with maximum compensation not-to-exceed \$1,330,000; and
- (b) Exercise up to four additional one-year options to extend the term with the final option year ending on August 29, 2022, to purchase additional Systems and provide ongoing maintenance and support, subject to the appropriation of funds.

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

### 2.12 Report on Request for Proposal for Purchase and Deployment of Adaptive Traffic Control System.

**Recommendation:** Accept the report on the Request for Proposal for the purchase and deployment of an Adaptive Traffic Control System and adopt a resolution authorizing the City Manager to:

- (a) Execute an Agreement with Kimley-Horn and Associates, Inc. (San José, CA) for the purchase and deployment of an adaptive traffic control system at 35 intersections, including software licenses and professional services for project management, design, before-and-after study, implementation, optimization, training, and maintenance and support for an initial six-year term commencing on or about September 1, 2017 and ending on or about August 31, 2023 with maximum compensation amount not-to-exceed \$860,000 for the six-year term, subject to the annual appropriation of funds;
- (b) Negotiate and execute amendments and/or change orders not to exceed \$100,000 for contingency related to implementation and system requirements at the initial 35 intersections, subject to the appropriation of funds;
- (c) 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; and
- (d) Negotiate and execute agreements with Kimley-Horn and Associates, Inc. for the purchase and implementation of adaptive traffic control system at additional intersections during the six-year term subject to substantially the same terms and conditions as may be required based on funding, and the appropriation of funds.

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

## 2. CONSENT CALENDAR

---

### 2.13 2017 Smarter Cities Challenge Grant from International Business Machines for Housing Department Housing Initiatives.

**Recommendation:** Adopt a resolution authorizing the Director of Housing, or designee, to accept a 2017 Smarter Cities Challenge grant from International Business Machines (IBM) and conduct all activities, execute and submit all documents, including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary in connection with these grants. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Housing)

### 2.14 Amendment to the Agreement with People Assisting the Homeless (PATH) for the Homeless Outreach Program.

**Recommendation:** Approve the Fifth Amendment to the Grant Agreement for San José Homeless Outreach Program between the City of San José and PATH to be retroactively extended from July 1, 2017 to June 30, 2018 and to increase the maximum funding by \$260,000, from \$713,968 to \$973,968. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Housing)

### 2.15 Actions Related to the Affordable Housing and Sustainable Communities (AHSC) Grant Agreement.

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager or his designee to:
  - (1) Negotiate, enter, execute, and deliver a State of California Standard Grant Agreement (Grant Agreement) with any commitments necessary to deliver the agreed upon Grant Scope previously authorized by Council and as consistent with the proposed appropriation actions and future funding plan and all other documents required or deemed necessary or appropriate to secure the AHSC Program funds; and
  - (2) Negotiate and execute an agreement with Charities Housing to allocate responsibilities, liabilities and the disbursement of AHSC funds between the City and Charities Housing.
- (b) Adopt the following 2017-2018 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
  - (1) Establish the Coyote Creek Trail (Story Road to Phelan Avenue) appropriation to the Parks, Recreation, and Neighborhood Services Department in the amount of \$193,000; and
  - (2) Decrease the Future PDO/PIO Projects Reserve by \$193,000.

CEQA: Addendum to the 2450 Senter Road Residential Project Mitigated Negative Declaration and Addenda thereto, the Coyote Creek Trail Story Road to Phelan Avenue Mitigated Negative Declaration, and the Coyote Creek Trail Master Plan Los Lagos Golf Course to Tully Road Mitigated Negative Declaration, File No. P16-065; Addenda thereto, the Coyote Creek Trail Story Road to Phelan Avenue Mitigated Negative Declaration, File No. PP04-02-057; and Coyote Creek Trail Master Plan (Story-Phelan), Negative Declaration, File No. PP09-218. Council District 7. (Parks, Recreation and Neighborhood Services/Housing/City Manager)



## 2. CONSENT CALENDAR

---

### 2.16 Actions Related to the State of California Department of Fire and Forestry Protection for Urban and Community Forestry Grant “California Climate Investment”.

#### **Recommendation:**

- (a) Adopt a resolution authorizing the City Manager or Designee to:
  - (1) Execute a grant agreement with the State of California Department of Fire and Forestry Protection (CAL FIRE) based on the previously submitted grant application for an Urban and Community Forestry Grant entitled “California Climate Investments” in the amount not to exceed \$750,000 with a local match not to exceed \$250,000 for the completion of a Community Forest Management Plan and related projects;
  - (2) Certify that the City of San José has funds under the jurisdiction of the City of San José that are available to begin the projects, that the City of San José has or will have sufficient funds to operate and maintain the projects, and that the City of San José will expend grant funds prior to December 31, 2019; and
  - (3) Conduct all negotiations, execute, and submit all documents including, but not limited to, applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned projects.
- (b) Adopt the following 2017-2018 Funding Source Resolution and Appropriation Ordinance amendments in the Construction Excise Tax Fund:
  - (1) Increase the revenue estimate from the State of California to the Department of Transportation in the amount of \$750,000;
  - (2) Establish the Street Tree Inventory and Management Plan appropriation to the Department of Transportation in the amount of \$750,000;
  - (3) Increase the Urban Forest Partnership appropriation to the Department of Transportation in the amount of \$10,000; and
  - (4) Increase the Beginning Fund Balance by \$10,000.

CEQA: Exempt, File No. PP13-073, CEQA Guidelines Section 15304(b), Minor Alterations to Land. (Transportation/City Manager)

### 2.17 Actions Related to the East San José Multimodal Transportation Improvement Plan.

#### **Recommendation:**

- (a) Adopt a resolution authorizing the City Manager or designee to:
  - (1) Execute a grant agreement with the California Department of Transportation, Division of Transportation Planning, based on the previously awarded State Highway Account – Sustainable Communities grant for the development of the East San José Multimodal Transportation Improvement Plan (ESJ MTIP) in the amount not to exceed \$467,438 with a local match not to exceed \$60,562 for the completion of the ESJ MTIP;

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

---

### 2.17 Actions Related to the East San José Multimodal Transportation Improvement Plan. (Cont'd.)

**Recommendation:**

- (a) (2) Certify that the City of San José has funds under the jurisdiction of the City of San José that are available to begin the project, that the City of San José has or will have sufficient funds to operate and maintain the project, and that the City of San José will expend grant funds prior to February 28, 2020; and
- (3) Conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.
- (b) Adopt the following Fiscal Year 2017-2018 Funding Sources Resolution and Appropriation Ordinance amendments in the Construction Excise Tax Fund:
  - (1) Increase the revenue estimate from the State of California to the Department of Transportation in the amount of \$467,438;
  - (2) Establish the East San José Multimodal Transportation Improvement Plan (ESJ MTIP) to the Department of Transportation in the amount of \$528,000; and
  - (3) Decrease the Transportation Grants Reserve to the Department of Transportation in the amount of \$60,562.

CEQA: Not a Project, File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. Council Districts 3, 4 & 5. (Transportation/City Manager)

### 2.18 Settlement of Paulino v. City of San José.

- \* **Recommendation:** Approve a settlement in the amount of \$700,000, inclusive of attorney fees, and authorize the City Attorney to negotiate and execute a Settlement Agreement to settle the case of Paulino v. City of San José. CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney)

### 2.19 Continuation of the Proclamation of the Existence of a Local Emergency.

- \* **Recommendation:** Adopt a resolution continuing the proclamation of the existence of a local emergency as a result of flooding. CEQA: Statutory Exempt, Section 15269, Emergency Projects, Specific actions necessary to prevent or mitigate an emergency. (City Manager)

## 2. CONSENT CALENDAR

---

### 2.20 District 4 Dumpster Day.

\* **Recommendation:** As recommended by the Rules and Open Government Committee on August 23, 2017:

- (a) Retroactively approve District 4 Dumpster Day scheduled on June 24, 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 these events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Diep)  
[Rules Committee referral 8/23/17 – Item G.1.a.]

### 2.21 Viva Parks – Meadowfair Park.

\* **Recommendation:** As recommended by the Rules and Open Government Committee on August 23, 2017:

- (a) Retroactively approve the Viva Parks - Meadowfair Park held on August 16, 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 these events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Arenas)  
[Rules Committee referral 8/23/17 – Item G.1.b.]

- **RECESS THE MEETING OF THE CITY COUNCIL AND CONVENE THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE – CONSENT CALENDAR**

## 3. STRATEGIC SUPPORT

---

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

### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.  
**TO BE HEARD AT 9:00 A.M.**

### 3.3 Statement of Policy and Questions for the Prospective Director of Community Energy.

**Recommendation:** Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Community Energy 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)

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

---

### **4.1 Update on Homelessness Response Initiatives.**

#### **Recommendation:**

- (a) Accept the report on City homelessness response initiatives and discuss ongoing efforts to create a range of interventions and solutions for homeless individuals and families.

[Neighborhood Services and Education Committee referral 6/8/17 – Item (d)(5)]

- (b) Accept the report to:
- (1) Provide the current number, type, and location of temporary and permanent homes for formerly homeless residents in San José, as well as other deed-restricted affordable housing; and
  - (2) Temporarily pause implementation of the City’s current Dispersion Policy applying to individual residential developments, pending update of the Dispersion Policy to align with the General Plan and with Federal and State guidance on fair housing.

[Community and Economic Development Committee referral 6/26/17– Item (d)(2)]

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff reports that involve no approvals of any City Actions. (Housing) (Deferred from 8/8/17 – Item 4.8)

**NOT TO BE HEARD BEFORE 4:00 P.M. JOINTLY WITH ITEM 4.2**

### **4.2 Actions Related to the AB2176: Bridge Housing Communities.**

#### **Recommendation:**

- (a) Accept the staff report on a status update of the implementation of AB2176: Bridge Housing Communities (BHC).
- (b) Adopt a resolution approving the staff recommendation on the revised siting criteria for BHCs and reducing the number of BHCs from ten sites to a maximum of two locations.

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Report. (Housing)

**NOT TO BE HEARD BEFORE 4:00 P.M. JOINTLY WITH ITEM 4.1**

### **4.3 Report on the Implementation of the Urban Village Component of the Envision San José 2040 General Plan.**

**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. PP10-069(a), City Organizational & Administrative Activities, Staff Report. (Economic Development/Planning, Building and Code Enforcement) (Deferred from 5/23/17 – Item 4.1 and 6/6/17 – Item 4.1)

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

---

### **4.4 Public Hearing on the Vacation of a Portion of Old West Julian Street between North Autumn Street and Autumn Parkway.**

**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 conditional vacation of a portion of Old West Julian Street between North Autumn Street and Autumn Parkway (“Subject Portion”) with the reservation of public service easements (“PSEs”) over the entire area being conditionally vacated;
- (b) Conditionally vacating the Subject Portion, which, after the satisfaction of the conditions, will be unnecessary for present or prospective public use with the reservation of PSEs; and
- (c) After satisfaction of the conditions, 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. PP17-032, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 3. (Public Works)

### **4.5 Purchase and Sale Agreement with Del Grande Properties for Real Property Located at Almaden Blvd. and Carlisle St.**

**Recommendation:** Adopt a resolution:

- (a) Approving the use of a Purchase and Sale Agreement between the City and Del Grande Properties for the sale of the City’s 6,708 square feet of vacant surplus land at the corner of Almaden Blvd. and Carlisle St., Assessor’s Parcel Number 259-35-029, in the amount of \$1,341,600; and
- (b) Authorizing the City Manager or his designee to negotiate and execute the Purchase and Sale Agreement, the deed, all other documents necessary to complete the transaction, and any amendments or modifications.

CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. Council District 3. (Economic Development)

(Deferred from 6/27/17 – Item 4.1 and 8/8/17 Item 4.1)

\* **RENUMBERED FROM ITEM 2.10**

## **5. NEIGHBORHOOD SERVICES**

---

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

---

## 7. ENVIRONMENTAL & UTILITY SERVICES

---

### 7.1 Actions Related to San José Energy.

**Recommendation:**

- (a) Pursuant to California Public Utilities Code Section 366.2, conduct a duly noticed public hearing to approve a resolution adopting the San José Clean Energy Implementation Plan and Statement of Intent and direct staff to submit this document to the California Public Utilities Commission following the effective date of the Ordinance;
- (b) Approve an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new Part 63 to establish the San José Clean Energy Operating Fund;
- (c) Approve the Appropriation Ordinance and Funding Sources Resolution amendments in the San José Clean Energy Operating Fund to be effective on the date on which the ordinance establishing the San José Clean Energy Operating Fund becomes effective:
  - (1) Establish an estimate for Financing Proceeds in the amount of \$5,376,000.
  - (2) Establish a Debt Service appropriation to the Finance Department in the amount of \$250,000.
  - (3) Establish a Personal Services appropriation to the Community Energy Department in the amount of \$1,169,000.
  - (4) Establish a Personal Services appropriation to the City Attorney’s Office in the amount of \$444,000.
  - (5) Establish a Personal Services appropriation to the Environmental Services Department in the amount of \$40,000.
  - (6) Establish a Non-Personal/Equipment appropriation to the Community Energy Department in the amount of \$2,558,000
  - (7) Establish a Bonding and Security (CPUC) appropriation in the amount of \$100,000.
  - (8) Establish a Pacific Gas & Electric Security Deposit appropriation in the amount of \$315,000.
  - (9) Establish an Operations and Maintenance Reserve in the amount of \$500,000.
- (d) Approve the San José Clean Energy staffing plan, including the addition of the following positions for FY17-18:

- (1) Community Energy Department:

<b>Job Classification</b>	<b>FTE</b>
Director of Community Energy, Unclassified	1.0
Public Information Manager	1.0
Senior Office Specialist	1.0
Public Information Representative II	1.0
Staff Technician	1.0
Senior Analyst	1.0
<b>Total Positions</b>	<b>6.0</b>

*(Item continued on the next page)*

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

---

### **7.1 Actions Related to San José Energy. (Cont'd.)**

**Recommendation:**

- (2) City Attorney's Office:

<b>Job Classification</b>	<b>FTE</b>
Senior Deputy City Attorney IV	1.0
Legal Analyst II	1.0
<b>Total Positions</b>	<b>2.0</b>

- (e) Approve the Community Advisory Committee (CAC) framework;  
(f) Approve the amendment to the Frontier Energy, Inc. dba Bevilacqua-Knight, Inc. master agreement for a maximum compensation of \$405,000.

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities and File No. PP10-067, Non-Project Specific Funding Mechanism. (City Manager)

**TO BE HEARD WITH THE JOINT CITY OF SAN JOSE CITY COUNCIL / FINANCING AUTHORITY AGENDA**

## **8. PUBLIC SAFETY**

---

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

---

- **REDEVELOPMENT – SUCCESSOR AGENCY CONSENT CALENDAR TO BE HEARD IMMEDIATELY FOLLOWING CITY COUNCIL CONSENT CALENDAR**

### **9.1 Consent Calendar.**

- (a) **Actions Related to the Transfer and Sale of Real Property Located Adjacent to Old Julian Street.**

**Recommendation:**

- (a) Adopt a resolution by the City Council:  
(1) Declaring 670 square feet of property adjacent to Old Julian Street, surplus to the needs of the City;

*(Item continued on the next page)*

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

---

### 9.1 Consent Calendar. (Cont'd.)

#### (a) Actions Related to the Transfer and Sale of Real Property Located Adjacent to Old Julian Street. (Cont'd.)

##### **Recommendation:**

- (a) (2) Approving the Purchase and Sale Agreement between the City of San José, the Successor Agency to the Redevelopment Agency of the City of San José and Michael G. Akatiff and Christy D. Akatiff, Trustee of the Michael G Akatiff and Christy D. Akatiff Revocable Trust (Buyer) in an amount not-to-exceed of \$33,500 for the purchase by Buyer of approximately 670 square feet of property adjacent to Old Julian Street between North Autumn Street and Autumn Parkway; and
- (3) Authorizing the City Manager or his designee to execute the sale agreement, the quitclaim deeds and all other documents necessary to complete the transaction.
- (b) Adopt a resolution by the Successor Agency:
  - (1) Approving the Purchase and Sale Agreement between the City of San José, the Successor Agency to the Redevelopment Agency of the City of San José and Michael G. Akatiff and Christy D. Akatiff, Trustee of the Michael G Akatiff and Christy D. Akatiff Revocable Trust (Buyer) in an amount not-to-exceed of \$33,500 for the purchase by Buyer of approximately 670 square feet of property adjacent to Old Julian Street between North Autumn Street and Autumn Parkway; and
  - (2) Authorizing the Managing Director or his designee to execute the sale agreement and all other documents necessary to complete the transaction.

CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. Council District 3. (Economic Development/Successor Agency)

*(Item continued on the next page)*



## 9. REDEVELOPMENT – SUCCESSOR AGENCY

---

### 9.1 Consent Calendar. (Cont'd.)

#### (b) **Actions Related to the Sale of Real Property on A Portion of Old Julian Street.**

**Recommendation:** Adopt a resolution by the City Council:

- (a) Declaring 12,748 square feet of vacated street on Old Julian Street, surplus to the needs of the City;
- (b) Authorizing the City Manager or his designee to negotiate and execute a Purchase and Sale Agreement with Michael G. Akatiff and Christy D. Akatiff, Trustee of the Michael G Akatiff and Christy D. Akatiff Revocable Trust (Akatiff) in an amount not-to-exceed of \$318,700 for the purchase of approximately 12,748 square feet of vacated City-owned property on a portion of Old Julian Street between North Autumn Street and Autumn Parkway; and
- (c) Authorizing the City Manager or his designee to execute the sale agreement, the quitclaim deed and all other documents necessary to complete the transaction.

CEQA: Exempt, File No. PP17-032, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Subsequent sale agreements that would not result in a physical change to the environment. Council District 3. (Economic Development/Successor Agency)

#### (c) **Actions Related to the Private Property Located within Autumn Parkway and Private Property Located within Julian Street Right of Way.**

**Recommendation:** Adopt a resolution by the City Council:

- (a) Accepting 868 square feet of property located within the new Autumn Parkway that is being transferred from Michael G. Akatiff and Christy D. Akatiff, Trustee of the Michael G Akatiff and Christy D. Akatiff Revocable Trust (Akatiff) for no fee;
- (b) Accepting 9,205 square feet of property located within the right of way on Julian Street being transferred from Michael G. Akatiff and Christy D. Akatiff, Trustee of the Michael G Akatiff and Christy D. Akatiff Revocable Trust (Akatiff) for no fee; and
- (c) Authorizing the City Manager or his designee to accept the quitclaim deeds and all other documents necessary to complete the transaction.

CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. Council District 3. (Economic Development/Successor Agency)

- **ADJOURN THE MEETING OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE AND RECONVENE THE MEETING OF THE CITY COUNCIL**

## 10. LAND USE

---

### 10.1 Open General Plan Hearing.

### 10.2 North San José: Amendments to the Envision San José 2040 General Plan Text, North San José Area Development Policy, and Zoning Ordinance. *DROP*

#### **Recommendation:**

- (a) Consider the Determination of Consistency with the Final Program Environmental Impact Report for the North San José Development Policies Update (Resolution No. 72768) and Addenda thereto, and the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617), and the November 1, 2016 Addendum thereto, in conformance with CEQA.
- (b) Adopt a resolution approving:
  - (1) A General Plan Text Amendment to revise the Industrial Park and Transit Employment Center land use designations to allow additional flexibility for retail uses consistent with area plans and area policies; and
  - (2) Amendments to the North San José Area Development Policy to allow additional flexibility for local serving commercial uses that meet specified criteria.
- (c) Approve an ordinance amending Sections 20.50.100 and 20.50.110 of the San José Municipal Code relating to commercial support uses in the North San José Area Development Policy area.

CEQA: Pursuant to Section 15168(c) of the CEQA Guidelines, Determination of Consistency that the proposed project is within the scope of the Final Program EIR for the North San José Development Policies Update, Resolution No. 72768 and Addenda thereto, and the Envision San José 2040 General Plan EIR, Resolution No. 76041 and the Supplemental EIR to Envision San José General Plan EIR, Resolution No. 77617 and Addenda thereto. (Planning, Building and Code Enforcement)

**GPT17-007 & PP17-051** – Council District 3 and 4

**DROP – TO BE RENOTICED**

### 10.3 Continue General Plan Hearing to September 26, 2017.

### 10.4 Disposition and Development Agreement, Lease Amendment, and Related Site Development Permit, Special Use Permit, and Vesting Tentative Map Located on the Northwest Corner of West San Carlos Street and South Market Street at 180 Park Avenue.

#### \* **Recommendation:**

- (a) Adopt a resolution certifying the Museum Place Mixed-Use Project Supplemental 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 with the California Environmental Quality Act, as amended.

*(Item continued on the next page)*

## 10. LAND USE

---

### 10.4 Disposition and Development Agreement, Lease Amendment, and Related Site Development Permit, Special Use Permit, and Vesting Tentative Map Located on the Northwest Corner of West San Carlos Street and South Market Street at 180 Park Avenue. (Cont'd.)

#### Recommendation:

- (b) Adopt a resolution:
  - (1) Approving the Disposition and Development Agreement with Insight King Wah LLC for the development of a mixed-use office, hotel, residential, Tech Museum expansion, and garage project;
  - (2) Authorizing the City Manager to negotiate and execute all documents related to the transfer of the City property to Insight King Wah LLC for the mixed-use project; and
  - (3) Authorizing the City Manager to negotiate and execute a Lease Amendment with the Tech Museum of Innovation for the construction and operation of the expansion space for the Tech Museum.
- (c) Adopt a resolution approving Vesting Tentative Map No. T16-024, subject to conditions, to consolidate 25 parcels into three parcels, and to subdivide one parcel into a mixed-use project consisting of approximately 306 residential condominium units and 244 commercial condominium units and the remaining two parcels will consist of the existing Tech Museum and Civic Auditorium, on an approximately 2.5 gross acre site, located on the northwest corner of West San Carlos Street and South Market Street (180 Park Avenue) (City of San José, Owner).
- (d) Adopt a resolution approving Site Development Permit and Special Use Permit No. SP17-031, subject to conditions, to allow the demolition of Parkside Hall and construction of a 24 story mixed-use development with approximately 19,000 square feet of ground floor retail, approximately 214,000 square feet of office, approximately 60,000 square feet of museum space, 184 hotel rooms, and 306 residential units, and the removal of 20 ordinance-sized trees.

CEQA: Supplemental Environmental Impact Report for the Museum Place Mixed-Use Project to the “The Downtown Strategy 2000 Final Program Environmental Impact Report,” adopted by City Council Resolution No. 72767 on June 21, 2005; “Envision San José 2040 General Plan Final Program Environmental Impact Report,” adopted by City Council Resolution No. 76041 on November 1, 2011; and “Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report,” adopted by City Council Resolution No. 77617 on December 15, 2015, and the November 1, 2016 Addendum thereto. Planning Commission recommends approval (5-0-2; Ballard & Vora absent). (Planning, Building and Code Enforcement)

**SP17-031 & T16-024** – Council District 3

(Deferred from 8/8/17 – Item 10.9)

(Continued from 8/22/17 – Item 10.3)

- **Open Forum**

*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.*

- **Adjournment**

**JOINT CITY OF SAN JOSE CITY COUNCIL/  
FINANCING AUTHORITY AGENDA**

**1:30 P.M.**

**TUESDAY, AUGUST 29, 2017**

**CHAMBERS**

---

**TO BE HEARD WITH ITEM 7.1**

- 1. Call to Order and Roll Call**
- 2. Actions Related to the City of San José Financing Authority's Commercial Paper Program to Finance San José Clean Energy.**

**Recommendation:**

- (a) City Council adopt a resolution approving the Fifth Supplement to the Amended and Restated Trust Agreement and authorizing other related actions relating to the City of San José Financing Authority's Lease Revenue Commercial Paper Notes Program in order to allow the issuance of Commercial Paper Notes to finance start-up costs relating to San José Clean Energy in an amount not to exceed \$10 million.
- (b) City of San José Financing Authority Board adopt a resolution approving and authorizing the execution and delivery of the Fifth Supplement to the Amended and Restated Trust Agreement and authorizing other related actions relating to the City of San José Financing Authority's Lease Revenue Commercial Paper Notes Program in order to allow the issuance of Commercial Paper Notes to finance start-up costs relating to San José Clean Energy in an amount not to exceed \$10 million.

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

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

- 3. Open Forum**
- 4. Adjourn the Joint City Council/San José Financing Authority.**

## **CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.