



City Council Meeting

Administrative Draft

Tuesday, May 8, 2018

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

- **Call to Order and Roll Call**

9:30 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

6:00 p.m.- Public Hearings, Council Chambers, City Hall

- **Invocation (District 5)**

To be confirmed.

- **Pledge of Allegiance**

- **Orders of the Day**

To be heard after Ceremonial Items

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring May 6, 2018 through May 12, 2018 as “Municipal Clerks Week” in the City of San José. (Mayor/Clerk)
- 1.2 Presentation of a commendation to Jerry Broyles and Cyndy Broyles for their dedicated leadership and commitment to the Alma neighborhood. (Nguyen)
TO BE HEARD IN THE EVENING
- 1.3 Presentation of a proclamation declaring May 2018 as National Melanoma Awareness Month. (Carrasco)

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 18-623 Approval of City Council Minutes.

Recommendation: (a) Digital Inclusion and Broadband Strategy Council Study Session of November 13, 2017.
(b) Regular Council Meeting of December 5, 2017.
(c) Regular Council Meeting of December 19, 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.

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.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 18-617 Amendment to the Agreement with Axon Enterprise, Inc. for Police Body Worn Camera and Evidence Management System.

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Execute the First Amendment to the Agreement with Axon Enterprise, Inc. for a Body Worn Camera and Evidence Management System to increase the compensation by \$387,871 for a maximum compensation of \$5,205,555 to purchase 143 additional body worn cameras and related services, subject to the appropriation of funds; and
(b) Execute additional change orders to the Agreement to purchase additional cameras and services as required, subject to the same unit pricing, terms, and conditions and subject to the appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

2.8 18-616 Annual Status Reports on the Safe Neighborhood Parks and Recreation Bond Projects, and the Branch Library Bond Projects for FY 2016-2017.

Recommendation: (a) Accept the Annual Status Report on the Safe Neighborhood Parks and Recreation Bond Projects for the FY 2016-2017.
(b) Accept the Annual Status Report on the Branch Library Bond Projects for the FY 2016-2017.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

2.9 18-579 Report on Bids and Award of Contract for the 8730-Sanitary Sewer Repairs 2017-18 Package IV Project.

Recommendation: Report on bids and award of contract for the 8730-Sanitary Sewer Repairs 2017-18 Package IV Project to the low bidder, JMB Construction Inc., in the amount of \$1,410,045, and approve a contingency in the amount of \$141,005.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301(b), Existing Facilities and Section 15302(c), Replacement or Reconstruction, File No. PP17-029. Council Districts 1 & 6. (Public Works)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-615 Actions Related to the Inclusionary Housing Rental In-Lieu Fee and the Affordable Housing Impact Fee.

Recommendation: (a) Adopt a resolution to establish a reduction in the Inclusionary In-Lieu Fee to \$0 (per In-Lieu unit) as an incentive for High-Rise rental developments in the Downtown Core (as described in Resolution Number 73587 adopted January 9, 2007) that are ten (10) or more floors or stories in height not including any nonresidential uses where the highest occupied floor has a floor level elevation is at least 150 feet above street level, if they obtain issuance of all Certificates of Occupancy on or prior to June 30, 2021.
(b) Adopt a resolution that amends Resolution No. 77218 as previously amended by Resolutions No. 78010, 78392 and 78473 (collectively the “Housing Impact Fee Resolution”) by updating Section 13 regarding the transition between the Affordable Housing Impact Fee and Inclusionary Housing

(c) Ordinance Programs to (1) replace the requirement for issuance of Building Permits with a requirement for submittal of final approved building plans; (2) to add a transition process for rental projects that have not recorded an affordable housing agreement but were eligible for the AHIF Pipeline Exemption; (3) to add a transition process for rental projects with tentative maps approved prior to June 30, 2018; (4) allow Downtown High-Rise projects that fail to obtain Certificates of Occupancy by the applicable due date to pay the housing impact fee rather than meet the inclusionary housing ordinance requirements if they have obtained Building Permits; and (5) clarify that the AHIF continues to apply to projects with less than 20 units; Accept the Housing Department's staff report regarding the transition from the Affordable Housing Impact Fee (AHIF) to the Inclusionary Housing Ordinance (IHO) program for new rental developments in San José.

CEQA: Not a Project, PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Housing)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

- 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.

- Council will recess until 6:00 p.m.

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) 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 will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

Open Second City Initiated General Plan Hearing Cycle

- (a) 18-614 **C17-055 - Conforming Rezoning for Real Property Located at 12329 Mabury Road.**

Recommendation: Consideration of an ordinance of the City of San José rezoning a 15.12-gross acre site located at 12329 Mabury Road from the A -Agricultural Zoning District to the PQP Public/Quasi-Public Zoning District (San Jose Water Works, Owner).
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR) (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (EIR)(Resolution No. 77617), and Addenda thereto; and does not involve new significant impacts beyond those analyzed in the FEIR or the Supplemental EIR. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
C17-055 - Council District 4

- (b) 18-611 **PDC16-041/PD16-027/PT16-037 - Planned Development Rezoning, Planned Development Permit, and Vesting Tentative Map for Real Property Located at 645 Horning Street.**

Recommendation: (a) Adopt a resolution adopting the 645 Horning Street Gas Station, Food and Storage Project Mitigated Negative Declaration, for which an Initial study was prepared, in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program.
(b) Consideration of an ordinance of the City of San José rezoning an approximately 3.26-gross acre site, located on the northwest corner of Horning Street and Oakland Road (645 Horning Street) from the LI Light Industrial Zoning District to the CIC(PD) Planned Development Zoning District to allow a ministorage, retail store, gasoline station with six fuel dispensers and canopy, drive-through carwash, and drive-through restaurant uses (Rubnitz James E Et Al, Owner).
(c) Adopt a resolution approving a Vesting Tentative Map, subject to conditions, to subdivide one lot into three lots.

(d) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow the demolition of an existing warehouse and car repair building structures and allow the construction of a new retail store (3,814 square feet), gasoline station with six fuel dispensers and canopy (3,870 square feet), drive-through carwash (1,086 square feet), a drive-through restaurant (2,494 square feet) with late-night use to 2:00 a.m., and mini-storage buildings (total of 92,116 square feet).

CEQA: Mitigated Negative Declaration for the 645 Horning Street Gas Station, Food and Storage Project. Planning Commission recommends approval (6-0-1, Ballard absent).

(Planning, Building and Code Enforcement)

PDC16-041/PD16-027/PT16-037 - Council District 3

10 Land Use - Regular Agenda

10.2 18-622 Urban Village Implementation Framework.

Recommendation:

Adopt a resolution to establish the Urban Village Implementation (UVI) Framework, which will further implementation of the Urban Village Strategy and the individual Urban Village Plans by 1) outlining a zoning framework that will provide a more streamlined entitlement process for development consistent with the applicable Urban Village Plan; and 2) providing the community and developers with a simplified, transparent and predictable mechanism to have residential and residential mixed-use projects build the amenities and public improvements identified in the Village Plans, for which there are not currently adequate funding mechanisms.

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

(Planning, Building and Code Enforcement)

10.3 18-612 GP17-012 - General Plan Amendment: South Bascom (North) Urban Village Plan.

Recommendation:

Adopt a resolution approving a City-initiated General Plan Amendment associated with the adoption of the South Bascom (North) Urban Village Plan, including modifications to the boundary and changes to General Plan land use designations on properties within the boundaries of the Urban Village Plan as shown on the proposed Urban Village Land Use Plan. This Urban Village Plan will provide a policy framework to guide new job and housing growth within the Urban Village boundaries, as well as, provide a framework for the characteristics of future development, including urban design, open space, public art/placemaking, streetscape and circulation, and implementation.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (FEIR) (Resolution No. 76041) and Envision San José 2040 General Plan Supplemental Environmental Impact Report (EIR) (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (6-0-1, Ballard absent) (Planning, Building and Code Enforcement)

GP17-012 - Citywide

10.4 18-613**GP17-013 - General Plan Amendment: West San Carlos Urban Village Plan.****Recommendation:**

Adopt a resolution approving a City-initiated General Plan Amendment associated with the adoption of the West San Carlos Urban Village Plan, including modifications to the boundary and changes to General Plan land use designations on properties within the boundaries of the Urban Village Plan as shown on the proposed Urban Village land use plan. This Urban Village Plan will provide a policy framework to guide new job and housing growth within the Urban Village boundaries, as well as, provide a framework for the characteristics of future development, including urban design, open space, public art/placemaking, streetscape and circulation, and implementation.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (FEIR) (Resolution No. 76041) and Envision San José 2040 General Plan Supplemental Environmental Impact Report (EIR) (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement)
GP17-013 - Citywide

Close Second City Initiated General Plan Hearing Cycle

- 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

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