



CITY COUNCIL AGENDA

DECEMBER 15, 2015

SYNOPSIS

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MANH NGUYEN
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

PIERLUIGI OLIVERIO
TAM NGUYEN
ROSE HERRERA VICE MAYOR
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 Services** — 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.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — 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 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

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=3549>. 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 14th 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 CityClerk@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**
9:03 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

11:39 a.m.- Regular Morning Session, Council Chambers, City Hall
Absent Council Members: All Present.

1:36 p.m. - Regular Afternoon Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (Mayor)**
Pastor David Cannistraci, Gateway City Church offered a prayer for the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved with General Plan Items 10.2 and 10.3 heard before the Consent Calendar; Item 2.23 deferred to January 12, 2016; Items 3.5 and 3.10 deferred to January 2016; Item 3.11 heard no earlier than 2:30 and Item 4.4 heard no earlier than 4:00 p.m.

- Closed Session Report
No Report.

1. CEREMONIAL ITEMS

There were none presented.

2. CONSENT CALENDAR

- 2.1 Approval of Minutes.
There were none.

- 2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29664 – An ordinance of the City of San José amending chapter 6.88 of Title 6 of the San José Municipal Code as follows: to add Section 6.88.295 to add the definition of transport; to add Section 6.88.425 to require identification badges to be worn; to add Section 6.88.445 to expressly prohibit deliveries of medical marijuana; to add Section 6.88.465 to allow a registered collective to transfer medical marijuana to other collectives who are registered with the City; to amend Sections 6.88.212, 6.88.235, 6.88.242, 6.88.310, 6.88.330, 6.88.380, 6.88.420, 6.88.430, 6.88.435, 6.88.440, 6.88.460 and 6.88.900 to allow registered collectives to manufacture medical marijuana products at their off-site cultivation location, clarify disqualification from the registration process, revise the requirements for cultivation, decrease the time required for storing video from surveillance cameras from 90 to 30 days, impose new restrictions on cultivation for personal use, and to make other technical, nonsubstantive, or typographical changes. CEQA: Addendum to a Negative Declaration, File No. PP11-076.

Ordinance No. 29664 adopted.

- (b) ORD. NO. 29662 – An ordinance of the City of San José amending Chapter 6.44 of the San José Municipal Code to add a purpose section, add additional and clarifying definitions, require all massage therapists to be certified by the California Massage Therapy Council, require massage businesses to provide the Police Chief with copies of massage therapist certificates, require mandatory reporting to the Police Chief, specify operational requirements and to make other technical and required revisions to be consistent with State law. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment.

Ordinance No. 29662 adopted.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

- (c) ORD. NO. 29668 – An ordinance of the City of San José rezoning the real property located on the west side of South De Anza Boulevard, approximately 120 feet west of the intersection of South De Anza Boulevard and Rainbow Drive from the A(PD) Planned Development Zoning District to the Commercial Pedestrian (CP) Zoning District on a 0.13 gross acre site (Vigagold Inc., Owner).
Ordinance No. 29668 adopted.
- (d) ORD. NO. 29669 – An ordinance of the City of San José rezoning four properties located on the northwest corner of West San Carlos and Delmas Avenue (267 and 279 Delmas Avenue and 405 West San Carlos Street) from LI Light Industrial to the DC Downtown Primary Commercial Zoning District on an approximately 0.47 gross acre site (San Carlos Parts LLC, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), and addenda thereto, including Addendum File No. C15-042.
Ordinance No. 29669 adopted.
- (e) ORD. NO. 29670 – An ordinance of the City of San José rezoning the real property located at 1785 Oakland Road from the A(PD) Planned Development Zoning District to the IP(PD) Planned Development Zoning District to allow uses of the IP Industrial Park Zoning District and miniwarehouse/ministorage uses on an approximately 1.25 gross acre site (Union Carbide Industrial Gases Inc., Owner).
Ordinance No. 29670 adopted.
- (f) ORD. NO. 29667 – An ordinance of the City of San José rezoning the real property located at the southwest corner of Senter Road and East Capitol Expressway at 3167 Senter Road from the CP Commercial Pedestrian Zoning District to the PQP Public/Quasi-Public Zoning District for consideration of education land uses on a 1.58 gross acre site (Arnold Perez, Owner).
Ordinance No. 29667 adopted.
- (g) ORD. NO. 29665 – An ordinance of the City of San José to rezone from IP Industrial Park to LI Light Industrial Zoning District on a 4.48 gross acre site, located on the north of Silver Creek Valley Road, approximately 210 feet north of Hellyer Avenue at 5880 Hellyer Avenue (AgKey, LLC, Owner). CEQA: Edenvale East General Plan Amendment and Rezoning Project Negative Declaration.
Ordinance No. 29665 adopted.
- (h) ORD. NO. 29666 – An ordinance of the City of San José rezoning the real property located at the northwest corner of North 10th Street and East Taylor Street from A(PD) Planned Development Zoning District to CIC(PD) Planned Development Zoning District to allow up to 403 residential units and up to 5,000 square foot of retail space, the uses of the CIC Combined Industrial Commercial Zoning District (with mini storage per applicant). (Libitzky Holdings, LP, Owner). Cannery Park/Hanover Project Mitigated Negative Declaration.
Ordinance No. 29666 adopted.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Minutes.

(a) Rules and Open Government Committee Minutes of November 18, 2015. (Mayor)
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Approved.

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2.7 Actions Related to the Lease Agreement with Transportation Security Administration at the Airport.

Recommendation: Adopt a resolution:

- (a) Authorizing the City Manager to negotiate and execute an On-Airport Lease (“Lease”) with the U.S. General Services Administration (“GSA”) for exclusive space leased by the Transportation Security Administration at the Airport from January 1, 2016 through December 31, 2019, with the option for GSA to extend the term for an additional three years through December 31, 2022 on the same terms and conditions, and with revenue to the City of approximately \$ 1,210,000 annually; and
- (b) Authorizing the City Manager to negotiate and execute amendments to the Lease necessary to implement annual lease rate adjustments and changes in leased space at any time during the term of the Lease.

CEQA: Not a Project, File No. PP10-066(f), Lease of equipment or existing space for the same use. (Airport)

Resolution No. 77619 adopted.

2.8 Boards and Commissions Appointments.

Recommendation: Approve the following Board and Commission appointments:

- (a) Airport Commission:
 - (1) District 1 Seat: Appoint Richard Terrill to a term expiring 6/30/17;
- (b) Historic Landmarks Commission:
 - (1) Member Seat: Appoint Eric Hirst to a term expiring 6/30/18;
- (c) Human Services Commission:
 - (1) District 5 Seat: Appoint Peter Ortiz to a term expiring 12/31/16;

2. CONSENT CALENDAR

2.8 Boards and Commissions Appointments. (Cont'd.)

- (d) Library and Early Education Commission:
 - (1) District 8 Seat: Appoint Matthew Giordono to a term expiring 6/30/17;
 - (e) Neighborhoods Commission:
 - (1) District 4 Seat: Appoint Mark Espinoza to a term expiring 6/30/16;
 - (f) Senior Citizens Commission:
 - (1) Citywide Seat: Appoint May Miller to a term expiring 6/30/17.
- CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)
Approved.

2.9 City Manager's Travel to Phoenix, Arizona.

Recommendation: Authorize travel for City Manager, Norberto Dueñas to travel to Phoenix, Arizona on January 14 – 16, 2016 to participate in the Large Cities Executive Forum. City Manager's Non Personal Services Appropriation. CEQA: Not a Project, File No. PP10-069, City Administrative Activities. (City Manager)
Approved.

2.10 Fall Public Safety Fair/Forum.

Recommendation: As recommended by the Rules and Open Government Committee on December 2, 2015:

- (a) Retroactively approve Vice Mayor Rose Herrera's Fall Public Safety Fair/Forum held on Monday, November 23, 2015 as a City Council sponsored 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. PP15-077, Temporary Special Events. (Herrera)
[Rules Committee referral 12/2/15 – Item G(1)(a)]
Approved.

2.11 City Council Committee and Board and Commission Appointments.

Recommendation: As recommended by the Rules and Open Government Committee on December 2, 2015, appoint Council Member Manh Nguyen to represent the City of San José on the Santa Clara Valley Transportation Authority (VTA). CEQA: Not a Project, File No. PP10-069, City Administrative Activities. (Mayor)
[Rules Committee referral 12/2/15 – Item F(1)(a)]
Approved.

2. CONSENT CALENDAR

2.12 Agreement with Moore, Iacofano Goltsman, Inc. for Various Capital Improvement Projects.

Recommendation: Approve the First Amendment to the Agreement for Consultant Services with Moore, Iacofano Goltsman, Inc. to increase the total contract amount from \$250,000 to \$750,000, which will allow continued comprehensive planning support for various Parks, Recreation and Neighborhood Services Department Capital Improvement Projects including, but not limited to, community centers, parks, trails, and other recreational facilities. CEQA: Not a Project, File No. PP10-066(d), Consultant Services that involve no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

Approved.

2.13 2014-2015 Park Trust Fund Annual Report.

Recommendation: Accept the Park Trust Fund annual report for fiscal year 2014-2015. CEQA: Not a project, File No. PP10-069(a), Annual Reports and Assessments that involve no approvals of any city actions. (Parks, Recreation and Neighborhood Services)

Accepted.

2.14 Actions Related to the 2016-2017 Hazardous Vegetation Commencement Report from the Office of Santa Clara Environmental Resource Agency.

Recommendation: Adopt a resolution:

- (a) Accepting the 2016-2017 Hazardous Vegetation Commencement Report compiled by the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation;
- (b) Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the Report are a public nuisance; and
- (c) Directing the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation to mail notices of a Public Hearing on January 26, 2016 at 1:30 p.m. before the City Council on the Report to property owners of affected real properties pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, Guidelines Section 15301. Existing Facilities, File No. PP13-097. (Planning, Building and Code Enforcement)

Resolution No. 77620 adopted.

2. CONSENT CALENDAR

2.15 Amendment to Title 15 Public Utilities for Water Efficient Landscape Standards.

Recommendation: Approve an ordinance amending Chapter 15.11 (Water Efficient Landscape Standards for New and Rehabilitated Landscaping) of Title 15 (Public Utilities) of the San José Municipal Code to add and amend definitions, modify landscape installation requirements, and expand the types of projects subject to landscape installation requirements, consistent with State regulations governing local landscape water efficiency ordinances. CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, and Addenda thereto. (Planning, Building and Code Enforcement)

Ordinance No. 29671 passed for publication.

2.16 Actions Related to the Bay Area Urban Areas Security Initiative Grant.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to execute an Agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative (UASI), to accept the 2015 UASI grant allocation in the amount of \$1,000,000, and to negotiate and execute additional amendments and related documents without further City Council action.

Resolution No. 77621 adopted.

- (b) Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
- (1) Establish a City-Wide Expenses appropriation to the Police Department for the Urban Areas Security Initiative Grant - Police 2015 in the amount of \$580,000.
 - (2) Establish a City-Wide Expenses appropriation to the Fire Department for the Urban Areas Security Initiative Grant - Fire 2015 in the amount of \$155,000.
 - (3) Increase the estimate for Revenue from the Federal Government by \$735,000.

CEQA: Not a Project, File No. PP10-066 Agreements and Contracts with no changes in the physical environment and File No. PP10-0067(b) appropriation ordinance that involve no approvals of city actions that involve impacts to the physical environment.

(Police/Fire/City Manager)

Ordinance No. 29672 adopted.

Resolution No. 77622 adopted.

2. CONSENT CALENDAR

2.17 Amendment to the Agreement with North San Pedro Townhomes, LLC and San Pedro Life I, LLC for Construction of a Sanitary Sewer Main.

Recommendation:

- (a) Approve an Amendment to the existing City-Private Developer Agreement with North San Pedro Townhomes, LLC and San Pedro Life I, LLC to allow the City to reimburse the Developer in an amount not to exceed \$1,427,692 for the realignment of the existing sanitary sewer located on Terraine Street between W. St. James Street and Devine Street.

Approved.

- (b) Adopt a resolution authorizing the City Manager, on behalf of the City, to execute documents as necessary to finalize an exchange of properties between the City and Charles W. Davidson, Anita A. Davidson and Gloria Chiang, Trustees of the Davidson Living Trust dated December 6, 1989, pursuant to a Temporary Construction Easement and Exchange Agreement to be executed between the Successor Agency and the Davidson Trust in connection with the Julian Street Realignment Project.

CEQA: File No. PP13-076, Remove and replace in-kind underground utility pipes. Council District 3. (Public Works)

Resolution No. 77623 adopted.

2.18 Vacation of a Public Easement Located on 1914 McBain Avenue.

Recommendation:

- (a) Adopt a resolution:
 - (1) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of the public easement;
 - (2) Vacating a portion of the public easement on 1914 McBain Avenue that has been superseded by relocation upon the satisfaction of the conditions set forth in the resolution; and
 - (3) Directing the City Clerk, upon the satisfaction of the conditions set forth in the resolution, to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

Resolution No. 77624 adopted.

- (b) Adopt a resolution authorizing the City Manager to negotiate and execute a quitclaim deed for the portion of public easement to be summarily vacated, which will be provided to the property owners of 1914 McBain Avenue, Eric L. and Christen M. Fisher, upon the satisfaction of conditions set forth in the resolution of vacation.

CEQA: Exempt, Guidelines Section 15305. Minor Alterations to Land, Department of Public Works File No. 3-18966. Council District 1. (Public Works)

Resolution No. 77625 adopted.

2. CONSENT CALENDAR

2.19 Actions Related to the Construction Contract for the 6736 – Large Trash Capture Device Installation – Phase III Project.

Recommendation:

- (a) Approve award of a construction contract for the 6736 – Large Trash Capture Device Installation - Phase III Project to the low bidder, JMB Construction, Inc. in the amount of \$5,421,787 and a ten percent contingency in the amount of \$542,179.

Approved.

- (b) Adopt the following 2015-2016 Appropriation Ordinance amendments in the Storm Sewer Capital Fund:

- (1) Decrease the Unrestricted Ending Fund Balance in the amount of \$2,000,000.
- (2) Increase the appropriation to the Public Works Department for Large Trash Capture Devices in the amount of \$2,000,000.

CEQA: Public Project for the Citywide Large Trash Capture Device Installation, File No. PP15-081 dated September 1, 2015 is an Addendum to a Mitigated Negative Declaration for a previous project File No. PP08-257 adopted on 1/22/2009. Council Districts 2 and 7. (Public Works/City Manager)

Ordinance No. 29673 adopted.

2.20 Actions Related to the Design-Build for the 60-Inch Brick Interceptor Phase VI-A Project.

Recommendation:

- (a) Adopt a resolution adopting the Mitigated Negative Declaration prepared for the Project and a related mitigation monitoring and reporting program, in accordance with the California Environmental Quality Act.

Resolution No. 77626 adopted.

- (b) Adopt a resolution by the City Council doing the following in accordance with San José Municipal Code Section 14.07.310:

- (1) Finding that the cost of the proposed design-build contract for the 60-inch Brick Interceptor Phase VI-A Project (“Project”) will exceed \$5,000,000, and the use of the design-build delivery method process is likely to save money and/or result in faster Project completion than if the City used the traditional design-bid-build method of project delivery.
- (2) Approving the issuance of a Request for Proposals and the evaluation criteria and process by which the City shall select a design-build entity for the Project.
- (3) Authorizing the Director of Public Works to issue addenda to the Request for Proposals to add any additional requirements or to make such other revisions to the Request for Proposals that are consistent with the scope and selection criteria as approved by Council.

Resolution No. 77627 adopted.

2. CONSENT CALENDAR

2.20 Actions Related to the Design-Build for the 60-Inch Brick Interceptor Phase VI-A Project. (Cont'd.)

- (c) Approve the Third Amendment to the Consultant Agreement with AECOM Technical Services by extending the term of the Agreement from December 31, 2015 to December 31, 2018, to enable AECOM to continue providing technical services to support delivery of the Project with no additional compensation.

CEQA: Sewer Interceptor Phase VI-A Initial Study and Mitigated Negative Declaration, File No. PP10-160. Council Districts 3 and 4. (Public Works)

Approved.

2.21 Amendment to the Agreement with Siemens Industry, Inc. for System Software.

Recommendation: Approve a Second Amendment to the Agreement with Siemens Industry, Inc. for TiMC system software design and implementation, to extend the term of the agreement from January 1, 2016 to June 30, 2018, amend the fee schedule to reflect current labor rates, and increase the total compensation from \$1,042,917 to \$1,092,734.

CEQA: Not a Project, File No. PP10-066(a), Agreements and contracts for services that involve no physical changes to the environment. (Transportation)

Approved.

2.22 Downtown San José Property-Based Business Improvement District Annual Financial Report.

Recommendation: Approve the Downtown San José Property-Based Business Improvement District Annual Financial Report for FY 2014-15. CEQA: Not a Project, File No. PP10-069(a), Annual Reports that involves no approval of City actions. Council District 3. (Transportation)

Approved.

2.23 Amendment to the Lease of Airport Premises with Sky Chefs Inc.

Recommendation:

- (a) Approve a Second Amendment to the Lease of Airport Premises between the City of San José and Sky Chefs, Inc. (“Sky Chefs”) to:
- (1) Extend the term of the Lease for one year with two renewal options of one year each.
 - (2) Increase the Minimum Annual Guarantee (MAG) floor to be paid by Sky Chefs from \$500,000 to \$550,000 annually with an annual MAG adjustment made based on gross sales. In no event will the MAG be reduced below \$550,000 per year.

2. CONSENT CALENDAR

2.23 Amendment to the Lease of Airport Premises with Sky Chefs Inc. (Cont'd.)

- (b) Adopt a resolution authorizing the City Manager to negotiate and execute up to two one-year amendments to extend the term of the Lease through February 14, 2019 on the same terms and conditions.

CEQA: Not a Project, File No. PP10-066(f), Lease of equipment or existing space for the same use and will involve no physical changes to the environment. (Airport)
(Deferred from 12/8/15 – Item 2.7)

Deferred to January 12, 2016 per Orders of the Day.

2.24 Master Planned Development Permit for Property Located on the Northwest Corner of North 10th Street and East Taylor Street.

Recommendation: Consideration of adoption of a resolution approving a Master Planned Development Permit to allow construction of up to 403 residential units and up to 5,000 square feet of retail space, the uses of the CIC Combined Industrial Commercial Zoning District, the demolition of three existing industrial buildings, and the removal of seven ordinance sized trees on an 11.43 gross acre site located on the northwest corner of North 10th Street and East Taylor Street. CEQA: Cannery Park/Hanover Project Mitigated Negative Declaration, File No. GP15-001. Council District 3. (Planning, Building and Code Enforcement)

[Referred from 12/8/15 – Item 11.11(b)]

Resolution No. 77628 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report). No Report.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

Heard at 9:03 a.m.

No Report.

3.3 Annual Report on City Services 2014-15.

Recommendation: Accept the Annual Report on City Services FY 2014-15. CEQA: Not a Project, File No. PP10-069(a), Annual reports that involve no approvals of City actions. (Auditor)

Deferred to January 12, 2016 per Rules and Open Government Committee.

3. STRATEGIC SUPPORT SERVICES

3.4 Appeals Hearing Board Interviews.

Recommendation: Interview applicants and consider appointments to fill Two (2) Members-at-Large with terms ending December 31, 2019 on the Appeals Hearing Board. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)
Deferred to January 12, 2016 per Rules and Open Government Committee.

3.5 Civil Service Commission Interviews.

Recommendation: Interview applicants and consider appointments to fill two (2) Members-at-Large with terms ending November 30, 2019 on the Civil Service Commission. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)
Deferred to January 2016 per Orders of the Day.

3.6 Council Priority Setting Session.

Heard First at 1:30 p.m.

Recommendation:

(a) Approve new items for the Council Priority list.

(b) Rank items on Council Priority list.

CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities that involve no approvals of any city action. (City Manager)

	<u>POLICY NAME</u>	<u>TOTAL VOTES*</u>
(1)	Housing Rehabilitation Program/Homeless Veterans Voucher	20
(2)	Downtown Active Storefronts Initiative	12
(3)	San José Urban Agriculture Incentive	10
(4)	Gender Pay Equity	7
(5)	Disadvantaged Business Enterprises	5
(6)	Electronic Billboards	4
(7)	Graywater Systems	2
(8)	Surplus Land Sale	2
(9)	Downtown and/or Citywide Parks Operations/Maintenance Financing Dist.	1
(10)	North San José Policy Review	1
(11)	Peddler Permits Enforcement/Outdoor Mobile Vendor Policy	1
(12)	San José is Open for Business/Legal Nonconforming Uses	1
(13)	Development Agreement Policy	0
(14)	Food and Clothing Distribution at City Parks	0
(15)	Off-Sale of Alcohol at Grocery Stores Streamlining	0
(16)	Real Estate Transactions Streamlining (Phase 3)	0
(17)	Zoning Ordinance Quarterly Modifications	0

* *Individual votes by the Mayor and Council Members are available on the City Clerk Website link: http://sanjose.granicus.com/GeneratedAgendaViewer.php?event_id=032c1a8c-300a-4a75-9181-819a83083bd8*

3. STRATEGIC SUPPORT SERVICES

3.7 Actions Related to the Terms of the Alternative Pension Reform Settlement Framework Agreement Concerning the Litigation Arising Out of Measure B with Bargaining Units Representing Employees in the Federated City Employees' Retirement System and Modifications for Employees in Unit 99 and Units 81/82.

Recommendation:

- (a) Adopt a resolution to:
 - (1) Approve the terms of the Federated Alternative Pension Reform Settlement Framework agreement (“Framework”) between the City and bargaining units representing employees in the Federated City Employees’ Retirement System (“Federated Bargaining Units”):
 - (i) Association of Engineers and Architects, IFPTE Local 21 (AEA Units 41/42 and 43)
 - (ii) Association of Legal Professional (ALP)
 - (iii) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP)
 - (iv) City Association of Management Personnel, IFPTE Local 21 (CAMP)
 - (v) Confidential Employees’ Organization, AFSCME Local 101 (CEO)
 - (vi) International Brotherhood of Electrical Workers, Local No. 332 (IBEW)
 - (vii) Municipal Employees’ Federation AFSCME Local 101 (MEF)
 - (viii) International Union of Operating Engineers, Local No. 3 (OE#3)
 - (2) Authorize the City Manager to negotiate and execute a Retirement Memorandum of Agreement between the City and Federated Bargaining Units listed above; and
 - (3) Approve the modifications for unrepresented employees in Unit 99 and Units 81/82 similar to those in the Federated Alternative Pension Reform Settlement Framework except for those provisions specified herein.

Resolution No. 77629 adopted.

Noes: Oliverio.

- (b) Adopt the following 2015-2016 Appropriation Ordinance amendments in the General Fund:
 - (1) Increase the City-wide Measure B Settlement appropriation to the City Manager’s Office in the amount of \$1,257,000.
 - (2) Decrease the Retiree Healthcare Solutions Reserve in the amount of \$1,257,000.

CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)

Ordinance No. 29674 adopted.

Noes: Oliverio.

3. STRATEGIC SUPPORT SERVICES

3.8 TEFRA Hearing for the Issuance of Tax-Exempt Revenue Bonds by the California Municipal Finance Authority for the Harker School Project.

Recommendation:

- (a) Hold a Tax Equity and Fiscal Responsibility Act (“TEFRA”) Hearing for the issuance of \$20,000,000 of tax-exempt 501(c)(3) revenue bonds by the California Municipal Finance Authority (“CMFA”).
- (b) Consider adoption of a resolution approving the issuance of tax-exempt revenue bonds, by the CMFA in an aggregate principal amount not to exceed \$20,000,000 to finance: (1) the acquisition, construction and/or equipping of certain educational facilities to be owned and operated by the Borrower and to be located in the City at 500 Saratoga Avenue, San José, California and (2) certain expenses incurred in connection with the issuance of the Bonds (collectively, the “Project”).

CEQA: Exempt, Guidelines Section 15061(b)(3), No potential for causing a significant effect on the environment. Council District 1. (Finance)

The TEFRA Hearing was held at 1:30 p.m.

Resolution No. 77630 adopted.

3.9 Mayor’s 2015 Biennial Ethics Review and Recommendations.

Recommendation: As recommended by the Rules and Open Government Committee on December 2, 2015:

- (a) Direct the City Clerk to report on the feasibility of creating an electronic filing system for lobbyist tracking and reporting, which would automate the process in a way that provides immediate online disclosure upon submittal of reports.
- (b) Direct the City Clerk to refine current lobbyist forms and add a section that differentiates the type of contact with elected officials and their Chiefs of Staff (i.e.: email, phone call, meeting, etc.).
- (c) Direct the City Attorney to draft amendments to Title 12 referencing lobbyist reporting disclosures to:
 - (1) Change reporting disclosures from quarterly to weekly, on every Monday after contact with elected officials/Chiefs of Staff, along with the annual registration report.
 - (2) Differentiate type of contact with elected officials/Chiefs of Staff in the report (i.e. email, phone call, meeting, etc.).
 - (3) Amend section 12.12.800 to clarify requirements for disclosure of all scheduled meetings and scheduled telephone conversations with registered lobbyists.
- (d) Direct the Ethics Commission to recommend revisions to the Gift Ordinance to better align with the State gift rules and simplify the compliance with conflicting rules.

CEQA: Not a Project, File No. PP10-069 City Administrative activities that involve no approvals of any city action. (Mayor)

The memorandum from Mayor Sam Liccardo, dated November 19, 2015, was approved, the direction was approved as described previously above in Item 3.9(a)-(d). Staff was directed to return to Council in February 2016 with an update.

Noes: M. Nguyen.

3. STRATEGIC SUPPORT SERVICES

3.10 Actions Related to Salary Setting Commission Recommendations.

Recommendation: As recommended by the Salary Setting Commission, approve an ordinance establishing the following salaries and benefits for the Mayor and City Council for the next two Fiscal Years, the period July 1, 2015 through June 30, 2017:

- (a) For the Mayor, increase the authorized salary from \$114,000 annually to \$125,000 annually.
- (b) For each Council Member, increase the authorized salary from \$81,000 annually to \$92,000 annually.
- (c) Retain the levels of health, dental, life insurance and other benefits in accordance with the benefits provided to management employees in Unit 99.
- (d) Retain the current retirement benefits offered under the CalPERS Tier 2 Plan and the PTC 457 Defined Contribution Plan.
- (e) Increase the vehicle allowance from \$350 per month to \$500 per month for the Mayor and each member of the City Council.
- (f) Continue to require Council Members to pay \$250 for each unexcused absence at scheduled Council meetings, pursuant to City Charter Section 407.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities that involve no approvals of any City actions. (City Clerk)

(Deferred from 5/19/15 – Item 3.3 and 6/23/15 – Item 3.21)

Deferred to January 2016 per Orders of the Day.

3.11 Approval of the Michael Johnson Memorial Highway Project.

Recommendation: Approve the Michael Johnson Memorial Highway signage project, to be located along Highway 87 in downtown San José. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Police)

Approved.

3.12 Comprehensive Annual Financial Report.

Items 3.12, 3.13, 3.14 and 9.2 were heard concurrently.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on December 10, 2015, accept the Comprehensive Annual Financial Report for the City of San José for Fiscal Year 2014-2015. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Finance)

[Public Safety, Finance, and Strategic Support Committee referral 12/10/15 – Item (d)(5)]

Accepted.

3. STRATEGIC SUPPORT SERVICES

3.13 External Auditor's Reports for Fiscal Year 2015-2015.

Items 3.12, 3.13, 3.14 and 9.2 were heard concurrently.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on December 10, 2015:

- (a) Accept the Single Audit Report for the Basic Financial Statements with Federal and Airport Compliance Sections for the Year Ended June 30, 2015.
- (b) Accept the External Auditor's Report to Management addressed to the Public Safety, Finance, and Strategic Support Committee for the Year Ended June 30, 2015.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Finance)
[Public Safety, Finance, and Strategic Support Committee referral 12/10/15 – Item (d)(6)]
Accepted.

3.14 Comprehensive Annual Debt Report.

Items 3.12, 3.13, 3.14 and 9.2 were heard concurrently.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on December 10, 2015, accept the Comprehensive Annual Debt Report for the City of San José for Fiscal Year 2014-2015. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Finance)

[Public Safety, Finance, and Strategic Support Committee referral 12/10/15 – Item (d)(5)]
Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 North San José Area Development Policy Amendment Related to Traffic Impact Fee Incentive Program and Low Intensity Uses.

Recommendation: Adopt a resolution to approve a North San José Area Development Policy amendment to:

- (a) Extend the deadline to qualify for reduced North San José Traffic Impact Fee under the Near-Term Industrial Development Incentive Program by two years to December 31, 2017.
- (b) Revise the criteria to qualify as a low intensity industrial use with traffic impact fee collectible based on trip generation of the use rather than building square footage.

CEQA: North San José Development Policies Update Final Program EIR and Addenda thereto (Resolution No. 72768) (Economic Development/Planning, Building and Code Enforcement/Transportation)

Resolution No. 77631 adopted. Staff was directed to return to Council in February 2016 with a comprehensive update and/or study session.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Substantial Amendment to the FY 2015-16 Annual Action Plan.

Recommendation:

- (a) Hold a Public Hearing and take public comment on a Substantial Amendment to the City's Program Year (FY) 2015-16 Annual Action Plan to:
 - (1) Reduce the Unallocated Fund balance of Community Development Block Grant (CDBG) funds from \$2,000,000 to \$1,267,683 in the adopted 2015-16 Annual Action Plan to reallocate to previously approved Community Facility Rehabilitation Projects.
 - (2) Increase funding for the following CDBG funded Community Facility Projects from project carryover funds from the FY 2014-15 Adopted Annual Action Plan:
 - (a) Educare Play Structure Installation - Invest an additional \$250,000 in CDBG funds to complete the installation of the play structure;
 - (b) Rehabilitation of the former Head Start building - Invest an additional \$260,000 in CDBG funds to complete rehabilitation of the building which will provide a community hub in the Santee neighborhood.
 - (c) Recovery Café Rehabilitation project - Invest an additional \$434,189 in CDBG funds to complete rehabilitation of the social hall, commercial kitchen, classrooms, bathrooms, and ADA ramps.
 - (3) Add \$238,913 of Emergency Solutions Grant (ESG) funds from previous year balances to support services for homeless individuals and families.
 - (4) Make an administrative adjustment to move \$211,872 of CDBG funding for the San José Streets Team (SJST) from the Encampment and Place-based Clean-Up Project to the Services for Homeless and Unhoused Populations project.

The Public Hearing Was Held.

- (b) Adopt a resolution approving the Substantial Amendment to the FY 2015-16 Annual Action Plan.

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

Heard Not Before 1:30 p.m.

Resolution No. 77632 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Actions Related to the Acquisition of the Plaza Hotel for Housing the Homeless.

Recommendation: Adopt a resolution:

- (a) Authorizing the Director of Housing, on behalf of the City, to negotiate and execute a purchase and sale agreement to acquire the Plaza Hotel, located at 96 South Almaden Boulevard, from the Successor Agency to the Redevelopment Agency of the City of San José for \$750,000 from the Community Development Block Grant Fund for the purposes of housing the homeless for a duration of five years; and
- (b) Authorizing the Director of Housing to negotiate and execute all other legal documents in order to effectuate the acquisition.

CEQA: Exempt, Guidelines Section 15301(a)(d). Existing Facilities, File No. PP15-078. Council District 3. (Housing)

Resolution No. 77633 adopted.

4.4 Potential Research Regarding Impact Fee on Commercial Development to Fund Affordable Housing.

Recommendation:

- (a) Accept the research report from staff on a potential Commercial Impact Fee Nexus Study and Feasibility Study to support the development of affordable housing.
- (b) Discuss and provide direction to staff regarding next steps for a potential Nexus Study and Feasibility Study.

CEQA: Not a Project, File No. PP10-069(a), Reports that involve no approvals of any city actions. (Housing/Economic Development/ Planning, Building and Code Enforcement)

The revised memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Members Jones and Carrasco, dated December 11, 2015, was approved, accepting the Commercial Impact Fee (CIF) research report, including the following:

- (1) **Postpone undertaking a Nexus and Feasibility Study for a CIF ~~until San José achieves a 1:1 Jobs/Employed Resident Ratio.~~**
- (2) **Direct Staff to explore with the Silicon Valley Community Foundation, SPUR and other regional partners, and study how a regional fee structure or revenue-sharing might best address the need for affordable housing within the context of the widening jobs-housing imbalance within the region. These efforts should focus on regional solutions to mitigate the various impacts of that imbalance, including rising housing costs, widening service level inequities, freeway congestion and greenhouse gas emissions.**

Noes: Carrasco, Kalra, Peralez, Rocha.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Rezoning the Real Property Located on the East Side of South Montgomery Street Between The Alameda and West San Fernando Street.

Recommendation:

- (a) Consider the Addendum to the San José Downtown Strategy 2000 Final Environmental Impact Report (Resolution No. 72767) and Diridon Station Area Plan Final Environmental Impact Report (Resolution No. 77096) in accordance with the California Environmental Quality Act.

Approved.

- (b) Consideration of an ordinance rezoning the real property from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District to allow commercial use on a 0.17 gross acre site, located on the east side of S. Montgomery, between The Alameda and W. San Fernando Street (50 S. Montgomery St.) (Ilya Neizvestny, Owner). Planning Commission recommends approval (6-0-1) (Bit-Badal absent).

CEQA: Addendum to the San José Downtown Strategy 2000 Final EIR (Resolution No. 72767) and the Diridon Station Area Plan Final EIR (Resolution No. 77096). File No. C15-014 – Council District 6. (Planning, Building, and Code Enforcement)

Ordinance No. 29675 passed for publication.

4.6 Explore a Pilot Sanctioned Encampment in San José.

Recommendation: Accept the staff report related to exploring a pilot sanctioned encampment in San José and provide direction to staff.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City actions. (Housing)

[Council Referral 12/01/15 – Item 4.6 and 12/08/15 – Item 4.4]

Dropped.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Proposed Air Service Incentive Program.

Items 6.1, 6.2 and 6.3 were heard concurrently.

Recommendation: Adopt a resolution revising the airline support program to facilitate the development of new air service at the Norman Y. Mineta San José International Airport (SJC) by removing the airline matching requirement on new air service marketing funds expended by the City, increasing the new air service marketing funds to be expended by the City, authorizing the Director of Aviation to waive the requirement for an airline to repay waived fees and marketing expenditures in the event of early termination of service, authorizing the Director of Aviation to determine application of the support program for additional frequencies on international routes in extenuating circumstances, and repealing Resolution No. 77099. CEQA: Determination of Consistency with the San José International Airport Master Plan (resolution No. 67380) and the Norman Y. Mineta San José International Airport Master Plan Update Final Supplemental EIR (Resolution No. 71451), File No. PP09-192. (Airport)

The memorandum from Mayor Sam Liccardo and Council Members Jones, Peralez, Carrasco and Khamis, dated December 11, 2015, was approved, accepting the recommendations outlined in the reports dated November 25, 2015 related to Items 6.1, 6.2 and 6.3. Staff was directed to only allow the elements of the policy (Item 6.1) to continue until the Budget Process and in the Spring Council will reconsider/evaluate and may terminate those elements of the plan, and determine what if any, other conditions the Council may want to have in their incentive program in the context of San José budgetary needs of the Airport in June 2016.

Resolution No. 77634 adopted.

6.2 Proposed Air Service Incentive Program Approval for New Air Service.

Recommendation:

- (a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding economic development subsidies to be provided to Southwest Airlines, Alaska Airlines, British Airways and Lufthansa German Airlines pursuant to the City's Air Service Support Program.

The Public Hearing Was Held.

- (b) Adopt a resolution authorizing the City Manager or his designee to provide the following economic development subsidies pursuant to the City's Air Service Support Program:
- (1) Southwest Airlines:
 - (a) Waive landing fees for 18 months after the initial operation at an approximate value of \$150,669.
 - (2) Alaska Airlines:
 - (a) Waive landing fees for 12 months after the initial operation at an approximate value of \$47,036.
 - (b) City will provide marketing funds of up to \$25,000.

6. TRANSPORTATION & AVIATION SERVICES

6.2 Proposed Air Service Incentive Program Approval for New Air Service. (Cont'd.)

Recommendation:

- (b) (3) British Airways:
 - (a) Waive landing fees at 100% for 18 months after the initial operation and 50% for the next 12 months at an approximate value of \$660,833.
 - (b) Waive ticket counter fee at 100% for 18 months after the initial operation and 50% for the next 12 months at an approximate value of \$770,880.
 - (c) Waive gate fee at 100% for 18 months after the initial operation and 50% for the next 12 months at an approximate value of \$402,960.
 - (d) City will provide marketing funds of up to \$600,000.
- (4) Lufthansa German Airlines:
 - (a) Waive landing fees at 100% for 18 months after the initial operation and 50% for the next 12 months at an approximate value of \$465,758.
 - (b) Waive ticket counter fee at 100% for 18 months after the initial operation and 50% for the next 12 months at an approximate value of \$551,232.
 - (c) Waive gate fee at 100% for 18 months after the initial operation and 50% for the next 12 months at an approximate value of \$288,144.
 - (d) City will provide marketing funds of up to \$600,000.

Resolution No. 77635 adopted.

- (c) Adopt the following 2015-2016 Appropriation Ordinance Amendments in the Airport Maintenance and Operation Fund:
 - (1) Increase the appropriation to the Airport Department for Non-Personal/Equipment by \$1,225,000; and
 - (2) Decrease the appropriation to the Airport Department for Operations Contingency by \$1,225,000.

CEQA: Determination of Consistency with the San José International Airport Master Plan (Resolution No. 67380) and the Norman Y. Mineta San José International Airport Master Plan Update Final Supplemental EIR (Resolution No. 71451) File No. PP09-192.
(Airport/City Manager)

Ordinance No. 29676 adopted.

6.3 Amendment to the Agreement with Civilian, Inc. for British Airways and Lufthansa Airlines Marketing.

Recommendation: Approve a Third Amendment to the Master Consultant Agreement for Airport marketing services with Civilian, Inc. (formerly AdEase), to increase the compensation by \$1,200,000, from \$8,220,000 to an amount not to exceed \$9,420,000, to provide funds for a marketing program with British Airways and a marketing program with Lufthansa Airlines. CEQA: Not a Project, File No. PP10-066, Agreements and contracts for services that involve no physical change to the environment. (Airport)

Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Agreement with Kennedy/Jenks Consultants, Inc. for Engineering Services for the 7448 – Filter Rehabilitation Project.

Recommendation: Approve a Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. to provide engineering services for the “#7448 – Filter Rehabilitation Project” at the San José-Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2023, in a total amount not to exceed \$4,950,000, subject to the appropriation of funds. CEQA: Statutory Exemption, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Environmental Services)

Approved.

Staff was directed to report back with a supplemental memorandum to Council, the Transportation and Environment Committee (including the WPCP Committee) why the advanced purification treatment facility is separate rather than integrated, and if it can be integrated as part of the City of San José’s existing treatment, can resources be utilized more effectively.

7.2 Actions Related to the Agreement with Pacific Gas and Electric Company for the Silicon Valley Energy Watch Program.

Recommendation:

(a) Adopt a resolution:

- (1) Authorizing the City Manager to negotiate and execute a new Master Service Agreement with Pacific Gas and Electric Company for the Silicon Valley Energy Watch program through March 31, 2019.
- (2) Authorizing the City Manager to negotiate and execute an associated Contract Work Authorization with Pacific Gas and Electric Company for the Silicon Valley Energy Watch program in an amount up to \$3,681,067 through December 31, 2018.

Resolution No. 77636 adopted.

(b) Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (1) Establish a new City-Wide appropriation to the Environmental Services Department for Silicon Valley Energy Watch 2016 in the amount of \$484,748.
- (2) Increase the Estimate for Other Revenue by \$484,748.

Ordinance No. 29677 adopted.

Resolution No. 77637 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 Actions Related to the Agreement with Pacific Gas and Electric Company for the Silicon Valley Energy Watch Program. (Cont'd.)

Recommendation:

- (c) Extend the limit date for 2.0 Environmental Service Specialist positions assigned to the Environmental Services Department through March 31, 2019.

CEQA: Not a Project, File No. PP10-066, Agreements and contracts for services that involve no physical change to the environment. Services that involve no physical changes to the environment. (Environmental Services/City Manager)

Approved.

7.3 Recycle Plus Curbside Material Audit.

Recommendation: As recommended by the Transportation and Environment Committee on December 7, 2015:

- (a) Accept third party studies of single-family residential recyclables characterization and hauler recycling facilities operations;
- (b) Direct staff to return to Council in February 2016 with proposed updated contract language, if applicable, in Districts A and C, to reflect changes discussed in this report for Council consideration; and
- (c) Direct staff to implement pilot studies to (1) process recyclables residue from Districts A and C to recycle organic waste, (2) issue larger garbage carts for single-family residences in focused areas; and return to Council with any recommended program changes as part of the 2016-2017 budget process.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions. (Environmental Services)

[Transportation and Environment Committee referral from 12/7/15 – Item (d)(4)]

Deferred to January 12, 2016 Per Administration.

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Actions Related to the January – June 2016 Administrative Budget and Recognized Obligation Payment Schedule 15-16B.

Mayor Sam Liccardo convened the Successor Agency to the Redevelopment Agency of the City of San José at 5:50 p.m.

Recommendation: Adopt resolutions of the Successor Agency Board to:

(a) Approve the Administrative Budget for January 1 through June 30, 2016.

SARA Resolution No. 7044 adopted.

(b) Approve the Recognized Obligation Payment Schedule 15-16B and authorize payment of expenditures for items on ROPS 15-16B, which details the obligations of the Successor Agency for the period of January 1, 2016 through June 30, 2016.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Successor Agency)

SARA Resolution No. 7045 adopted.

Mayor Sam Liccardo adjourned the Successor Agency to the Redevelopment Agency of the City of San José at 5:51 p.m.

9.2 Fiscal Year 2014-2015 Audited Financial Statements.

Items 3.12, 3.13, 3.14 and 9.2 were heard concurrently.

Recommendation: Accept the Fiscal Year 2014-2015 Independent Auditor's Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency of the City of San José. CEQA: Not a Project. File No. PP10-069(a), Organizational and Administrative Activities that involve no approvals of any city actions. (Successor Agency) **Accepted.**

10. GENERAL PLAN PUBLIC HEARINGS

10.1 Tentative Approval of General Plan Consent Calendar Items.

No General Plan consent calendar items at this time.

10. GENERAL PLAN PUBLIC HEARINGS

Items 10.2 and 10.3 were heard first before the Consent Calendar.

10.2 General Plan Text Amendment: Greenhouse Gas Reduction Strategy.

Recommendation:

- (a) Adopt a resolution certifying the Supplemental Program Environmental Impact Report to the Envision San José 2040 General Plan Program Environmental Impact Report (Resolution No. 76041) providing additional analysis and information on greenhouse gas emissions, and making certain findings concerning significant environmental impacts, mitigation measures and alternatives, adopting a mitigation monitoring and reporting program, and adopting a statement of overriding considerations, all in accordance with the California Environmental Quality Act (CEQA). PP15-060 – District: Citywide

The City Council tentatively approved the memorandum from Mayor Sam Liccardo, dated December 11, 2015:

- (1) **Accept the Staff recommendation as described above in 10.2(a).**
- (2) **Direct Staff to return in the Spring with a work plan, in concert with the Green Vision update, to formulate a GHG-Reduction Goal with targets that would suffice -- if other major cities in industrialized nations set a similar target -- to ensure that global temperature increase does not exceed 2 degrees Celsius. This target should encompass goals for both 2030 and 2050 and should necessarily be more aggressive than that established by international agreement in Paris.**

Resolution No. 77517 was tentatively adopted.

- (b) Tentative approval of a General Plan Amendment to incorporate text revisions to the Envision San José 2040 General Plan including, but not limited to, the update and re-adoption of the City's Greenhouse Gas Reduction Strategy.

CEQA: Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Program EIR (Resolution No. 76041) certified by the City of San José on November 1, 2011. Planning Commission recommends approval (6-0-1) (Yesney recused). (Planning, Building and Code Enforcement). File Nos: PP15-060 and GPT15-002 – District: Citywide
The City Council tentatively adopted the General Plan Amendment.

10.3 Adopt a Resolution Approving All General Plan Amendment Actions on December 8, 2015 and December 15, 2015.

Recommendation: Adopt a resolution approving all General Plan Amendment actions taken on December 8, 2015 and December 15, 2015.

Resolution No. 77618 adopted, approving all General Plan Amendment actions taken on December 8, 2015 and December 15, 2015.

- **Notice of City Engineer’s Pending Decision on Final Maps**

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10323	6055 Guadalupe Mines Road	10	La Encina Development LLC	7/5	SFD	Approve

- **Open Forum**

There was no public testimony from the floor.

- **Adjournment**

The Council of the City of San José was adjourned at 5:52 p.m.