

CITY COUNCIL AGENDA

APRIL 7, 2015

AMENDED AGENDA

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MARJORIE MATTHEWS
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, Council Wing, 2nd 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**

- * 9:00 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 4)**

- * David Perez, Santa Clara County's Poet Laureate

- **Pledge of Allegiance**

- **Orders of the Day**

- * 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.

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring the month of April 2015 as “Young Child Awareness Month” in the City of San José. (Oliverio)
* (Rules Committee referral 4/1/15)

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 Minutes.

2.2 Final Adoption of Ordinances.

- * **Recommendation:** Final adoption of ordinances.
- (a) ORD. NO. 29545 – Rezoning certain real property of approximately 8.0 gross acres situated at the southwest corner of West San Carlos and Sunol Streets and extending to Auzerais Avenue from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. PDC13-004
CEQA: Ohlone Mixed Use EIR Resolution No. 09064, File No. PDC08-061.
- (b) ORD. NO. 29546 – Amending Title 20 of the San José Municipal Code to add a new Section 20.80.1915 to Chapter 20.80, to amend Sections 20.20.100 of Chapter 20.20, 20.30.100 and 20.30.140 of Chapter 20.30, 20.40.100 of Chapter 20.40, 20.50.100 of Chapter 20.50, 20.70.100 of Chapter 20.70, 20.75.200 of Chapter 20.75 and 20.100.1230 of Chapter 20.100 related to the issuance of administrative permits for certain modifications to existing wireless towers and base stations consistent with federal law, Section 6409(A) of the Middle Class Tax Relief and Job Creation Act of 2012 and Federal Communications Commission Report and Order FCC-14-153, and to make other technical, non-substantive, or formatting changes within Title 20. CEQA: Not a Project, File No. PP10-068(c), Municipal Code amendments that involve no changes to the physical environment. Title 20

2.3 Approval of Council Committee Reports.

- * **Recommendation:** Approval of Council Committee Reports.
- (a) [Rules and Open Government Committee Report of March 11, 2015](#). (Mayor)
(b) Neighborhood Services and Education Committee Report of March 12, 2015. (Rocha)
DEFERRED TO 4/14/15 PER CITY CLERK

(Item continued on the next page)

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports. (Cont'd.)

Recommendation:

- (c) [Rules and Open Government Committee Report of March 18, 2015](#). (Mayor)
- (d) Public Safety, Finance, and Strategic Support Committee Report of March 19, 2015. (Oliverio)

RECOMMEND DEFERRAL TO 4/14/15 PER CITY CLERK

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

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Request for an [excused absence](#) for Councilmember Carrasco from the Regular Meeting of the Rules and Open Government Committee on March 18, 2015 due to illness.
- (b) Request for an [excused absence](#) for Councilmember Carrasco from the Regular Meeting of the Public Safety, Finance, and Strategic Support Committee on March 19, 2015 due to illness.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Carrasco)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Cesar Chavez Day Flag Raising](#).

* **Recommendation:** As recommended by the Rules and Open Government Committee on March 25, 2015:

- (a) Retroactively approve the Cesar Chavez Day Flag Raising on March 30, 2015 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP10-069(c), City Organizational Activities. (Kalra)
[Rules Committee referral 3/25/15 – Item G(1)(a)]

2.8 [Agreement with County of Santa Clara for the Martial Cottle Park Community Garden](#).

Recommendation: Approve an [agreement](#) between the County of Santa Clara and the City of San José for the City's development and operation of a 1.5 acre community garden site within Martial Cottle Park. CEQA: Exempt, File No. PP14-050. Council District 10. (Parks, Recreation and Neighborhood Services)

2. CONSENT CALENDAR

2.9 [Report on Bids and Award of Contract for the 6896 - Sanitary Structures Cover Plate Repair Project.](#)

Recommendation: Report on bids and award of contract for the 6896 - Sanitary Structures Cover Plate Repair Project to the sole bidder, JMB Construction, Inc., in the amount of \$1,047,160 and approval of a contingency in the amount of \$209,432. CEQA: Exempt, File No. PP15-004. Council Districts 3, 4, and 7. (Public Works)

2.10 [Summary Vacation of a Public Service Easement on the Northwest Corner of Palm Street and West Alma Avenue.](#)

Recommendation: Adopt a [resolution](#) summarily vacating a portion of a Public Service Easement located on private property (APN 434-12-106) on the northwest corner of Palm Street and West Alma Avenue. CEQA: Exempt, File No. PD08-020. Council District 6. (Public Works)

2.11 [Amendment to Title 11 for Designation of Bicycle Lanes.](#)

Recommendation: Approve an [ordinance](#) updating Title 11 of the San José Municipal Code addressing the authority for designating bicycle lanes to align with current practice and in recognition of the City Council's approval of a City Bike Plan. CEQA: Not a Project, File No. PP10-068(c), Code or policy change that involve no changes in the physical environment. (Transportation)

2.12 [Actions Related to the 2013 Slurry Seal Project.](#)

Recommendation: Approve an increase to the contract contingency for the 2013 Slurry Seal Project in the amount of \$45,124 for a total contingency amount of \$103,756. CEQA: Exempt, File No. PP11-035. (Transportation)

2.13 [SB 9 \(Beall\) – Greenhouse Gas Reduction Fund: Transit and Intercity Rail Capital Program.](#)

* **Recommendation:** As recommended by Rules and Open Government Committee on March 25, 2015, approve a support position for SB 9 (Beall) – Greenhouse Gas Reduction Fund: Transit and Intercity Rail Capital Program. CEQA: Not a Project, File No. PP10-069(d), Legislative Positions. (Transportation)
[Rules Committee referral 3/25/15 – Item G(2)]

2. CONSENT CALENDAR

2.14 [Grant Agreement with Ballet San Jose Silicon Valley for Support Operations.](#)

Recommendation: Approve a grant [agreement](#) with Ballet San Jose Silicon Valley for a special grant in the amount of \$105,000 to support operations. This special grant of \$105,000 will be in addition to the previously awarded grant for FY 2014-2015 in the amount of \$206,768 for a total grant award of \$311,768. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 3. (Economic Development)

* (Rules Committee referral 4/1/15)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Interim 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 Fund Balance and Reserves Audit. - *DEFERRED*

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on March 19, 2015, accept the Audit on Fund Balance and Reserves. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Auditor)
[Public Safety, Finance, and Strategic Support Committee referral 3/19/15 – Item D(5)]

* **DEFERRED TO 4/14/15 PER ADMINISTRATION**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Friends of Levitt Pavilion Exploratory Committee.](#)

[Levitt Pavilions Exploratory Committee Transmittal Letter](#)

[Input and Recommendations for Consideration](#) (16.7 Mb)

[Environmental Noise Analysis](#)

[Memo from Mayor Liccardo, Vice Mayor Herrera, and Councilmembers Peralez and Khamis](#)

Recommendation: As recommended by the Community and Economic Development Committee on February 23, 2015:

- (a) Receive a verbal report on the Friends of Levitt San José Exploratory Committee regarding the feasibility of a performance venue in Saint James Park. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Friends of Levitt Pavilion Exploratory Committee (Cont'd.)

Recommendation:

- (b) Accept the *Levitt Pavilions Exploratory Committee: Building Community Through Music Report* and endorse the community moving forward with its business planning, fundraising and entity formation. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

(Economic Development/Parks, Recreation and Neighborhood Services)

[Community and Economic Development Committee 2/23/15 – Item D(2)]

(Deferred from 3/17/15 – Item 4.2 and 3/24/15 – Item 4.2)

5. NEIGHBORHOOD SERVICES

5.1 [Place Based Encampment Pilot Status and Update on Temporary Housing Initiatives: Story Road Encampment Response Report.](#)

[Memo from Mayor Liccardo, Councilmembers Peralez, Carrasco and Nguyen](#)

- * **Recommendation:** As recommended by the Neighborhood Services and Education Committee on March 12, 2015, accept the report on Place-Based Encampment Pilot Status: Story Road encampment response effort. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Housing)

[Neighborhood Services and Education Committee referral 3/12/15 – Item D(3)]

5.2 [San José Family Camp at Yosemite.](#)

Recommendation: As recommended by the Neighborhood Services and Education Committee on March 12, 2015:

- (a) Accept staff's update on San José Family Camp at Yosemite (Family Camp); and
(b) Direct the City Manager to discuss and negotiate with the United States Forest Service to continue operation of the Family Camp program beyond the current lease agreement which is set to expire December 31, 2016.

CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 3/12/15 – Item D(4)]

- * **TO BE HEARD NO EARLIER THAN 3 P.M.**

6. TRANSPORTATION & AVIATION SERVICES

6.1 Approval of Master Agreements for On-call Technical Services for the Airport Capital Improvement Program.

Recommendation: Approve Master Consultant Agreements with two firms, [AECOM](#) and [Gensler](#), for on-call engineering, architectural and program management services to support implementation of the Airport Capital Improvement Program for a term from the date of Council approval to June 30, 2020, in an amount not to exceed \$6,000,000 for each Agreement. CEQA: Not a project, File No. PP10-066(d), Consultant Services for Design/Study/Research/Inspection. (Airport)

6.2 Award of Construction Contract for the 2015 Remove and Replace Asphalt Concrete Pavement Project.

Recommendation:

- (a) Approve the award of a construction contract for the 2015 Remove and Replace Asphalt Concrete Pavement Project, to the lowest responsive bidder, MCK Services, Inc. in the amount of \$4,037,950; and
 - (b) Approve a fifteen percent contingency in the amount of \$605,693.
- CEQA: Exempt, File No. PP11-035. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Impact of Cardroom Gambling on Crime Annual Report.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on March 19, 2015, accept the annual report on the impact of cardroom gambling on crime in the San José metropolitan area. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Police)
[Public Safety, Finance, and Strategic Support Committee referral 3/19/15 – D(2)]

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **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>
10280	5000 Pearl Avenue	9	Pearl Avenue Partners, LP	18 Lots/ 13 Units	SFD	Approve

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10263	Dove Hill Road	8	Dove Hill of San Jose, LLC	18 Lots/ 17 Units	SFD
10300	Communications Hill Blvd and Casselino Dr.	7	KB Home, Inc.	177 Lots / 314 Units	SFD, MFA

- **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**

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.
- 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.