

CITY COUNCIL AGENDA

SEPTEMBER 29, 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, 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**
9:32 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Kalra; Liccardo. (Excused)

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Liccardo. (Excused)
- **Invocation (District 8)**
Rabbi Dana Magat, Temple Emanu-El offered the Invocation.
- **Pledge of Allegiance**
Vice Mayor Rose Herrera led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 4.3 deferred to October 6, 2015.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Laura Aguilera for her exemplary work in bringing awareness to the issue of Domestic Violence. (Herrera)
Vice Mayor Rose Herrera recognized and commended Laura Aguilera. Ms. Aguilera's son Diego was present.
- 1.2 Presentation of a commendation to the Northside Neighborhood Association for being the first neighborhood association formed in San José and celebrating their 50th anniversary. (Peralez)
Vice Mayor Rose Herrera and Council Member Raul Peralez recognized and commended the Northside Neighborhood Association.
- 1.3 Presentation of a proclamation recognizing the month of September 2015 as "Histiocytosis Awareness Month" in the City of San José. (Khamis)
Vice Mayor Rose Herrera and Council Member Johnny Khamis recognized the month of September 2015 as "Histiocytosis Awareness Month" in San José.

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. 29614 – Establishing a temporary moratorium on the conversion or closure of mobilehome parks pending the review and possible amendment of land use regulations applicable to such conversions and closures and setting forth findings to support such temporary moratorium. CEQA: Exempt, Guidelines Sections 15061(b)(3) No potential for causing a significant impact on the environment and 15308 Actions by Regulatory Agencies for Protection of the Environment. (Planning, Building and Code Enforcement/Housing).
Ordinance No. 29614 adopted.

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

Recommendation: Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of September 9, 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. CONSENT CALENDAR

2.5 City Council Travel Reports.
No Report.

2.6 Report from the Council Liaison to the Retirement Boards.
No Report.

2.7 Amendment to the Purchase Orders for Concrete Removal, Replacement and Repairs.

Recommendation: Adopt a resolution to authorize the City Manager to:

- (a) Amend purchase orders with Cal West (Gilroy, CA), CB Concrete (Los Gatos, CA), Gabriel Alviso (Morgan Hill, CA), Golden Bay Construction (Hayward, CA), JJR Construction (San Mateo, CA) and Wilson Concrete (San José, CA) for concrete removal, replacement and repairs in the public right-of-way, to increase the amount of total cumulative compensation by \$1,000,000 from \$1,395,000 to \$2,395,000 for the remainder of the initial term of the purchase orders, ending January 11, 2016.
- (b) Transfer available funds between the purchase orders as may be required based on requirements and contractor capacity.
- (c) Exercise options to extend the purchase orders for five additional twelve month terms without further Council action other than the appropriation of funds.

CEQA: Exempt, Guidelines Section 15301(c) Existing Facilities. File No. PP15-092.
(Finance)

Resolution No. 77535 adopted.

2.8 Shred-A-Thon and E-Waste Collection Day.

Recommendation: As recommended by the Rules and Open Government Committee on September 16, 2015:

- (a) Approve the Shred-A-Thon and E-Waste Collection Day scheduled on October 24, 2015 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Exempt, Guidelines Section 15304(e), Minor Alterations to Land. File No. PP12-080. (Jones)

[Rules and Open Government referral 9/16/15 – Item G(1)(a)]

Approved.

2. CONSENT CALENDAR

2.9 Disability Awareness Day.

Recommendation: As recommended by the Rules and Open Government Committee on September 16, 2015:

- (a) Approve the Disability Awareness Day scheduled on October 1, 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. (Jones)
[Rules and Open Government referral 9/16/15 – Item G(1)(b)]

Approved.

2.10 Third Annual July 4th Family Fun Festival and Fireworks Show.

Recommendation: As recommended by the Rules and Open Government Committee on September 16, 2015:

- (a) Approve the Third Annual July 4th Family Fun Festival and Fireworks Show scheduled on July 4, 2016 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: Exempt, Guidelines Section 15304(e) Minor Alterations to Land. File No. PP15-094. (Khamis)

[Rules and Open Government referral 9/16/15 – Item G(1)(c)]

Approved.

2.11 Actions Related to the 2015 Justice Assistance Grant Spending Plan for FY 2015 Edward Byrne Memorial Justice Assistance Grant.

Recommendation:

- (a) Approve the proposed Spending Plan for the 2015 Edward Byrne Memorial Justice Assistance Grant.

Approved.

- (b) Adopt a resolution accepting the 2015 Justice Assistance Grant in the amount of \$260,544 and authorize the City Manager to execute any documents required to effectuate the grant, including the Grant Agreement and the necessary Memorandum of Understanding with the County of Santa Clara.

Resolution No. 77526 adopted.

2. CONSENT CALENDAR

2.11 Actions Related to the 2015 Justice Assistance Grant Spending Plan for FY 2015 Edward Byrne Memorial Justice Assistance Grant. (Cont'd.)

Recommendation:

(c) Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:

- (1) Increase the estimate for Earned Revenue in the amount of \$204,183.
- (2) Establish an appropriation to the Police Department for the 2015 Justice Assistance Grant in the amount of \$204,183.

CEQA: Not a Project, File No. PP10-066(g), Grant agreements and memorandum of understanding with no binding commitment to a course of action that will result in a physical change to the environment. (Police/City Manager)

Ordinance No. 29621 adopted.

Resolution No. 77537 adopted.

2.12 Designation of Public Right-of-Way for As-Built Roadway Widths Bordering Hillview Park.

Recommendation: Approve an ordinance that will designate the public right-of-way boundaries in alignment with the existing, as-built roadway widths of Ocala Avenue, Adrian Way, Alfred Way and Berona Way, which are the four streets bordering Hillview Park. CEQA: Exempt, Guidelines Section 15301(c), Existing Facilities. File No. PP15-082. Council Districts 5 and 8. (Public Works)

Ordinance No. 29622 passed for publication.

2.13 Mayor Liccardo's Travel to New York City.

Recommendation: Retroactively approve travel by Mayor Liccardo to New York City, NY on September 28-29, 2015 to participate in the Clinton Global Initiative Annual Meeting. Source of Funds: Mayor/Council Travel Fund. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)

[Rules Committee referral 9/23/15]

Approved.

2.14 Council Member Peralez's Travel to New York City and Philadelphia.

Recommendation: Retroactively approve travel by Council Member Raul Peralez to New York City, NY on September 22 – 25, 2015 and to Philadelphia, PA on September 26-27, 2015 to participate in the 3rd International Conference on Sustainable Development at Columbia University, NYC and participate in a walking tour of downtown Philadelphia parks. Source of Funds: Council Travel Fund. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Peralez)

[Rules Committee referral 9/23/15]

Approved.

2. CONSENT CALENDAR

2.15 2015 League of California Cities Resolutions.

Recommendation: As recommended by the Rules and Open Government Committee on September 23, 2015, approve the recommended City positions for the following four resolutions to be considered at the Annual League of California Cities (LOCC) Conference to be held in San José, September 30-October 2, 2015:

- (a) Resolution Bylaw Amendment;
- (b) Resolution relating to Overconcentration of Alcohol and Drug Treatment Facilities;
- (c) Resolution relating to Residential Rentals, Support for SB 593 (McGuire);
- (d) Resolution relating to Compensation for Prolonged Electrical Power Outages.
(City Manager)

Approved.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Norberto Dueñas commended the Police and Fire Departments, City Staff and City partners for providing a safe and welcoming venue for a number of high profile community events that occurred this weekend, including the annual Rock n' Roll San José ½ Marathon, the festivities near Plaza de Cesar Chavez, the arrival of Prime Minister Shri Narendra Modi on Saturday and the Community Reception for the Prime Minister on Sunday at the SAP San José Arena on Sunday, September 27, 2015.

City Manager Dueñas announced that the City of San José will be hosting the League of California Cities Annual Conference this week, September 30, 2015 through October 2, 2015 at the San José McEnery Convention Center.

Council Member Pierluigi Oliverio requested that the City Manager follow up on the 15 mph school speed zones based upon the recent death of a Mitty Student being hit by car traveling at 25 mph.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

Heard at 9:32 a.m.

No Report.

3. STRATEGIC SUPPORT SERVICES

3.3 Planning Commission Interviews.

Recommendation:

- (a) Interview applicants for appointment to the Planning Commission.
- (b) Appoint one (1) applicant to the Planning Commission to an unexpired term ending June 30, 2016.

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

Deferred to October 06, 2015 per the Rules and Open Government Committee.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Rezoning the Real Property Located on the North Side of S. Almaden Avenue approximately 100 Feet West of Sutter Street.

Recommendation: Consideration of an ordinance rezoning the real property located on the north side of S. Almaden Avenue approximately 100 feet west of Sutter Street (863 Almaden Avenue) from the CN Commercial Neighborhood Zoning District to the R-M Multiple Residence Zoning District on a 0.16 gross acre site with a General Plan designation of Mixed Use Neighborhood, (Henely Robert, Owner). CEQA: Exempt, Guidelines Section 15303 New Construction or Conversion of Small Structures. File No. C15-015. Planning Commission recommends approval (7-0-0). (Planning, Building, and Code Enforcement)

C15-015 – District 3

Ordinance No. 29623 passed for publication.

4.2 Issuance of a Tax-Exempt Multifamily Housing Revenue Note and Loan of Note Proceeds for the Canoas Terrace Apartments Project.

Recommendation: Adopt a resolution:

- (a) Authorizing the issuance of a tax-exempt multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (Canoas Terrace), Series 2015B (the “Series 2015B Note”) in a principal amount not to exceed \$22,700,000.
- (b) Approving a loan of Series 2015B Note proceeds to ISG Canoas Terrace L.P., a California limited partnership created by Impact Development Group LLC and Sierra Point Group LLC, California limited liability corporations, to finance the acquisition and rehabilitation of the Canoas Terrace Apartments located at 420 Sands Drive, in San José.
- (c) Approving in substantially final form the Funding Loan Agreement, Borrower Loan Agreement, and Regulatory Agreement and Declaration of Restrictive Covenants (the “Series 2015B Documents”).

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Issuance of a Tax-Exempt Multifamily Housing Revenue Note and Loan of Note Proceeds for the Canoas Terrace Apartments Project. (Cont'd.)

- (d) Authorizing and directing the City Manager, Director of Finance, and Interim Director of Housing, or their designees, to execute and deliver the Series 2015B Documents and related Series 2015B Documents as necessary.

CEQA: Addendum to the North San José Development Policies Update Final Program EIR (Resolution No. 72768 adopted June 21, 2005), File No. PDC07-101. Council District 6. (Housing/Finance)

Deferred to October 06, 2015 per Administration.

4.3 Agreement for Non-Exclusive Installation and Property Use of Telecommunications Facilities in the Right-of-Way and on City-Owned Property.

Recommendation: Adopt a resolution:

- (a) Approving a Master Agreement for the Non-Exclusive Installation and Property Use of Telecommunications Facilities in the Right-of-Way and on City-Owned Property (“Master Agreement”) for a 15 year term.
- (b) Approving a standard Site License Agreement for a five-year term with two additional five-year options to extend of up to five years each.
- (c) Approving a standard usage fee schedule based on a site’s location within the City, equipment space requirements, and effective radiated power output of the antenna facility.
- (d) Authorizing the City Manager to execute the Master Agreements and Site License Agreements and all other documents necessary to complete a transaction.

CEQA: Exempt, Guidelines Section 15303(d), New Construction or Conversion of Small Structures, File No. PP15-093. (Economic Development)

[Deferred from 9/22/15 – Item 4.3]

Deferred to October 06, 2015 per Orders of the Day.

5. NEIGHBORHOOD SERVICES

5.1 Adjustment to the Schedule of Parkland Fees.

Recommendation: Conduct a Public Hearing and adopt a resolution to be effective December 1, 2015 to:

- (a) Set forth the new Schedule of Parkland Fees charged pursuant to the San José Municipal Code Chapters 14.25 (Park Impact Ordinance) and 19.38 (Parkland Dedication Ordinance).
- (b) Authorize the City Manager to determine the applicable parkland fees for any residential units in the City of San José that are not included in the Schedule of Parkland Fees based on the nearest Multiple Listing Service districts.

CEQA: Not a Project, File No. PP10-067(a), Adjustments to fees, rates, and charges. (Parks, Recreation and Neighborhood Services/Economic Development)

The Public Hearing was held.

Resolution No. 77538 adopted.

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

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>
10303	18966 Almaden Rd	10	KCS Properties LLC	11/10	SFD	Approve

- **Open Forum**
David Wall urged the Council to direct the City Attorney to take legal action against Union Pacific Rail Road and the Santa Clara Valley Water District for allowing vagrants to trespass and live on their properties.
- **Adjournment**
The Council of the City of San José was adjourned at 2:30 p.m.