



CITY COUNCIL AGENDA

NOVEMBER 3, 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**
9:08 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Carrasco. (Excused)

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Carrasco. (Excused)
- **Invocation (District 10)**
Raj Bhanot, Sunnyvale Hindu Temple offered the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo, accompanied by Students from Lynnhaven Elementary and Queen of the Apostles led the Pledge of Allegiance.
- **Orders of the Day**
Heard after Ceremonial Items.
The Orders of the Day and the Amended Agenda were approved.

- **Closed Session Report**
Heard after Ceremonial Items.

Mayor Sam Liccardo disclosed the following Closed Session actions of October 27, 2015.

A. Public Employment/Public Employee Recruitment/Appointment Pursuant to Government Code Section 54957:

1. **Title:** Independent Police Auditor
Name: Walter W. Katz

Council Vote:

Ayes: Carrasco, Herrera, Jones, Kalra, Khamis,
M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha;
Liccardo.

Noes: None.

Abstain: None.

Not Present: None.

City Manager Norberto Dueñas disclosed the following Closed Session actions of November 3, 2015.

A. Public Employment/Public Employee Recruitment/Appointment Pursuant to Government Code Section 54957:

1. **Title:** Housing Director
Name: Jacky Morales-Ferrand

Council Vote:

Ayes: Herrera, Jones, Kalra, Khamis, M. Nguyen,
T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Noes: None.

Abstain: None.

Not Present: Carrasco.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation to recognize the month of November as National Youth Homelessness and Runaway Prevention Month in the City of San José. (Peralez)
Mayor Sam Liccardo and Council Member Raul Peralez recognized the month of November as “National Youth Homelessness and Runaway Prevention Month” in San José.

1. CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation for “Sikh American Awareness and Appreciation Month” in the City of San José. (Kalra)
Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Ash Kalra and Council Member Raul Peralez recognized the month of November as “Sikh American Awareness and Appreciation 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. 29635 – An ordinance conforming the public right-of-way on Saint John Street between Market Street and San Pedro Street to reflect the existing alignment and width of Saint John Street. CEQA: Exempt, Guidelines Section 153019(c) Existing Facilities, File No. PP15-083.

Ordinance No. 29635 adopted.

- (b) ORD. NO. 29637 – An ordinance rezoning the real property located at the northwesterly corner of East Santa Clara Street and North 5th Street (33 North 5th Street) from the CG Commercial General and R-M Multiple Residence Zoning Districts to the DC Downtown Primary Commercial Zoning District on an approximately 1.4 acre site. CEQA: Addendum, Envision San José 2040 General Final Program EIR (Resolution No. 76041 adopted November 1, 2011), File No. C15-039.

Ordinance No. 29637 adopted.

- (c) ORD. NO. 29638 – An ordinance rezoning certain real property located on the east side of Monterey Road, approximately 300 feet south of East Alma Avenue (1420-1600 Monterey Road) from the CG(PD) Planned Development Zoning District to the CG(PD) Planned Development Zoning District on an approximately 19.74 gross acre site. CEQA: Determination of Consistency with the Sun Garden Redevelopment Project Final EIR, (Resolution No. 75929 adopted June 21, 2011), File No. PDC15-037.

Ordinance No. 29638 adopted.

- (d) ORD. NO. 29639 – An ordinance pre-zoning certain real property located on the northeast corner of Roehampton Avenue and Story Road from Unincorporated to the PQP Public/Quasi-Public Zoning District on an approximately 0.78 gross acre site. CEQA: Addendum, Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041 adopted November 1, 2011), File No. C15-012.

Ordinance No. 29639 adopted.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Neighborhood Services and Education Committee Minutes of October 8, 2015.
(Rocha)

Approved.

The memorandum from Council Member Pierluigi Oliverio, dated November 3, 2015, was approved, accepting the Staff report, with direction to Animal Care Services to explore creating a Cat Café at the main Animal Care Services Facility or at a City owned satellite facility, similar to a community center, was referred to Rules and Open Government Committee. Noes: Kalra, Oliverio, Peralez, Rocha.

- (b) Rules and Open Government Committee Minutes of October 14, 2015. (Mayor)
(c) Public Safety, Finance, and Strategic Support Committee Minutes of October 15, 2015. (Oliverio)

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 Second Amendment to Agreement with Hawkins Delafield & Wood LLP for legal services to support the Regional Wastewater Facility Capital Improvement Program.

Recommendation: Adopt a resolution authorizing the City Attorney to execute a Second Amendment to the legal services agreement with Hawkins, Delafield & Wood LLP, to modify the initial term of December 1, 2014 through December 1, 2015, to December 1, 2014 through June 20, 2016, to coincide with the fiscal year appropriations which will increase the amount available in the initial term to \$700,000, and to modify the number of option terms from two terms to one term, without increasing the total maximum amount of compensation of \$1,000,000 available under the contract, subject to appropriation of funds by City Council, to support the San José-Santa Clara Regional Wastewater Facility (“RWF”) capital improvement program. CEQA: Not a Project. (City Attorney). (City Attorney)

Deferred to December 1, 2015 per Administration.

2. CONSENT CALENDAR

2.8 Grant Proposal to CalRecycle for the Illegal Disposal Site Abatement Grant Program.

Recommendation: Adopt a resolution authorizing the City Manager or designee to submit grant applications to the California Department of Resources Recycling and Recovery (CalRecycle) for three years (2015, 2016, and 2017) and to enter into grant agreements with CalRecycle if agreements are within the City Manager's existing Council designated contracting authority. CEQA: Not a Project, File No. PP10-068(a), Grant Application. (Environmental Services)

Resolution No. 77571 adopted.

2.9 Grammercy Neighborhood Resource Fair.

Recommendation: As recommended by the Rules and Open Government Committee on October 21, 2015:

- (a) Retroactively approve the District 5 Grammercy Neighborhood Resource Fair scheduled on October 24, 2015 as a City Council sponsored Event and approve the expenditure of funds.
- (b) Retroactively 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. (Carrasco)

[Rules and Open Government referral 10/21/15 – Item G(1)(a)]

Approved.

2.10 East San José Halloween Safety Day.

Recommendation: As recommended by the Rules and Open Government Committee on October 21, 2015:

- (a) Retroactively approve the East San José Halloween Safety Day scheduled in various areas on October 31, 2015 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Carrasco)

[Rules and Open Government referral 10/21/15 – Item G(1)(b)]

Approved.

2. CONSENT CALENDAR

2.11 Actions Related to the Open Purchase Order for Fiber Installation and Perimeter Reinforcement Services at the Airport.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute an Open Purchase Order with Irish Construction (Morgan Hill) for Fiber Installation and Perimeter Reinforcement Services at the Norman Y. Mineta San José International Airport, in an amount not to exceed \$606,883.
- (b) Approve a contingency of \$61,000 and execute change orders for any unforeseen changes or requirements that may arise prior to the completion of services.

CEQA: Determination of Consistency with the San José International Airport Master Plan Update Final EIR (Resolution Nos. 67380 and 71451), File No. PP15-053. (Finance) (Deferred from 10/27/15 – Item 2.8)

Resolution No. 77572 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 9:08 a.m.

No Report.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Issuance of Tax-Exempt Multifamily Housing Revenue Bonds and Loan of Bond Proceeds for Casa Del Pueblo Apartments Development.

Recommendation: Adopt a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as “City of San José Multifamily Housing Revenue Bonds (Casa Del Pueblo Apartments), Series 2015D” in a principal amount not to exceed \$30,000,000 (“Series 2015D Bonds”).
- (b) Approving a loan of Series 2015D Bond proceeds to Casa Del Pueblo Preservation Limited Partnership, a California limited partnership created by Preservation Partners Development III, L.P, to finance the acquisition and rehabilitation of the Casa Del Pueblo Apartments located at 200 South Market Street in San José.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Issuance of Tax-Exempt Multifamily Housing Revenue Bonds and Loan of Bond Proceeds for Casa Del Pueblo Apartments Development. (Cont'd.)

- (c) Approving in substantially final form the Trust Indenture, Loan Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Bond Purchase Agreement, and Official Statement (collectively, the “Series 2015D Bond Documents”).
- (d) Authorizing and directing the City Manager, Director of Finance, Assistant Director of Finance, and Interim Director of Housing, or their designees, to execute and deliver the Series 2015D Bond Documents and related Series 2015D Bond documents as necessary.

CEQA: Exempt, Guidelines Section 15061(b)(3), File No. PP15-105. Council District 3. (Housing/Finance)

Deferred to November 10, 2015 per Administration.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the Agreement with Taxi San José for the On-Demand Ground Transportation Program.

Recommendation: As recommended by the Transportation and Environment Committee on October 5, 2015, accept the report regarding Citywide taxicab regulations and operations of taxicabs and Transportation Network Companies (TNC) at the Airport.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

[Transportation and Environment Committee referral from 10/5/15 – Item (d)(5)]

Deferred to November 10, 2015 per Administration.

6.2 Management and Operating Plan for the Transportation Network Companies (TNCs) at the Airport.

Recommendation: As recommended by the Transportation and Environment Committee on October 5, 2015, accept the Airport staff report and recommendations related to the current status of Transportation Network Companies (TNC) activity at Mineta San José International Airport. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

[Transportation and Environment Committee referral from 10/5/15 – Item (d)(6)]

Deferred to November 10, 2015 per Administration.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
 - (1) **David Wall voiced concern that the dog park at Ryland and North San Pedro was being frequented by vagrants and drug dealers, among other issues.**
 - (2) **Blair Beekman urged an open, transparent and democratic process for cell phone towers.**

- **Adjournment**

The Council of the City of San José was adjourned at 2:44 p.m.