



CITY COUNCIL AGENDA

APRIL 28, 2015

SYNOPSIS

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.

The Synopsis is the unofficial recap of actions taken at the City Council Meeting. Please refer to the Minutes for the official record of the meeting.

- **Call to Order and Roll Call**
1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Liccardo. (Excused)

3:41 p.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.
- **Invocation (District 4)**
Saint Victor's School Choir 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 Ceremonial Item 1.3 heard first.

- Closed Session Report
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing the San José Green Commute Challenge, a City staff competition taking place May through August that promotes cycling, transit, transportation sharing and walking as environmentally-friendly work commute transportation options and also helps set an example for the community to follow.
(Transportation)
Vice Mayor Rose Herrera and Director of Transportation Hans F. Larsen recognized and commended City Staff competing in the “San José Green Commute Challenge”.
- 1.2 Presentation of a proclamation declaring Tuesday, April 28, 2015 as “Día del Niño” in the City of San José. (Carrasco)
(Rules Committee referral 4/ 22/15)
Vice Mayor Rose Herrera and Council Member Magdalena Carrasco recognized Tuesday, April 28, 2015 as “Día del Niño” (Children’s Day) in the City of San José.
- 1.3 Presentation of a commendation recognizing Saint Victor School’s 50th Anniversary.
(Matthews)
(Rules Committee referral 4/22/15)
Heard first per Orders of the Day.
Vice Mayor Rose Herrera and Council Member Margie Matthews recognized Saint Victor School upon its 50th Anniversary.
- 1.4 Presentation of a commendation to recognize Archbishop Mitty High School Monarchs Women’s Basketball Team as the 2015 Division II California State Champions. (Jones)
(Rules Committee referral 4/22/15)
Vice Mayor Rose Herrera and Council Member Chappie Jones recognized Archbishop Mitty High School Monarchs Women’s Basketball Team.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29552 – Rezoning certain real property of approximately 0.45 acre situated at the southwesterly corner of St. John Street and North Almaden Boulevard from the CG Commercial General and LI Light Industrial Zoning Districts to the DC Downtown Primary Commercial Zoning District. CEQA: Addendum to San José Downtown Strategy EIR, Resolution no. 64273. C14-071
Ordinance No. 29552 adopted.
- (b) ORD. NO. 29553 – Rezoning certain real property of approximately 1.34 acres situated on the northerly side of Branham Lane, Approximately 250 feet east of Glenmont Drive, (955 Branham Lane) from the A Agricultural Zoning District to the A(PD) Planned Development Zoning District. CEQA: Mitigated Negative Declaration, Resolution No. 77323. PDC14-042
Ordinance No. 29553 adopted.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Transportation and Environment Committee Report of April 6, 2015. (Kalra)
 - (b) Rules and Open Government Committee Report of April 8, 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 Spending Plan for the Supplemental Law Enforcement Services Grant.

Recommendation:

- (a) Approve the proposed 2014-2016 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant for \$1,580,053, and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the memorandum to Council in the event State SLES Grant payments are less or more than expected.

Approved.

2. CONSENT CALENDAR

2.7 Actions Related to the Spending Plan for the Supplemental Law Enforcement Services Grant. (Action Cont'd.)

- (b) Approve the revised 2013-2015 Spending Plan for the Supplemental Law Enforcement Services Grant reallocating funds from Project #2 and Project #3 to Project #1 to purchase Mobile Data Computers.

Approved.

- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Supplemental Law Enforcement Services Fund:

- (1) Increase the Earned Revenue estimate by \$667,806.
- (2) Establish an appropriation to the Police Department for the SLES Grant 2014-2016 for \$667,806.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Police/City Manager)

(Deferred from 4/14/15 – Item 2.15)

Ordinance No. 29557 adopted.

Resolution No. 77329 adopted.

2.8 Amendment to the Agreement with CH2M Hill, Inc., for the Los Gatos Creek Trail Reach 5B/C.

Recommendation: Approve the First Amendment to the Agreement for Consultant Services with CH2M HILL, Inc. for the Los Gatos Creek Trail Reach 5B/C to revise the scope of services to reflect a change in project conditions, with no increase in the total contract amount of \$1,430,050. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. Council District 6. (Public Works)

Approved.

2.9 Actions Related to Council Member Khamis' Travel to Washington, D.C.

Recommendation:

- (a) Approve travel by Council Member Khamis to Washington, D.C. on April 29 – May 1, 2015 to represent the City of San José at the Arab American Institute Foundation Kahlil Gibran *Spirit of Humanity* Awards Gala and 2015 Arab American Leadership Day. Source of Funds: Council Member Khamis' Personal Funds.
- (b) Request for an excused absence for Council Member Khamis from the Regular Meeting of the Rules and Open Government Committee on April 29, 2015 due to Authorized City Business: Arab American Institute Foundation Kahlil Gibran *Spirit of Humanity* Awards Gala and 2015 Arab American Leadership Day.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Khamis) (Rules Committee referral 4/22/15)

Approved.

2. CONSENT CALENDAR

2.10 District 5's Colombian Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on April 22, 2015:

- (a) Approve the Colombian Flag Raising Ceremony scheduled on August 14, 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: Not a Project, File No. PP10-069(c), City Administrative Activities. (Carrasco)
[Rules Committee referral 4/22/15 – Item G(1)(a)]

Approved.

2.11 District 5 and 3's Mexican Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on April 22, 2015:

- (a) Approve the Mexican Flag Raising Ceremony scheduled on September 16, 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: Not a Project, File No. PP10-069(c), City Administrative Activities.
(Carrasco/Peralez)

[Rules Committee referral 4/22/15 – Item G(1)(b)]

Approved.

2.12 AB 90 (Chau and Atkins) – Federal Housing Trust Fund.

Recommendation: As recommended by the Rules and Open Government Committee on April 22, 2015, approve a support position for AB 90 (Chau and Atkins – Federal Housing Trust Fund. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Housing)

[Rules Committee referral 4/22/15 – Item G(2)]

Support Position Approved.

2.13 AB 1009 (Garcia) – Local Government: Redevelopment: Revenues from Property Tax Overrides Rates.

Recommendation: As recommended by the Rules and Open Government Committee on April 22, 2015, re-affirm a position to oppose for AB 1009 (Garcia) – Local Government: Redevelopment: Revenues from Property Tax Overrides Rates. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)

[Rules Committee referral 4/22/15 – Item G(3)]

Oppose position reaffirmed.

2. CONSENT CALENDAR

2.14 AB 1220 (Harper) – Transient Occupancy Taxes: Residential Short-Term Rentals Units.

Recommendation: As recommended by the Rules and Open Government Committee on April 22, 2015, adopt a position of opposition for AB 1220 (Harper) – Transient Occupancy Taxes: Residential Short-Term Rentals Units. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)
[Rules Committee referral 4/22/15 – Item G(4)]

Oppose Position Adopted.

2.15 SB 317 (DeLeon) – Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2016.

Recommendation: As recommended by the Rules and Open Government Committee on April 22, 2015, approve a support position if SB 317 (DeLeon) - Parks is amended. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)
[Rules Committee referral 4/22/15 – Item G(5)]

Support Position Adopted.

Staff was directed to return to Council with an update on SB317.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Interim City Manager, Norberto Dueñas (Verbal Report). Interim City Manager Norberto Dueñas offered highlights relating to the Joint/ Santa Clara Valley Water District Meeting on Monday, April 27, 2015 and announced that the City Manager’s Proposed FY2015-2016 Budget Documents will be released on Friday, May 1, 2015.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

No Report.

3.3 Ethics Commission Interviews.

Recommendation:

- (a) Interview four (4) applicants for appointment to the Ethics Commission.
- (b) Appoint one (1) member to the Ethics Commission to a term expiring March 1, 2019.

(Action Continued on the Next Page)

3. STRATEGIC SUPPORT SERVICES

3.3 Ethics Commission Interviews. (Cont'd.)

Recommendation:

- (c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)
Please note: Approval of this item requires 8 or more affirmative votes (2/3).

Two applicants were interviewed.

Adrian Gonzales was appointed to the Ethics Commission, term expiring March 1, 2019.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Amendment to Title 23 Sign Code Ordinance.

Recommendation: Approve the proposed ordinance amending Title 23 (the Sign Code) of the San José Municipal Code:

- (a) To amend Chapter 23.02, Part 1, Definitions, to revise Section 23.02.010 Definitions Govern to add clarifying language; to add new Sections 23.02.232 Freeway Frontage, 23.02.465 Riparian Corridor, and 23.02.517 Special Sign Zone.
- (b) To amend Chapter 23.02, Part 2, General Provisions, to revise Section 23.02.860 Special Sign Zones to add a description of the North San José Signage Area.
- (c) To amend Chapter 23.04, Part 1, Commercial and Industrial Zoning Districts and Neighborhood Business Districts, to amend Section 23.04.010 Application to add North San José Signage Area to the zones governed by this Part; to amend Section 23.04.035 Freeway Signs to allow sites developed as Office/Research & Development in the North San José Signage Area to have Freeway Signs.
- (d) To amend Chapter 23.04, Part 4, Residential, Agricultural and Open Space Zoning Districts, to amend Section 23.04.300 Application to revise the list of zones governed by this Part, to amend Section 23.04.320 Signs on Residential Parcels to increase the maximum allowable height of Free-standing Signs on multi-family residential Parcels in the North San José Signage Area.
- (e) To make other nonsubstantive, ministerial, technical, or typographical changes to various Sections of said Chapters 23.02 and 23.04 of the Sign Code.

CEQA: Final Program Environmental Impact Report entitled, “North San José Area Development Policies Update Final Environmental Impact Report (SCH# 2004102067)” and Addendum thereto, File No. PP15-007. (Planning, Building and Code Enforcement) (Deferred from 4/21/15 – Item 4.4)

Ordinance No. 29558 passed for publication.

Staff was directed to remain cautious about signs in the residential areas.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 2015 Arterial Resurfacing Pavement Project.

Recommendation:

- (a) Approve award of a construction contract for the 2015 Arterial Resurfacing Project, to the lowest responsive bidder, DeSilva Gates Construction, LP in the amount of \$10,094,461.
- (b) Approve a ten percent contingency in the amount of \$1,009,446.
CEQA: Exempt, File No. PP11-035. (Transportation)

Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**

- (1) **Perry Mistry, Chemical Engineer, urged the Council to consider an incubator partnership in District 8 for desalinated seawater and recycled water, and offered his assistance.**
- (2) **Marylou Avanzino and Joe Sici expressed frustration from constant vehicular speeding, accidents and trespass at Mansion Park Condominiums, indicated bollards are not permitted in this area and pointed out that bike lanes are needed along Edenvale Road.**
- (3) **Bridget McKay complained about speeding in the South First Area (SoFA) District and requested more traffic enforcement. Vice Mayor Rose Herrera noted that Council Member Raul Peralez will speak with Ms. McKay following the meeting.**

- **Adjournment**

The Council of the City of San José was adjourned at 3:36 p.m.

The Council of the City of San José convened in Closed Session at 3:41 p.m. to reconvene in Open Session on Tuesday, May 5, 2015, at 9:00 a.m.