



CITY COUNCIL AGENDA

FEBRUARY 10, 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.

- **Call to Order and Roll Call**
9:05 a.m. - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: Carrasco, Rocha. (Excused)

1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: Carrasco, Rocha. (Excused)
- **Invocation (District 2)**
Councilmember Kalra recognized Lunar New Year and wished everyone happiness in the new year.
- **Pledge of Allegiance**
Mayor Liccardo led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report**
Closed Session resumed following the afternoon open session.

2. CONSENT CALENDAR

2.1 **Approval of Minutes.**
None provided.

2.2 **Final Adoption of Ordinances.**
None provided.

2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

(a) Rules and Open Government Committee Report of January 21, 2015. (Mayor)

(b) Community and Economic Development Committee Report of January 26, 2015.
(Khamis)

Deferred to 2/24/15 per City Clerk.

2.4 **Mayor and Council Excused Absence Requests.**
None provided.

2.5 **City Council Travel Reports.**
None provided.

2.6 **Report from the Council Liaison to the Retirement Boards.**
None provided.

2.7 **Contract Approval for Public Opinion Survey Consultant Services.**

Recommendation: Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute an Agreement with Fairbank, Maslin, Maullin, Metz & Associates, Inc. (FM3 Research) for public opinion survey consultant services on behalf of the City of San José for the period from the date of execution through December 31, 2016, with options to extend the agreement for two one-year terms, for an amount not to exceed \$116,250 for each option period, for a total compensation not to exceed \$610,500; and

(b) Exercise the options to extend the Agreement for two one-year terms commencing January 1, 2017 through December 31, 2018, subject to the appropriation of funds.

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

(Deferred from 2/3/15 – Item 2.9)

Note: Renumbered to Item 3.6.

2. CONSENT CALENDAR

2.8 Actions Related to the Agreement with Silicon Valley Regional Interoperability Authority for the Transfer of Equipment and Licenses.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute an Agreement with the Silicon Valley Regional Interoperability Authority (SVRIA) to transfer equipment and licenses for the Emergency Communications (EComm) microwave radio network from the City of San José to the SVRIA; and transfer all continuing restrictions and obligations assigned under the Urban Area Security Initiative and Community Oriented Policing Services Grant Funds agreement used by the City of San José to purchase the EComm microwave radio network from the City of San José to the SVRIA;
- (b) Execute Assignments of each site license to the SVRIA and the County of Santa Clara in the form set forth in the Agreement, as long as all necessary approvals have been obtained; and
- (c) Execute Site License Agreements for each San José owned site for the SVRIA to access the sites for maintenance and operation, as long as all necessary approvals have been obtained.

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

Resolution No. 77280 adopted.

2.9 Report on Bids and Award of Contract for the 7571-Miscellaneous Sanitary Sewer Repairs Project.

Recommendation: Report on bids and award of contract for the 7571-Miscellaneous Sanitary Sewer Repairs FY 14-15 (Package I) project to the low bidder, Cratus, Inc., in the amount of \$876,856 and approval of a contingency in the amount of \$87,686. CEQA: Exempt, File No. PP13-076. (Public Works)

Accepted.

2.10 Vice Mayor Reception.

Recommendation: As recommended by the Rules and Open Government Committee on January 28, 2015:

- (a) Approve the Vice Mayor Reception scheduled on January 29, 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. (Herrera)

[Rules and Open Government Committee referral 1/28/15 – Item G(1)(b)(1)]

Approved.

2. CONSENT CALENDAR

2.11 Ordinance to Establish an Exemption to the Prohibition on the Discharge of Firearms.

Recommendation: Approve an ordinance of the City of San José amending Section 10.32.010 of Title 10 of the San José Municipal Code to allow persons with a duly issued and approved wild pig depredation permit from the California Department of Fish and Wildlife to discharge a firearm within the limits of the City under specified circumstances. CEQA: Santa Clara Valley Habitat Plan Final EIR, Resolution No. 76546 and Ordinance No. 29336, File No. PP13-103. (City Attorney/Public Works) **Ordinance No. 29532 passed for publication.**

2.12 Board and Commission Appointments.

Recommendation:

- (a) Make a finding that the reappointment of Mike Graves to a third term on the Housing and Community Development Commission is necessary to maintain a Mobilehome Landlord Representative on the Commission;
- (b) Approve the following Board and Commission appointments:
 - (1) Council Appointment Advisory Commission:
 - (a) District 1: Appoint Mark Warlick to a term expiring 12/31/18;
 - (b) District 3: Appoint Lydia Lacy to a term expiring 12/31/18;
 - (2) Housing and Community Development Commission:
 - (a) District 7: Appoint Melissa Medina to a term expiring 6/30/18;
 - (b) Mobilehome Landlord Representative: Reappoint Mike Graves to a term expiring 12/31/18;
 - (3) Human Services Commission:
 - (a) Disability Service Provider or Disabled Representative: Appoint Michael Casas to a term expiring 12/31/18;
 - (4) Neighborhoods Commission:
 - (a) District 8: Appoint Nichole Edraos to a term expiring 6/30/16.

(City Clerk)

(Deferred from 2/3/15 – Item 2.8)

Approved, with the City Clerk to include changes to the Board and Commission appointment process as outlined in the joint memorandum from Mayor Liccardo, Vice Mayor Herrera and Councilmember Khamis, dated February 6, 2015: (1)(a) Allow each Council District fourteen (14) days from the end of the application period to nominate an applicant for a Board or Commission; (b) If the Council District does not nominate an applicant in the allotted amount of time, allow the Council Liaison Office for that Board or Commission to make the nomination for that seat instead. (2) the City Clerk to return to the City Council in March 2015 with a report on the Board and Commission appointment process.

2. CONSENT CALENDAR

2.13 Actions Related to the Applied Development Economics Access to the California State Employment Development Department ES202 and State Board Of Equalization Sales and Use Tax Records.

Recommendation: Adopt a resolution:

- (a) Authorizing Applied Development Economics (ADE) to examine all sales and use tax records of the California State Board of Equalization on behalf of the City of San José for the preparation of the fiscal analysis update for the Envision San José 2040 General Plan, and certifying that Consultant meets certain conditions;
- (b) Authorizing ADE to examine ES202 industry and employment data for the City of San José from the California State Employment Development Department (EDD) for economic development purposes related to the fiscal analysis update to the Envision San José 2040 General Plan;
- (c) Authorizing the City Manager or his designee to negotiate and execute an Addendum to the City's Memorandum of Understanding (MOU) with the California State Employment Development Department (EDD) to examine ES202 industry and employment data for economic development purposes related to the fiscal analysis update to the Envision San José 2040 General Plan.

CEQA: Not a Project, File No.PP10-066(d), Agreements. (Economic Development)
(Rules Committee referral 2/4/15)

Resolution No. 77281 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 **Report of the Interim City Manager, Norberto Dueñas (Verbal Report).**
Interim City Manager Norberto Dueñas reported that Lawrence Berkeley National Laboratory, in partnership with Zero Waste Energy Development Company (ZWED) and San José Environmental Services Department, has been awarded a \$4.3 million grant by the California Energy Commission's Electric Program Investment Charge program. He also indicated that a meeting had been arranged with the County of Santa Clara to discuss evaluating funding for homeless programs.

3.2 **Recommendation:** Accept Labor Negotiations Update.
None provided.

3. STRATEGIC SUPPORT SERVICES

3.3 Approval of the 2014-2015 Mid-Year Budget Review Report.

Recommendation:

- (a) Approve the 2014-2015 Mid-Year Budget Review Report.
Approved.

- (b) Adopt Related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) of the 2014-2015 Mid-Year Budget Review Report.
Ordinance No. 29533 adopted.
Resolution No. 77282 adopted.

- (c) Adopt an ordinance ratifying the following 2013-2014 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes:
 - (1) Increase the Transfer to the General Fund – Interest Earnings by \$674; and
 - (2) Decrease the Ending Fund Balance by \$674.CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager)
Ordinance No. 29534 adopted.

3.4 Annual Summary of Labor Negotiations.

Recommendation: Accept staff report and public input on the Annual Summary of Upcoming Labor Negotiations. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (City Manager)

Accepted, with Staff to consider questions and recommendations as outlined in Councilmember Rocha's memorandum of February 10, 2015.

3.5 Continuation Agreement with Renne Sloan Holtzman & Sakai, LLP, for Consulting Services Relating to Labor Relations.

Recommendation: Adopt a resolution authorizing the City Manager to execute a Continuation Agreement with Renne Sloan Holtzman & Sakai, LLP, for labor consulting services in connection with labor matters, extending the term to June 30, 2016, at no additional cost to the City. CEQA: Not a Project, File No. PP10-069(e), Services that involve no physical change to the environment. (City Manager)

Resolution No. 77283 adopted.

Noes: Kalra.

3. STRATEGIC SUPPORT SERVICES

3.6 Contract Approval for Public Opinion Survey Consultant Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Fairbank, Maslin, Maullin, Metz & Associates, Inc. (FM3 Research) for public opinion survey consultant services on behalf of the City of San José for the period from the date of execution through December 31, 2016, with options to extend the agreement for two one-year terms, for an amount not to exceed \$116,250 for each option period, for a total compensation not to exceed \$610,500; and
- (b) Exercise the options to extend the Agreement for two one-year terms commencing January 1, 2017 through December 31, 2018, subject to the appropriation of funds.

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

(Deferred from 2/3/15 – Item 2.9)

Note: Renumbered From Item 2.7

Resolution No. 77284 adopted, with the contract to allow the continuation of regular City surveys on an ‘as needed’ basis.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Issuance of Tax-Exempt and Taxable Multifamily Housing Revenue Notes and Loan of Note Proceeds for the Poco Way Apartments Project.

Recommendation: Adopt a resolution:

- (a) Authorizing the issuance of:
 - (1) A tax-exempt multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (Poco Way Apartments), Series 2015A (the “Series 2015A Tax-Exempt Note”) in a principal amount not to exceed \$21,833,854; and
 - (2) A taxable multifamily housing revenue note designated “City of San José Multifamily Housing Revenue Note (Poco Way), Series 2015A-T (the “Series 2015A Taxable Note”, and with the Series 2015A Tax-Exempt Note, the “Series 2015A Notes”) in a principal amount not to exceed \$3,000,000;
- (b) Approving a loan of Series 2015A Note proceeds to McCreery Avenue, L.P., a California limited partnership created by the Housing Authority of the County of Santa Clara, to finance the acquisition and rehabilitation of the Poco Way Apartments located at 1900 Poco Way, in San José (the “Project”);
- (c) Approving in substantially final form the Funding Loan Agreement, Borrower Loan Agreement, Assignment of Deed of Trust, and Regulatory Agreement and Declaration of Restrictive Covenants (the “Series 2015A Documents”);

(Item Continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Issuance of Tax-Exempt and Taxable Multifamily Housing Revenue Notes and Loan of Note Proceeds for the Poco Way 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 2015A Documents and related Series 2015A Documents as necessary;
- (e) Authorizing the Interim Director of Housing, or her designee, to negotiate and execute all documents necessary to effectuate the City loan transaction consistent with the terms described in the memorandum to the Mayor and City Council; and
- (f) Authorizing the Interim Director of Housing, or her designee, to negotiate and execute all documents necessary to govern the use of the Seller Proceeds consistent with the terms described in the memorandum to the Mayor and City Council.

CEQA: Exempt, File No. PP15-009. Council District 5. (Housing/Finance)
Resolution No. 77285 adopted.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Airport Ground Transportation Program. - *DEFERRED*

Recommendation: As recommended by the Rules and Open Government Committee on December 10, 2014, modify RFP SJC131415 On-Demand Ground Transportation Management for the Norman Y. Mineta San José International Airport in order to comply with Council direction from March 4, 2014 to ensure the ability to work at the airport will be distributed equally among the companies as follows:

- (a) Delete the following language from the RFP: “It is not expected, nor would an option be reviewed and approved by the Airport that calls for an equal/identical number of drivers to be assigned to the Airport per company despite the size of the company.”
- (b) Add the following language to the RFP: “Qualified cab companies will be required to provide an equal number of taxi cabs at the Airport to meet the demand from first to last flight, or from 5:00 a.m. to 12:00 midnight. The cab companies can schedule their drivers by 8 hours or more per day shift to give all of their drivers a chance to work at the Airport.”

(Herrera/Khamis)

[Rules and Open Government Committee 12/10/14 – Item G(5)]

(Deferred from 1/27/15 – Item 6.1)

Deferred to 2/24/15 per Administration.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Actions Related to the Sale of the Central Place Parking Garage.

Recommendation:

- (a) The Successor Agency Board and City Council approve a Purchase and Sale Agreement to sell the Successor Agency owned Central Place Parking Garage located at 88 San Fernando Street (Assessor Parcel Numbers 467-64-001 and 467-64-002) to the City of San José for the appraised value of \$850,000;

Approved.

- (b) The City Council adopt a resolution to repeal Resolution No. 77019 and set forth the Master Parking Rate Schedule to establish parking rates for the Central Place Parking Garage, contingent upon acquisition of the Garage by the City; and

Resolution No. 77286 adopted.

- (c) The City Council adopt the following 2014 – 2015 Appropriation Ordinance amendments in the General Purpose Parking Fund:
- (1) Decrease the appropriation to the Department of Transportation for Minor Parking Facility Repairs by \$550,000;
 - (2) Decrease the appropriation to the Department of Transportation for Revenue Control and Meter Upgrades by \$200,000;
 - (3) Decrease the appropriation to the Department of Transportation for Security Improvements by \$150,000; and
 - (4) Establish a Capital Improvement appropriation to the Department of Transportation for the Central Place Parking Garage in the amount of \$900,000.

CEQA: Exempt, File No. PP15-010. (Transportation/Successor Agency to the Redevelopment Agency/City Manager)

Ordinance No. 29535 adopted.

- **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 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>
10288	1855 Dobbin Drive	3	Pulte Homes	15 Lots/131 Units	Condos

- **Open Forum**

- 1. Blair Beekman provided observations on the drone use program.**
- 2. Brian Darby advocated honoring San José’s past and honoring the land.**
- 3. David Wall addressed shortcomings of Newby Island landfill expansion plans.**
- 4. Ray Perez spoke to the homeless issue in Santa Clara County and to the lack of adequate services for homeless women in particular.**

- **Adjournment**

The Council of the City of San José adjourned at 4:47 p.m.