



CITY COUNCIL AGENDA

JANUARY 13, 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
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**
 - 9:30 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 1)**
 - * Pastor Bret Allen – Bethel Church San José

- **Pledge of Allegiance**

- **Orders of the Day**

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- * Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

- Orders of the Day (Cont'd.)

ADJOURNMENT: This meeting will be adjourned in memory of Irene Dalis, who passed away on December 14, 2014 at the age of 89. The San José native and mezzo-soprano was both an international opera star and the founder of the successful company Opera San José. (Herrera)

- Closed Session Report

1. CEREMONIAL ITEMS

1.1 Administer Oath of Office for Interim District 4 Councilmember Marjorie Matthews.
(City Clerk)

* TO BE HEARD AT 9:30 A.M.

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. 29528 – Approving a development agreement with Jackson Taylor Partners, LLC, relative to the development of the Japantown Corporation Yard Redevelopment Project on certain real property located at 696 North Sixth Street and authorizing the City Clerk to execute the development agreement and cause the same to be recorded with the Santa Clara County Recorder’s Office. DA14-003

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

(a) [Rules and Open Government Committee Report of December 3, 2014.](#) (Mayor)
[Memo from Mayor Liccardo](#)

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

(b) [Rules and Open Government Committee Report of December 10, 2014.](#) (Mayor)

(c) [Public Safety, Finance, and Strategic Support Committee Report of December 11, 2014.](#) (Constant)

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Grant Application for Rubberized Pavement Grant Program Resolution Letter.](#)

Recommendation: Adopt a [resolution](#) authorizing the City Manager or designee to:

- (a) Submit a grant application to the Department of Resources Recycling and Recovery (CalRecycle) Rubberized Pavement Grant; and
 - (b) Negotiate and execute all necessary grant documents to accept grant funding.
- CEQA: Exempt, File No. PP14-069. (Transportation)

2.8 [Actions Related to Changes in Council Committees.](#)

* **Recommendation:**

- (a) Adopt a [resolution](#) directing the City Auditor to report all audits to the specific Council Committee having jurisdiction for the subject matter of the audit, as designated by the City Manager; and
- (b) Adopt a [resolution](#) amending the Council's Rules for the Conduct of Its Meetings, Superseding Resolution No. 77136, to increase the composition of the Rules and Open Government Committee to five members, to notice Rules and Open Government Committee meetings as a Joint Meeting of the Rules and Open Government Committee/Committee of the Whole, and to notice other Standing Council Committees as a Joint Meeting of the Standing Committee/Committee of the Whole when non-Standing Committee Councilmembers notify the Committee secretary of their planned participation.

CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy. (City Attorney)

2.9 [District 10's Tartan Day Flag Raising.](#)

Recommendation: As recommended by the Rules and Open Government Committee on January 7, 2015:

- (a) Approve the Tartan Day Flag Raising scheduled on Tuesday, April 7, 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. (Khamis)

* [Rules Committee referral 1/7/15 – Item G(4)]

3. STRATEGIC SUPPORT SERVICES

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

3. STRATEGIC SUPPORT SERVICES

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 [Audit of Accounts Receivables.](#)

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on December 11, 2014, accept the Audit of Accounts Receivables. (City Auditor)

[Public Safety, Finance, and Strategic Support Committee referral 12/11/14 – Item D(3)]

* **DEFERRED TO 1/27/15 PER ADMINISTRATION**

3.4 [Appointment of the Vice Mayor.](#)

Recommendation: Approve the appointment of the Vice Mayor. (Mayor)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [2015-2016 Hazardous Vegetation Commencement Report from the Santa Clara County Department of Agriculture and Environmental Management.](#)

Recommendation: Conduct a Public Hearing and adopt a [resolution](#):

- (a) Overruling any and all objections to the 2015-2016 Hazardous Vegetation Commencement Report; and
- (b) Directing the Santa Clara County Department of Agriculture and Environmental Management to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, File No. PP13-097. (Planning, Building and Code Enforcement)

4.2 [Amendment to Title 23 Sign Code Ordinance for Large Outdoor Stadium Spaces. Supplemental](#)

* **Recommendation:** Approve the proposed [ordinance](#) amending Title 23 (the Sign Code) of the San José Municipal Code to:

- (a) Modify and add general and specific provisions in Parts 1 and 2 of Chapter 23.02 and Part 1 of Chapter 23.04 pertaining to signage within the Commercial and Industrial Zoning Districts and Neighborhood Business Districts of the City to add new definitions for Airport Influence Area, Outdoor Stadium Spaces (Large), Scoreboard Sign, and Sponsorship Marketing Plan; and to allow Large Outdoor Stadium Spaces to apply for a permit for larger and additional Signs than would otherwise be allowable, including:

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Amendment to Title 23 Sign Code Ordinance for Large Outdoor Stadium Spaces. (Cont'd.)

Recommendation:

- (a)
 - (1) Larger and additional Attached Signs, including flexibility in the placement of such Signs;
 - (2) An additional Flat Roof-Top Sign;
 - (3) Additional free-standing Banner Signs;
 - (4) A larger Free-standing Sign with a programmable component and displaying advertising pursuant to a sponsorship market plan; and
 - (5) A new Scoreboard Sign with a programmable component and displaying advertising pursuant to a sponsorship market plan, including the potential to display video and animation between the hours of 6:00 a.m. and 12:00 a.m. (midnight).
- (b) Update and add text to align with federal and state law and the City's policy and practice regarding substitution of noncommercial messages, and to eliminate obsolete terminology, and to correct typographic errors, all as further described in this staff report and the attached ordinance.

CEQA: Final Environmental Impact Report (EIR) entitled, "Airport West Stadium and Great Oaks Place Project Final EIR (2010 Stadium Final EIR, SCH# 2009052053)", Resolution No. 75309 and Addenda thereto, File No. PD14-018 and Negative Declaration File No. PP13-067. (Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

5.1 [Naming of the New Library Located at 4001 Evergreen Village Square.](#)

Recommendation: As recommended by the Library and Early Education Commission, name the new library at 4001 Evergreen Village Square, as John J. Montgomery Village Square Library. CEQA: Not a Project, File No. PP10-069. (City Clerk)
(Deferred from 12/16/14 – Item 2.16)

* **DEFERRED TO MARCH 2015 PER DISTRICT 8**

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Phillips 66 Oil Train Proposal.](#)

[Supplemental submitted to the Rules and Open Government Committee 1/7/15](#)

[Supplemental from the Director of Environmental Services](#)

[Supplemental from the Director of Intergovernmental Relations](#)

Recommendation: As recommended by the Rules and Open Government Committee on January 7, 2015, prepare a letter to be sent on behalf of the City of San José in opposition of the proposed Phillips 66 oil train offloading facility in San Luis Obispo County.

(Kalra)

* [Rules Committee referral 1/7/15 – Item G(2)]

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **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**

* This meeting will be adjourned in memory of Irene Dalis, who passed away on December 14, 2014 at the age of 89. The San José native and mezzo-soprano was both an international opera star and the founder of the successful company Opera San José.
(Herrera)

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.