



CITY COUNCIL AGENDA

JANUARY 13, 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
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
Absent Council Members: All Present.

1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 1)**
Pastor Bret Allen – Bethel Church San José presented the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Administer Oath of Office for Interim District 4 Council Member Marjorie McInnis Matthews.
(City Clerk)

Heard at 9:30 a.m. and 1:30 p.m.

City Clerk Toni J. Taber, CMC administered the Oath of Office to Marjorie McInnis Matthews at 9:30 a.m.

Mayor Janet Gray Hayes and Supervisor Blanca Alvarado administered the Oath of Office to Marjorie McInnis Matthews at 1:30 p.m.

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. 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
Ordinance No. 29528 adopted.

- 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)
Approved.

- (1) **The memorandum from Mayor Sam Liccardo, dated January 2, 2015, was approved, directing Staff to agendize Item G.6 from the December 3, 2014 Rules Committee Report entitled “Support for Immigration Services” to the January 27, 2015 Council Meeting in order to allow the entire Council to consider the following proposal from Vice Mayor Nguyen, Council Members Liccardo and Khamis, dated November 25, 2014:**

- (a) **Direct the City Manager to return to the Neighborhood Services and Education Committee and through the mid-year budget process to Council, to create a plan to address the imminent flood of inquiries from thousands of City of San José residents who might qualify for relief from deportation under President Obama’s recent Executive Action and under the Deferred Action for Childhood Arrivals (DACA).**

(Action Continued on the Next Page)

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports. (Action Cont'd.)

- (a) Rules and Open Government Committee Report of December 3, 2014. (Mayor)
- (1) (b) **Specifically the City Manager should assess the resources required to perform several specific tasks critical to ensuring that otherwise law-abiding undocumented immigrants in San José can fully benefit from the Obama Administration's recent actions. In consultation with key partners, including the Santa Clara County Office of Human Relations, the South Bay Immigration Services Network, SIREN and other nonprofit organizations serving immigrants in the community, the City should assess whether its network of existing nonprofits already addresses the impending need and what, if any, role the City should play in such tasks as:**
 - (1) **Referring residents to competent legal service organizations and U.S. government offices where they can obtain critical services and additional information.**
 - (2) **Tracking and making public the identity of those organizations and individuals exploiting vulnerable immigrants seeking legal services and to warn residents against the use of those specific providers.**
 - (3) **Proactively performing outreach in many immigrant communities to ensure that families can take full advantage of the programs under the Executive Action or DACA.**
 - (4) **Assessing whether the City is taking full advantage of available grant funding from federal sources or foundations to better serve its immigrant communities through City processes, such as by assistant immigrant-led businesses in navigating City Permit processes or ensuring that adults have access to English as a Second Language (ESL) and literacy programs through City libraries.**
- (c) **Any funding needs should be raised and discussed during the Council's mid-year budget process in February 2015.**
- (2) **The memorandum from Council Members Kalra, Peralez, Carrasco and Nguyen, dated January 9, 2015, was approved, with the City Manager directed to:**
 - (a) **Bring back a plan to establish an Office of Immigrant Affairs, as well as a report back on a potential Welcome Ordinance.**
 - (b) **Investigate and outline a plan for coordination with the County of Santa Clara.**
 - (c) **Explore and report back to the Council on options of utilizing current City sources.**
 - (d) **Report back to the Council on the costs and scope of work of designating roles to Parks, Recreation and Neighborhood Services Staff.**

Noes: Oliverio.

(Item 2.3(b)-(c) Continued on the Next Page)

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports. (Action Cont'd.)

- (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)

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 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.
- (b) Negotiate and execute all necessary grant documents to accept grant funding.

CEQA: Exempt, File No. PP14-069. (Transportation)

Resolution No. 77266 adopted.

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.

Resolution No. 77267 adopted.

- (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 Council Members notify the Committee secretary of their planned participation.

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

Resolution No. 77268 adopted.

Referral to Rules and Open Government Committee to consider the Order of the Agenda: move Open Forum to the beginning of the Agenda in lieu of the end.

2. CONSENT CALENDAR

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)]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Interim City Manager, Norberto Dueñas (Verbal Report). Interim City Manager Norberto Dueñas welcomed the Council back from Holiday furlough, acknowledged the new Council Members and offered background information.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

Heard at 9:30 a.m.

No Report.

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 January 27, 2015 per Administration.

3.4 Appointment of the Vice Mayor.

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

Council Member Rose Herrera was appointed Vice Chair.

Noes: Rocha.

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.
- (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)

The Public Hearing was held.

Resolution No. 77269 adopted.

4.2 Amendment to Title 23 Sign Code Ordinance for Large Outdoor Stadium Spaces.

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:
 - (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.
 - (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)

Ordinance No. 29529 passed for publication.

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.

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)]

- (1) **Approved with the following addition to the letter from Council Member Ash Kalra concerning regardless of whether the rail systems are transporting people or goods: “Safety is the City of San José’s primary concern”.**
- (2) **Staff was directed to continue to identify any opportunities for grant funding from the Federal or State levels in terms of rail safety for local jurisdictions.**

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
 - (1) **Perry Mistry urged the Council to create more jobs in San José.**
 - (2) **Ross Signorino suggested that the Council Members use microphones that light up “red” when speaking at the Council Meetings.**
 - (3) **Brian Darby complained about traffic issues near Santana Row and suggested that Council allow people with disabilities to bring a laptop to the podium to aid in speaking.**

- **Adjournment**

The Council of the City of San José was adjourned at 4:23 p.m. in memory of Irene Dalis, who passed away on December 14, 2014 at the age of 89. Ms. Dalis, San José native and mezzo-soprano, was both an international opera star and the founder of the successful company Opera San José. (Herrera)