



CITY COUNCIL AGENDA

FEBRUARY 25, 2014

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
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. 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, Mayor Reed 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**
9:00 a.m. - Closed Session, Call to Order in Council Chambers
Absent: All Present.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent: Reed. (Excused)

7:00 p.m. - **The Evening Session was Cancelled.**
- **Invocation (District 2)**
Lorenz Dumuk provided the Invocation.
- **Pledge of Allegiance**
Vice Mayor Nguyen led the Pledge of Allegiance accompanied by third-grade students from Franklin Elementary.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report**
None.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Palmer College of Chiropractic received by lead volunteer, Dr. Andre KnustGraichen, DC, for his outstanding work in San José's underserved communities. (Herrera)

Vice Mayor Nguyen and Council Member Herrera recognized Palmer College of Chiropractic and the outstanding contributions of Dr. Andre KnustGraichen, DC, in his service to San José's underserved communities.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.

- 2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29375 – Rezoning certain real property situated on the northwesterly corner of Charcot Avenue and Junction Avenue (521 Junction Avenue), from the LI(PD) Planned Development Zoning District to the LI(PD) Planned Development Zoning District.

Ordinance No. 29375 adopted.

- (b) ORD. NO. 29379 - Amending various sections of Chapter 2.08 of Title 2 of the San José Municipal Code to modify the quorum requirements of boards, bureaus and commissions; and to modify the appointment process for the Housing and Community Development Commission and the Library and Early Education Commission.

Ordinance No. 29379 adopted.

- 2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of January 29, 2014. (Mayor)

- (b) Transportation and Environment Committee Report of February 3, 2014. (Liccardo)

- (c) Rules and Open Government Committee Report of February 5, 2014. (Mayor)

Approved.

2. CONSENT CALENDAR

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

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

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

2.7 **Senior Citizens Commission Nomination.**

Recommendation:

- (a) Determine that a change to the term end date of the vacant District 3 position on the Senior Citizens Commission with an unexpired term is in the best interest of the Commission to realign with the City Clerk's Office recruitment schedule and realign the term end date from June 30, 2014 to June 30, 2017; and
- (b) Appoint Mary Tucker to the District 3 Seat on the Senior Commission to an unexpired term ending June 30, 2017.

(City Clerk)

(Rules Committee referral 2/5/14)

(Deferred from 2/11/14 – Item 2.8)

Approved.

2.8 **Agreement with Launchpad Development Two, LLC for Lower Silver Creek Trail.**

Recommendation:

- (a) Approve an Easement Agreement with Launchpad Development Two, LLC, an affiliate of Rocketship Education, granting to the City rights that will be used for a portion of the Lower Silver Creek Trail;

Approved.

- (b) Adopt a resolution to authorize the City Manager or his designee to execute the easement agreement and all other documents needed to conclude the transaction.

CEQA: Mitigated Negative Declaration, File No. PP06-111. Council District 5.

(Economic Development)

Resolution No. 76925 adopted.

Abstain: Liccardo.

2.9 **Designation of Officials Authorized to Apply for Disaster Assistance.**

Recommendation: Adopt a resolution designating City of San José officials to be authorized to apply for Federal and State Disaster Assistance. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Finance)

Resolution No. 76926 adopted.

2. CONSENT CALENDAR

2.10 Car Share Parking Pilot Program.

Recommendation: As recommended by the Transportation and Environment Committee on February 3, 2014:

- (a) Accept staff report to approve extending the existing pilot program for two years, and adopt a resolution amending the Master Parking Rate Schedule to extend the Car Share Parking Pilot Program for two years and repealing Resolution No. 76889; and

Resolution No. 76927 adopted.

- (b) Authorize staff to investigate the possibility of incorporating one-way car share services in the pilot to expand the market for and effectiveness of car sharing in the City.

CEQA: Exempt, File No. PP12-074. (Transportation)

[Transportation and Environment Committee referral 2/3/14 – Item D(3)]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Edward Shikada (Verbal Report)

City Manager Ed Shikada provided an update on the Google fiber system expansion, adding he will provide additional information as it becomes available.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

None.

3.3 Terms of an Agreement with the International Union of Operating Engineers, Local No. 3.

Recommendation: Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the International Union of Operating Engineers, Local No. 3 (OE#3), and authorize the City Manager to execute an agreement for a term from July 1, 2013 to June 30, 2015. The agreement is subject to ratification by OE#3 membership. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

(Deferred from 2/11/14 – Item 3.4)

Dropped per Administration.

3. STRATEGIC SUPPORT SERVICES

3.4 Terms of an Agreement with the San José Fire Fighters, International Association of Firefighters, Local 230 (IAFF Local 230).

Recommendation: Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the San José Fire Fighters, International Association of Firefighters, Local 230 (IAFF Local 230), and authorize the City Manager to execute an **Resolution No. 76928 adopted, including recommendations contained within Council Member Constant and Liccardo’s memorandum of February 18, 2014, and with future sessions allowing an inquiry as to whether or not cross training of police, fire and medical emergency dispatchers will improve response time and offer supplemental pay for the additional responsibilities as well as incentives to increase retention.**

Noes: Campos, Kalra, Oliverio.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Internet Service Incentive for High-Vacancy Downtown Buildings Pilot Project.

Recommendation:

(a) Approve a Pilot Project to provide up to six high-vacancy buildings located in Downtown San José access to free high-speed internet service;
Approved.

(b) Adopt a resolution to authorize the City Manager to negotiate and execute agreements with up to six high vacancy properties located in Downtown San José for a period of 36 months with terms and conditions consistent with the parameters of the Pilot Project as approved by the City Council.

CEQA: Exempt, File No. PP12-023. Council District 3. (Economic Development/Information Technology)

Resolution No. 76929 adopted.

Abstain: Khamis.

4.2 Amendments to the Sign Code (Title 23).

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

(a) Modify and add specific provisions pertaining to allowable signage within the Commercial and Industrial Zoning Districts and Neighborhood Business Districts of the City, to allow flexibility in the placement of Attached Signs on buildings greater than 100 feet in height above grade and located in employment growth areas as designated in the Envision San José 2040 General Plan “Planned Growth Areas Diagram”;

(Item Continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Amendments to the Sign Code (Title 23) (Cont'd.)

(b) Modify and add specific provisions pertaining to allowable signage within the Open Space, Agricultural, and Residential Zoning Districts of the City, to allow additional signage for medium to large residential developments, additional signage types such as Awning and Window Signs for residential and non-residential uses, and to allow illumination of Signs; and

(c) Make other non-substantive, technical or typographical changes.

CEQA: Negative Declaration, File No. PP13-067, adopted by Resolution No. 76826, and Addendum File Nos. PP13-088 and PP14-007. (Planning, Building and Code Enforcement)

Ordinance No. 29380 passed for publication.

Noes: Rocha.

4.3 Bi-Annual Economic Strategy Workplan Review.

Recommendation: As referred by the Community and Economic Development Committee on January 27, 2014, accept staff's report on the accomplishments of the Economic Strategy 18-month workplan. CEQA: Not a Project, File No. PP10-066(a), Staff Report. (Economic Development)

[Community and Economic Development Committee referral 1/27/14 – Item D(5)]

Deferred to 3/4/14 Per Administration

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Audit of Taxi Service and Regulation in San José and Airport Ground Transportation Program.

Recommendation:

(a) As recommended by the Airport Competitiveness Committee on January 31, 2014, accept the Audit of Taxi Service and Regulation in San José. (City Auditor)
[Airport Competitiveness Committee referral on 1/31/14 – Item A]

(b) As recommended by the Airport Competitiveness Committee on January 31, 2014:

(1) Adopt a resolution amending and restating the Airport general fee resolution to establish trip fees for all ground transportation pick-ups at the Airport and to continue a \$.50 reduced trip fee for clean fuel vehicles and vehicles with Americans with Disabilities Act compliant equipped lifts, eliminating drop-off fees and permit requirements and returning the Off-Airport parking operator fees to 10% of gross revenues plus standard per trip fee and repealing Resolution No. 76587; and

6. TRANSPORTATION & AVIATION SERVICES

6.1 Audit of Taxi Service and Regulation in San José and Airport Ground Transportation Program (Cont'd.)

- (2) Approve an ordinance amending Chapter 25.08 of the San José Municipal Code to eliminate permit requirements for on-demand taxi and shuttle services at the Norman Y. Mineta San José International Airport and to implement a concession management system for on-demand taxi and shuttles services at the Airport.

CEQA: Not a Project, File No. PP10-068(c), Municipal Code or policy change that involve no changes to the physical environment. (Airport)

[Airport Competitiveness Committee referral on 1/31/14 – Item B]

(Deferred from 2/11/14 – Items 6.1 and 6.2)

Deferred to 3/4/14 Per Administration

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Master Service Agreement with Hydroscience Engineers, Incorporated for Engineering Consulting Services for the San José/Santa Clara Regional Wastewater Facility.

Recommendation:

- (a) Approve the consultant Master Service Agreement with HydroScience Engineers, Incorporated for engineering support and services for the San José/Santa Clara Regional Wastewater Facility for various Operation and Maintenance projects requiring engineering support and services on as needed basis for a period of one year from the date of execution for an amount not to exceed \$500,000, and up to three one-year options;

Approved.

- (b) Adopt a resolution authorizing the City Manager to exercise up to three one-year options to extend the term of the agreement for an amount not to exceed \$500,000 for each option term, and a total amount not to exceed \$2,000,000 for the initial term and all options, subject to the annual appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements/Contracts for Purchase of Professional Services with no changes in the physical environment. (Environmental Services)

Resolution No. 76930 adopted.

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Review and Discussion of the Long-Range Property Management Plan.

Recommendation: Discussion of and direction to staff on the Long-Range Property Management Plan. (Successor Agency)

(Deferred from 1/14/14 – Item 9.1 and 1/28/14 – Item 9.1, Continued from 2/11/14 – Item 9.1)

Accepted, with direction that this item return to the Community and Economic Development Committee for further discussion regarding zoning issues to preserve cultural assets.

- **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 pending decision on the following Final Maps:

| <u>Tract</u> | <u>Location</u> | <u>Council District</u> | <u>Developer</u> | <u>Lots/Units</u> | <u>Type</u> | <u>Proposed Decision</u> |
|--------------|---|-------------------------|------------------|---------------------------------|-------------|--------------------------|
| 10124 | East side of Ruby Ave., approx. 100 feet N/o Murillo Ave. | 8 | Taylor Morrison | 10 Lots / 10 Units | SFD | Approval |
| 10186 | Easterly of Charlotte Drive and Charlotte Commons Park between Raleigh Rd. and Highway 85 | 2 | Lennar Homes | 341 Lots / 31 Units / 270 Units | SFD SFA | Approval |

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> |
|--------------|---|-------------------------|------------------|--------------------|-------------|
| 10124 | East side of Ruby Ave., approx. 100 feet N/o Murillo Ave. | 8 | Taylor Morrison | 10 Lots / 10 Units | SFD |

- **Evening Session Cancelled**

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

EVENING SESSION CANCELLED. ALL EVENING ITEMS DEFERRED TO 3/4/14

11.1 Public Hearings on Consent Calendar.

No Public Hearings on Consent Calendar at this time.

11.2 Conventionally Rezoning the Real Property Located on at/on the East Side of San Felipe Road, Approximately 550 Feet Northerly of Scenic Meadow Lane.

Recommendation: Consideration of an ordinance conventionally rezoning the real property located on at/on the east side of San Felipe Road, approximately 550 feet northerly of Scenic Meadow Lane (5674 San Felipe Road) to R-1-5 Single-Family Residence Zoning District in preparation for the annexation of 1 parcel within the County of Santa Clara to the City of San José on a 1.57 gross acre site (Baron, Stan and Sheryl, Owners). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. (Planning, Building and Code Enforcement)

C13-039 – District 8

Deferred to 3/4/14 Per Administration

11.3 Rezoning the Real Property Located on the East Corner of the Intersection of Samaritan Place and Samaritan Drive.

Recommendation: Consideration of an ordinance conforming planned development rezoning the real property located on the east corner of the intersection of Samaritan Place and Samaritan Drive (2360 Samaritan Place) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to increase the number of units from 143 to 153 multi-family attached residences within an existing building for a previously approved senior housing facility (PDC79-098) on a 2.25 gross acre site (Catalonia Inc./Eden Housing, Owner). CEQA: Exempt.

PDC13-056 – District 9

Deferred to 3/4/14 Per Administration

- **Open Forum**
 - (1) **Jeffrey Bedolla voiced objection to development projects at Bellarmine.**
 - (2) **Deno Milano claimed incomplete information provided to the press by the San José Police Department regarding the recent shooting at San José State University.**

- **Adjournment**

The Council of the City of San José adjourned at 3:38 p.m. in memory of City of San José Human Services Commissioner Amal Sinha, who passed away on January 16, 2014 while vacationing in Kolkata, India. He is remembered for his dedicated service to the City of San José and to the Bay Area Bengali community. (Khamis)