



CITY COUNCIL AGENDA

AUGUST 12, 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 or 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, 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**
10:05 a.m.- Closed Session, Call to Order in Council Chambers
All Present.
1:31 p.m. - Regular Session, Council Chambers, City Hall
All Present.
- **Invocation (District 7)**
Father Francisco Rios of Our Lady of Refuge provided the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 3.1, Report of the City Manager, heard prior to the Ceremonial Items.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Finance Department for the GFOA Award for Excellence in Financial Reporting for its CAFR. (Finance)
Mayor Reed commended the Finance Department for receiving the GFOA Award for Excellence in Financial Reporting for its Comprehensive Annual Finance Report.
- 1.2 Presentation of a commendation to John B. Hammett for over 30 years of community service to the Center for Training and Careers. (Nguyen)
Mayor Reed and Vice Mayor Nguyen presented a commendation to John B. Hammett for over 30 years of commendable community service.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Special Closed Session Minutes of April 1, 2014.
- (b) Study Session of April 1, 2014 on General Plan Implementation: Urban Villages.
- (c) Regular Minutes of April 8, 2014.
- (d) Regular Minutes of April 15, 2014.
- (e) Regular Minutes of April 22, 2014.
- (f) Regular Minutes of April 29, 2014.

Approved.

2.2 Final Adoption of Ordinances.

None.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Neighborhood Services and Education Committee Report of June 12, 2014. (Nguyen)
- (b) Public Safety, Finance, and Strategic Support Committee Report of June 19, 2014. (Constant)

Approved.

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests.
None.

2.5 City Council Travel Reports.
Council Member Constant reported on his participation in the National League of Cities Summer Policy Forum and committee meeting for Public Safety and Crime Prevention. Council Member Campos discussed his representation at the Annual NALEO Conference in San Diego.

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

2.7 Neighborhoods Commission 2014 Caucus Appointments.

Recommendation: Approve the appointments of the following persons to fill Council District vacancies on the Neighborhoods Commission:

- (a) Council District 1: Gary Cunningham;
- (b) Council District 3: Desiree Barragan and Pete Kolstad;
- (c) Council District 5: Juan Estrada and Kathleen McEvers;
- (d) Council District 7: Robert Sandoval and Moses Ramirez;
- (e) Council District 9: Terry Martin and Dan Keller.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Manager)
Approved.

2.8 Sponsored Travel to Copenhagen for Bicycle Transportation Study Tour.

Recommendation:

- (a) Accept invitation from the Knight Foundation to participate in a transportation study tour of urban bicycling and walking best practices in Copenhagen, Denmark from August 23 - 29, 2014. The Knight Foundation will pay the cost for travel, lodging and meals during the study tour.

Accepted.

- (b) Approve travel to Copenhagen for Paul Smith, Deputy Director for Transportation Planning and Project Delivery; and Zahi Khattab, Senior Transportation Specialist as the City's official representatives on the study tour.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Manager)
Approved.

2. CONSENT CALENDAR

2.9 Actions Related to the VTA Bus Rapid Transit Art Enhancement Program.

Recommendation:

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments to the General Fund:
 - (1) Establish a city-wide appropriation to the Office of Economic Development for the Valley Transit Authority Bus Rapid Transit (VTA-BRT) Enhancement Project in the amount of \$750,000; and
 - (2) Increase the estimate for Revenue from Local Agencies by \$750,000.

Ordinance No. 29448 adopted.
Resolution No. 77113 adopted.

- (b) Adopt a resolution authorizing the City Manager to negotiate and execute the following:
 - (1) A three-party agreement with VTA and the Merge Conceptual Design, LLC (Artist) to fabricate, deliver and oversee installation of art-enhanced elements for the Santa Clara Alum Rock BRT Project in an amount not to exceed \$1,000,000 over the term of the agreement subject to appropriation of funds by City Council in subsequent fiscal years.
 - (2) An amendment to the Agreement for Public Art Management Services Between the City of San José and the Santa Clara Valley Transportation Authority for the Bus Rapid Transit Project to extend the term from August 30, 2015 to June 30, 2016 and increase the maximum compensation to be paid to City to \$1,255,000.

CEQA: Exempt, File No. PP11-017. Council Districts 3, 5 and 8. (Economic Development/City Manager)

Resolution No. 77114 adopted.

2.10 Fiscal Year 2014-2015 Property Tax Levy for General Obligation Bonds.

Recommendation: Adopt a resolution establishing the FY 2014-15 property tax levy on all taxable property within the City of San José for the purpose of funding the City's general obligation bonded indebtedness and pay the related administration fee to the County. CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance)

Resolution No. 77115 adopted.

2.11 Vice Mayor Nguyen's Travel to Honolulu, HI, Miami, FL, and Washington D.C.

Recommendation: Approve travel by Vice Mayor Nguyen to Honolulu, HI, Miami, FL, and Washington D.C. on September 21, 2014 – October 5, 2014 to attend the 2014 New Generation Seminar "The Realities of a Changing Climate: Meeting the Challenge." Source of Funds: East-West Center. (Nguyen)

Approved.

2. CONSENT CALENDAR

2.12 Joint Use Agreement with Santa Clara Valley Water District for the Operation and Maintenance of the Golf Creek at Jeffrey Fontana Park.

Recommendation: Approve a Joint Use Agreement with the Santa Clara Valley Water District (SCVWD) for continued operation and maintenance of recreational facilities along Golf Creek within Jeffrey Fontana Park partially developed upon SCVWD property for a term of 25 years, with City option to renew for another 25 years. CEQA: Not a Project, File No. PP14-052, Public Project Exemption. Council District 10. (Parks, Recreation and Neighborhood Services)

Approved.

2.13 Actions Related to the JAG Spending Plan for the FY 2014 Edward Byrne Memorial Justice Assistance Grant.

Recommendation:

(a) Approve the proposed 2014 JAG Spending Plan for the FY 2014 Edward Byrne Memorial Justice Assistance Grant (JAG);

Approved.

(b) Adopt a resolution accepting the 2014 Justice Assistance Grant in the amount of \$290,714 and authorize the City Manager to execute any documents required to effectuate the grant, including the Grant Agreement and the necessary Memorandum of Understanding with the County of Santa Clara;

Resolution No. 77116 adopted.

(c) Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:

- (1) Increase the estimate for Earned Revenue in the amount of \$290,714; and
- (2) Establish an appropriation to the Police Department for the 2014 Justice Assistance Grant in the amount of \$290,714.

CEQA: Not a Project, File No. PP10-066(g), Grant Agreements and Memorandum of Understanding. (Police/City Manager)

Ordinance No. 29449 adopted.

Resolution No. 77117 adopted.

2. CONSENT CALENDAR

2.14 Actions Related to the United States Patent and Trademark Office Project.

Recommendation: Adopt a resolution:

- (a) Approving the final rankings of the four (4) prequalified design-build (D/B) firms that responded to the Request For Proposals for the United States Patent and Trademark Office Project (Project); and
Resolution No. 77118 adopted.

- (b) Authorizing the Public Works Director to negotiate a D/B contract for the Project as follows:
- (1) Begin negotiating with the highest ranked D/B firm, Turner Construction Company; and
 - (2) Begin negotiating with the next highest ranked D/B firm, Hensel Phelps Construction Company, if after having negotiated with Turner Construction Company, the Director determines that the City's interests are best served by beginning negotiations with the next highest ranked D/B firm; and
 - (3) Begin negotiating with each of the other D/B firms in order of their ranking as the Director determines is appropriate.

CEQA: Exempt, File No. PP14-031. (Public Works)

Authorized.

2.15 Actions Related to the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2014-2015.

Recommendation: Adopt a resolution:

- (a) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2014-2015 as filed or modified by Council;
- (b) Confirming the individual assessments as proposed, or modified by Council;
- (c) Directing the City to pay the assessment on City-owned property within the district in the amount of approximately \$9,521; and
- (d) Directing the Director of Public Works to deliver the assessment role to the County for collection with the property taxes.

CEQA: File No. PP13-057, Landscape Maintenance in the public right-of-way and public facilities. Council District 6. (Public Works)

Resolution No. 77119 adopted.

2.16 Route 85/Cottle Road Interchange Property Transfer with the California Department of Transportation.

Recommendation: Adopt a resolution authorizing the City Manager to execute all documents associated with the transfer of property to the California Department of Transportation in accordance with the *Master Cooperative Agreement By and Between the City of San José and Hitachi Global Storage Technologies, Inc.*, dated November 16, 2007. CEQA: Resolution No. 72772. Council District 2. (Transportation)

Resolution No. 77120 adopted.

2. CONSENT CALENDAR

2.17 Route 101 Freeway Maintenance Agreement with State of California.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Freeway Maintenance Agreement between the State of California and the City of San José for State Route 101 from Yerba Buena Road to North of Capitol Expressway. CEQA: Exempt, File No. PP13-057 (Landscape Maintenance), and File No. PP14-046 (Streetlight Maintenance and Installation). Council Districts 2, 7, and 8. (Transportation)

Resolution No. 77121 adopted.

2.18 I-880 HOV Lane Widening Project.

Recommendation:

(a) Adopt a resolution as a Responsible Agency adopting the Initial Study with Mitigated Negative Declaration for the I-880 HOV Lane Widening Project prepared and adopted by Caltrans as the Lead Agency; and

Resolution No. 77122 adopted.

(b) Adopt a resolution authorizing the City Manager to execute a Quitclaim Deed associated with the I-880 HOV project.

CEQA: To be considered. Council Districts 3 and 4. (Transportation)

Resolution No. 77123 adopted.

2.19 Historic Landmarks Commission Nomination.

Recommendation: As recommended by the Rules and Open Government Committee on August 6, 2014, approve appointments to the Historic Landmarks Commission:

(a) Appoint Jesus Gomez to an unexpired term ending June 30, 2015;

(b) Appoint Josh Marcotte to a term ending June 30, 2018;

(c) Appoint Patricia Jones to a term ending June 30, 2018;

(d) Appoint Steven Roldan to a term ending June 30, 2018; and

(e) Appoint Romiro Torres to a term ending June 30, 2015.

CEQA: Not a Project. (City Clerk)

[Rules Committee referral 8/6/14 – Item F(1)(a)]

Appointments to the Historic Landmarks Commission were approved, with modifications as follows: (a) Appointment of Jesus Gomez to a term ending June 30, 2018; (b) Appointment of Josh Marcotte to a term ending June 30, 2018; (c) Appointment of Ramiro Torres to a term ending June 30, 2015; (d) Appointment of Marilyn Messina to a term ending June 30, 2015; and (e) Appointment of Patricia Jones to a term ending June 30, 2018. Noes: Campos, Chu, Kalra, Rocha. Staff to present a review of the Boards and Commissions Structural Improvement Project –Council Policy 0-4: Consolidated Policy Governing Boards and Commissions to the Rules and Open Government Committee meeting August 13, 2014, returning to full Council for approval of revisions.

2. CONSENT CALENDAR

2.20 AB 2126 (Bonta) Meyers-Milias-Brown Act: Mediation.

Recommendation: As recommended by the Rules and Open Government Committee on August 6, 2014, adopt a position in opposition to AB 2126 (Bonta). (City Manager)
[Rules Committee referral 8/6/14 – Item G(3)]

Position of opposition approved.

2.21 2014 League of California Cities Voting Delegate and Alternate Voting Delegate at the Annual Business Meeting.

Recommendation: As recommended by the Rules and Open Government Committee on August 6, 2014, approve the proposed designation of Councilmember Rose Herrera, as the voting delegate, and Councilmember Pete Constant, as the alternate voting delegate at the September 5, 2014 Annual Business Meeting for the League of California Cities.
(City Manager)

[Rules Committee referral 8/6/14 – Item G(4)]

Approved.

2.22 District 9 Park-Wilshire Improvement Association Neighborhood Block Party.

Recommendation: As recommended by the Rules and Open Government Committee on August 6, 2014:

- (a) Approve the Park Wilshire Improvement Association Block Party as a City Council sponsored Special Event and approving expenditure of City funds;
- (b) Approve and accept donations from various individuals, businesses or community group to support the event.

CEQA: Not a Project. (Rocha)

[Rules Committee referral 8/6/14 – Item G(5)]

Approved.

3 STRATEGIC SUPPORT SERVICES

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

City Manager, Edward K. Shikada announced the City Council's ratification of the appointment of Joseph Angelo as Director of the Human Resources of the City of San José and welcomed Mr. Angelo to the City.

3. STRATEGIC SUPPORT SERVICES

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.
None provided.

3.3 Actions Related to the Public Agency Cooperative Purchase of Telecommunication Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute multiple master services agreements and other necessary documentation with AT&T and Verizon to extend the City's participation under the State of California ("State") Integrated Telecommunications Network "CalNet2" cooperative agreements for core telecommunications and related services, in a total cumulative amount not-to-exceed \$4,925,000 for the Fiscal Year ending June 30, 2015, and a subsequent seven month term ending January 29, 2016 (when CalNet2 ends) subject to annual appropriations; and
- (b) Execute multiple master services agreements and other necessary documentation for the City to participate in the State's next generation CalNet3 Program, and transition from CalNet2 pursuant to the pricing, terms and conditions of the CalNet3 cooperative agreements, and future generations of CalNet, as may be required, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)
Resolution No. 77124 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Greenhouse Gas Reduction Strategy.

Recommendation: Adopt a resolution establishing a new City Council Policy: Greenhouse Gas Reduction Strategy Implementation. The proposed policy will further implement the Greenhouse Gas Reduction Strategy, which was adopted with the Envision San José 2040 General Plan, for new private sector development projects. This policy would establish a procedure to determine whether new private development is consistent with the City's adopted Greenhouse Gas Reduction Strategy by requiring applicants to identify measures, which will help to reduce greenhouse gas emissions, in the application and design of projects. CEQA: Final Program Environmental Impact Report for Envision San José 2040 General Plan, EIR Resolution No. 76041. Planning Commission recommends approval (6-1). (Planning, Building and Code Enforcement) (Deferred from 3/11/14 – Item 4.3, 3/18/14 – Item 4.4, and 4/29/14 – Item 4.1)
Dropped per Administration.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 TEFRA Hearing for the Issuance of Tax-Exempt Multifamily Housing Revenue Bonds by California Statewide Communities Development Authority for the Canoas Terrace Apartments.

Recommendation:

- (a) Hold a Tax Equity and Fiscal Responsibility Act (“TEFRA”) public hearing for the issuance of up to \$17,000,000 in tax-exempt private-activity bonds by the California Statewide Communities Development Authority (“CSCDA”) for the acquisition and rehabilitation of the 112-unit Canoas Terrace Apartments, located at 420 Sands Drive, by Community Housing Developers and High Costa Housing Partners, LLC (“Highridge”) or by its related legal entity (“Canoas”); and
- (b) Adopt a resolution approving the issuance of Tax-Exempt Revenue Bonds (\$17,000,000) and Taxable Revenue Bonds (\$7,000,000) by CSCDA in an aggregate principal amount not to exceed \$24,000,000 to be used by Canoas to finance the acquisition and rehabilitation of the Canoas Terrace Apartments and to pay certain expenses incurred in connection with the issuance of the bonds.

CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. Council District 6. (Housing/Finance)

Dropped per Administration.

5 NEIGHBORHOOD SERVICES

6 TRANSPORTATION & AVIATION SERVICES

7 ENVIRONMENTAL & UTILITY SERVICES

8 PUBLIC SAFETY SERVICES

9 REDEVELOPMENT – SUCCESSOR AGENCY

- **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>
10226	South corner of Pierce Avenue and South Market Street	3	60 PIERCE – SAN JOSE, LLC	1/232	Condo	Approval

- **Open Forum**

1. **Mark Trout spoke on the “Franklin cover-up”.**
2. **Tim Gildersbreve expressed opposition to the clearing of homeless encampments in San José and suggested a more humane approach.**
3. **David Wall expressed criticism of alleged special interest entities paying for Council travel such as the upcoming transportation study tour of urban bicycling.**
4. **Ross Signorino addressed a report he encountered naming San José the worst city to start a small business.**
5. **Shelby Brown presented her need for affordable housing.**

- **Adjournment**

The Council of the City of San José adjourned to Closed Session at 2:31 p.m.