



CITY COUNCIL AGENDA

MARCH 11, 2014

AMENDED AGENDA

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 Successor Agency to the Redevelopment Agency. 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**
 - 9:30 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 [City Council Closed Session Agenda](#)
 - See [Successor Agency to the Redevelopment Agency Closed Session Agenda](#)
 - 1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 3)**
 - * Father David Bird of Trinity Cathedral

- **Pledge of Allegiance**

- **Orders of the Day**

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

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

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Heald College for providing 150 years of excellence in career-focused education. (Chu)

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. 29380 – Amending Sections 23.04.020, 23.04.320 and 23.04.330 of Title 23 of the San José Municipal Code to modify the maximum height at which attached signs may be placed on large buildings located in employment growth areas; to allow awning signs, other additional signage and sign illumination for large residential buildings of one hundred units or more; to allow window signs in residential zoning districts; to allow awning signs and to modify sign illumination regulations for nonresidentially used parcels in residential zoning districts; and to make other nonsubstantive, ministerial, technical, or typographical changes.
- * (b) ORD. NO. 29383 - Rezoning certain real property of approximately 5.97 acres situated on the east side of Karina Court between Highway 101 and North 1st Street from LI Light Industrial and IP Industrial Park Zoning Districts to TEC Transit Employment Center Zoning District.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Neighborhood Services and Education Committee Report of February 13, 2014.](#) (Nguyen)
- (b) [Rules and Open Government Committee Report of February 19, 2014.](#) (Mayor)
- (c) [Public Safety, Finance, and Strategic Support Committee Report of February 20, 2014.](#) (Constant)
- (d) [Community and Economic Development Committee Report of February 24, 2014.](#) (Herrera)
- ## 2.4 Mayor and Council Excused Absence Requests.
- ## 2.5 City Council Travel Reports.

2. CONSENT CALENDAR

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [Application for Designation of Manufacturing Community with Federal Economic Development Administration.](#)

- * **Recommendation:** Adopt a [resolution](#) authorizing the City Manager or his designee to apply for Designation of Manufacturing Community with federal Economic Development Administration. CEQA: Not a Project, File No. PP10-068(c), Policy change that involves no changes to the physical environment. (Economic Development)

2.8 [Purchase Orders for Tree Management and Maintenance Services, and Emergency Tree Services.](#)

- * **Recommendation:** Authorize the City Manager to:
- (a) Execute purchase orders for Citywide Tree Management and Maintenance Services with West Coast Arborists (San José, CA), Commercial Tree Care (Santa Clara, CA) and A-Plus Tree (Concord, CA) for the period beginning March 1, 2014, through February 28, 2016, for a total cumulative compensation not-to-exceed \$1,535,000; and exercise options to extend the term through subsequent purchase orders for up to five twelve month periods, subject to appropriation of funds; and
 - (b) Execute purchase orders for Emergency and Routine Tree Maintenance Services with Bay Area Tree Specialists (San José, CA) for the period beginning March 1, 2014, through February 28, 2015, with a total cumulative compensation not-to-exceed of \$310,000; and exercise options to extend the term through subsequent purchase orders for up to four additional twelve month period, subject to appropriation of funds.
- CEQA: Exempt, File No. PP13-057. (Finance)

2.9 [District 9 Celebrate Cambrian Festival.](#)

Recommendation: As recommended by the Rules and Open Government Committee on February 26, 2014:

- (a) Approve the Celebrate Cambrian Festival as a City Council sponsored Special Event and approving expenditure of city funds;
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Rocha)
(Rules Committee referral 2/26/14 – Item G(2))

2. CONSENT CALENDAR

2.10 [Deferred Compensation Advisory Committee Appointments.](#)

Recommendation: As recommended by the Rules and Open Government Committee on March 5, 2014:

- (a) Approve the appointment of Jamal Fontaine as the representative by the San José Firefighters, Local 230 (IAFF) to the Deferred Compensation Advisory Committee (Committee) for the remainder of the four-year term ending on March 1, 2017. This seat was made vacant by the resignation of the current representative, Darren Wallace; and
- (b) Approve the appointment of Daniel Earl as the representative nominated by the American Federation of State, County and Municipal Employees (AFSCME), including MEF or CEO bargaining units and Donna Busse as the representative nominated by AEA, AMSP, CAMP, ALP or an employee in Unit 99 (Management Employees) for four-year terms ending March 1, 2018. These two representative's terms expired on March 1, 2014.

CEQA: Not a Project, CEQA Guideline 15061(b)(3). (Human Resources)

* [Rules Committee referral 3/5/14 – Item F(1)]

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

3.3 [Statement of Policy and City Council Questions for the Prospective Fire Chief.](#)

* **Recommendation:** Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Fire Chief as described in the staff memorandum, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

3.4 [Discussion on Paid Parental or Family Leave Programs.](#)

[Memo from Councilmember Rocha](#)

Recommendation: Discussion and acceptance of report on Paid Parental Leave or Family Leave programs. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Manager's Office)

* (Deferred from 3/4/14 – Item 3.4)

3. STRATEGIC SUPPORT SERVICES

3.5 [FY 2014-2015 Mayor's March Budget Message.](#)

Recommendation: Conduct a Public Hearing on the FY 2014-2015 Mayor's March Budget Message. CEQA: Not a Project. (Mayor)
(Rules Committee referral 3/5/14)

* **TO BE HEARD IMMEDIATELY FOLLOWING CONSENT**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [Community Special Events Ordinance.](#)

Recommendation: As recommended by the Community and Economic Development Committee on February 24, 2014, consider approval of the one of two alternative community special events ordinances that would add Chapter 13.14, repeal Chapters 13.12, 13.16 and 13.22, and amend Chapter 13.44 of Title 13 of the San José Municipal Code in order to establish a comprehensive permit process for outdoor special events on or at City streets, parks, paseos and plazas. CEQA: Not a Project, File No. PP10-068(c), Municipal Code amendments involving no changes to the physical environment. (City Attorney's Office)

[Community and Economic Development Committee referral 2/24/14 – Item D(4)]

[Revised Special Events Ordinance](#) [Limited Regulation Special Events Ordinance](#)

* **DEFERRED TO 3/18/14 PER ADMINISTRATION**

4.2 [Use of Underutilized Hotels/Motels to House the Homeless.](#) [Memo from Councilmember Liccardo](#)

* **Recommendation:** As referred by the Community and Economic Development Committee on February 24, 2014:

- (a) Direct staff to develop a pilot program under which hotel/motel rooms for hotels could be used to provide housing to homeless individuals and families.
- (b) Discuss the options in the memorandum submitted to the Community and Economic Development Committee on February 24, 2014 and provide direction on options, including the length of the pilot program, the appropriate level of permitting (CUP, SUP, by right), and any outreach needed.
- (c) Direct staff to return with any necessary changes to the Municipal Code and General Plan, subject to any necessary environmental review.

CEQA: Not a Project, File No. PP10-068, General Procedure and Policymaking.
(Housing)

[Community and Economic Development Committee referral 2/24/14 – Item D(5)]

* **RECOMMEND DEFERRAL TO 3/18/14 IN THE EVENING PER ADMINISTRATION**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 [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)

4.4 [Rezoning the Real Property Located on the North Side of Blossom Hill Road, Approximately 1000 Feet Easterly of Snell Avenue.](#)

[Memo from Councilmember Khamis](#)

[Conflict of Interest for Councilmember Khamis](#)

- * **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the north side of Blossom Hill Road, approximately 1000 feet easterly of Snell Avenue (393-397 Blossom Hill Road), from the A(PD) Planned Development Zoning District to the CN Commercial Neighborhood Zoning District on a 0.45 gross acre site (Santa Teresa Physicians Med Bldg Ltd and The Health Trust, Owner). CEQA: Final Program Environmental Impact Report for Envision San José 2040 General Plan, EIR Resolution No. 76041. (Planning, Building and Code Enforcement)
[C13-054 – District 2](#)

4.5 [Update on the Implementation of the North San José Area Development Policy.](#)

Recommendation: As recommended by Community and Economic Development Committee on February 24, 2014, accept the update on the implementation of North San José Area Development Policy. CEQA: North San José Development Policies Update EIR, Resolution No. 72768 and Addenda thereto. Council Districts 3 and 4. (Planning, Building and Code Enforcement/Economic Development/Transportation)
[Community and Economic Development Committee referral 2/24/14 – D(2)]

- * **DEFERRED TO 3/25/14 PER ADMINISTRATION**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 [McCarthy Ranch Property Development Restrictions.](#)

[Memo from Mayor Reed, Vice Mayor Nguyen, and Councilmembers Herrera and Chu](#)
[Supplemental Memo from City Attorney Richard Doyle](#)

- * **Recommendation:** As recommended by the Rules and Open Government Committee on February 26, 2014, direct staff to return in August 2014, with a resolution authorizing the City Manager to execute an amendment to the McCarthy Ranch Development Declaration of Covenants, Conditions & Restrictions (CC&R's). The amendment should provide a process that would allow early termination of development restrictions on the McCarthy Ranch property upon occurrence of the following conditions:

- (a) Completion of the biosolids improvements at the Regional Wastewater Treatment Facility and transition to the new biosolids treatment process;
- (b) Verification that no odor problem exists based on an odor modeling methodology to be determined; and
- (c) Payment of a fair market value for the land the City acquired as part of the transaction, upon the termination of the CC&R's.

CEQA: Not a Project, File No. PP10-068(d), Preliminary direction to staff where eventual action requires Council approval. (Mayor)
[Rules Committee referral 2/26/14 – Item G(5)]

5. NEIGHBORHOOD SERVICES

5.1 [Neighborhoods Commission 2014 Caucus Process.](#)

Recommendation:

- (a) Accept the Caucus Process Recommendations Report from the Neighborhoods Commission; and
- (b) Approve the Spring 2014 selection process for the appointment of Commissioners from odd numbered Council Districts.

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

6. TRANSPORTATION & AVIATION SERVICES

6.1 [Amendment to the Airport Advertising Concession Agreement with Clear Channel Outdoor, Inc.](#)

Recommendation: Approve an amendment to the [Airport Advertising Concession Agreement](#) ("Agreement") between the City of San José and Clear Channel Outdoor, Inc. to:

- (a) Extend the Agreement an additional three years from July 1, 2017, through June 30, 2020; and
- (b) Modify the Minimum Annual Guarantee to \$1,800,000, \$1,900,000 and \$2,000,000 respectively for each year of the extension period.

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

7. ENVIRONMENTAL & UTILITY SERVICES

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**

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.