



# **CITY COUNCIL AGENDA**

**SEPTEMBER 9, 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, 2<sup>nd</sup> 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](mailto: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**  
9:32 a.m. - Closed Session, Call to Order in Council Chambers  
**Absent Councilmembers: None.**  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Councilmembers: None.**
  
- **Invocation (District 8)**  
Village Voices, directed by Ken Carter, provided a vocal performance for 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 Items 3.5 deferred to September 16, 2014.

- **Closed Session Report**

**City Attorney Doyle disclosed the following Closed Session action of September 9, 2014:**

**A. Authority to Pursue Appellate Review in a Litigation Case:**

**Case Name:** Binkovich v. Barthelmy, et al.  
**Council Vote:**  
**Ayes:** Campos, Chu, Constant, Kalra, Khamis, Liccardo, Nguyen, Oliverio, Rocha; Reed.  
**Noes:** None.  
**Disqualified:** None.  
**Absent:** Herrera.

**B. Authority to Pursue Open Negotiations as Part of the Meet and Confer Process on a Case by Case Basis and Not as an Ordinance:**

**Council Vote:**  
**Ayes:** Campos, Chu, Herrera, Kalra, Liccardo, Nguyen, Rocha; Reed.  
**Noes:** Constant, Oliverio.  
**Disqualified:** None.  
**Absent:** Khamis.

Staff was directed to agendize Item B for late in September to allow for public discussion and transparency. Noes: Reed.

## **1. CEREMONIAL ITEMS**

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## **2. CONSENT CALENDAR**

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**2.1 Approval of Minutes.**  
None provided.

**2.2 Final Adoption of Ordinances.**

**Recommendation:** Final adoption of ordinances.

(a) ORD. NO. 29450 – Amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code, which lists all infractions, to update the list of infractions. C14-029

**Ordinance No. 29450 adopted.**

*(Item Continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.2 Final Adoption of Ordinances (Cont'd.)

- (b) ORD. NO. 29452 – Rezoning certain real property of approximately 0.11 acres at the southwest corner of North Autumn Street and West Julian Avenue (263 North Autumn Street) from the LI Light Industrial Zoning District to the TEC Transit Employment Center Zoning District. C14-029

**Ordinance No. 29452 adopted.**  
**First Reading Noes: Oliverio.**

- (c) ORD. NO. 29453 – Rezoning certain real property situate on the northwest corner of South White Road and Westboro Drive (595 South White Road) from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District. C14-035

**Ordinance No. 29453 adopted.**

- (d) ORD. NO. 29454 – Rezoning certain real property of approximately 5.25 acres, bounded by Taylor Street on the North, North 7th Street on the East, Jackson Street on the South, and North 6th Street on the West (696 North 6th Street) from the LI Light Industrial Zoning District to the R-M Multiple Residence Zoning District. C14-039

**Ordinance No. 29454 adopted.**

- (e) ORD. NO. 29455 – Rezoning certain real property situate on the east side of Almaden Road, approximately 180 feet southerly of O'Grady Drive to the R-1-5(PD) Planned Development Zoning District. PDC13-006

**Ordinance No. 29455 adopted.**

- (f) ORD. NO. 29456 – Rezoning certain real property situate on the north side of the Alameda approximately 310 feet west of Stockton Avenue from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. PDC14-020

**Ordinance No. 29456 adopted.**

- (g) ORD. NO. 29460 – Amending Title 12 of the San José Municipal Code to (1) rename Title 12 “Ethics and Open Government Provisions”; 2) amend Section 12.02.010 of Chapter 12.02 to clarify that the Ethics Commission has jurisdiction to review compliance with the provisions of Title 12; and 3) add Chapter 12.21 to codify various open government provisions.

**Ordinance No. 29460 adopted.**

- (h) ORD. NO. 29461 – Amending Title 12 of the San José Municipal Code to add a new Chapter 12.22 to define certain council decisions impacting specified relationships as conflicts of interest.

**Ordinance No. 29461 adopted.**

## 2. CONSENT CALENDAR

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### 2.2 Final Adoption of Ordinances. (Cont'd.)

#### Recommendation:

- (i) ORD. NO. 29463 – Rezoning certain real property of approximately 0.45 acres situated on the northwest corner of N. Market Street and W. St. James Street from the DC downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District. C14-011  
**Ordinance No. 29463 adopted.**
- (j) ORD. NO. 29464 – Rezoning certain real property of approximately 0.44 acres situated on the northeast corner of S. 1ST Street and E. William Street From the DC downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District. C14-012  
**Ordinance No. 29464 adopted.**
- (k) ORD. NO. 29465 – Rezoning certain real property of approximately 0.54 acres situated on the southwest corner of The Alameda and Cleaves Avenue from the CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District. C14-013  
**Ordinance No. 29465 adopted.**
- (l) ORD. NO. 29466 – Rezoning certain real property of approximately 0.96 acres situated on the west side of S. 1<sup>st</sup> Street, approximately 250 feet south of W. San Carlos Street from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District. C14-014  
**Ordinance No. 29466 adopted.**
- (m) ORD. NO. 29467 – Rezoning certain real property of approximately 0.45 acres situated on the west corner of S. Market Street and Balbach Street from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District. C14-015  
**Ordinance No. 29467 adopted.**
- (n) ORD. NO. 29468 – Rezoning certain real property situated on the southwest corner of West San Fernando Street and South Montgomery Street on a 1.00 gross-acre site (105 South Montgomery Street) from the LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District. C14-016  
**Ordinance No. 29468 adopted.**
- (o) ORD. NO. 29469 – Rezoning certain real property situated on southeast corner of West San Fernando Street and South Montgomery Street on a 1.25 gross-acre site (510 West San Fernando Street) from the LI Light Industrial Zoning District to the PQP Public/Quasi-public Zoning District. C14-017  
**Ordinance No. 29469 adopted.**

## 2. CONSENT CALENDAR

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### 2.2 Final Adoption of Ordinances. (Cont'd.)

#### Recommendation:

- (p) ORD. NO. 29470 – Rezoning certain real property bounded by South Montgomery Street and South Autumn Street, approximately 350 feet north of Park Avenue on a 1.01 gross-acre site (150 South Montgomery Street) from the LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District. C14-018

**Ordinance No. 29470 adopted.**

- (q) ORD. NO. 29471 – Rezoning certain real property situated on the northeast corner of South Montgomery Street and Park Avenue on a 1.61 gross-acre site (645 Park Avenue) from the LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District. C14-019

**Ordinance No. 29471 adopted.**

### 2.3 Approval of Council Committee Reports.

#### Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of August 6, 2014. (Mayor)  
[Deferred from 8/26/14 – Item 2.3(a)]
- (b) Committee on Economic Competitiveness Report of June 2, 2014. (Mayor)
- (c) Transportation and Environment Committee Report of August 11, 2014.  
(Liccardo)
- (d) Rules and Open Government Committee Report of August 13, 2014. (Mayor)
- (e) Rules and Open Government Committee Report of August 20, 2014. (Mayor)

**Approved.**

- (f) Public Safety, Finance, and Strategic Support Committee Report of August 21, 2014. (Constant)  
**Deferred to 9/16/14 per City Clerk.**
- (g) Community and Economic Development Committee Report of August 25, 2014.  
(Herrera)  
**Deferred to 9/16/14 per City Clerk.**

## 2. CONSENT CALENDAR

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### 2.4 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) Request for an excused absence for Councilmember Constant from the Regular Meeting of Rules and Open Government Committee on September 3, 2014 due to Authorized City Business: League of California Cities: Public Safety Committee Meeting and Annual Conference.
- (b) Request for an excused absence for Councilmember Constant from the Closed Session and Regular Meeting of the City Council on September 16, 2014 and the Regular Meeting of Rules and Open Government Committee on September 17, 2014 due to Authorized City Business: 2014 Chamber of Commerce Annual Study Mission.
- (c) Request for excused absence for Councilmember Constant from the Evening Meeting of the City Council Meeting on November 18, 2014 and the Regular Meeting of the Rules and Open Government Committee on November 19, 2014 due to Authorized City Business: National League of Cities Congress of Cities and Exposition Conference. (Constant)

**Excused.**

### 2.5 City Council Travel Reports.

**Mayor Reed reported on his participation in the Innovation in Cities Conference held in Washington D.C. Councilmembers Chu, Constant, Campos and Rocha discussed their attendance at the League of California Cities, where Councilmember Chu accepted, on behalf of the City, the Excellence in Planning Award; Councilmember Campos was reappointed as Board Secretary of the Latino Caucus, and discussions were held on a variety of other topics, including a “no” vote on Proposition 47. Councilmember Khamis discussed his trip to Copenhagen, Denmark to attend a transportation study tour of urban bicycling.**

### 2.6 Report from the Council Liaison to the Retirement Boards.

**None provided.**

### 2.7 Agreements with Seabury APG and AviaSolutions for Air Service Development Services.

**Recommendation:**

- (a) Approve Master Agreements with Seabury APG and AviaSolutions to provide on-call air service development consultant services for the Norman Y. Mineta San José International Airport in an amount not to exceed \$975,000 with a total budget for both agreements not to exceed \$975,000 and for a term of three years from the date of Council approval, with the City’s option to extend each agreement for up to two additional one-year periods.

**Approved.**

*(Item Continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.7 Agreements with Seabury APG and AviaSolutions for Air Service Development Services (Cont'd.)

**Recommendation:**

- (b) Adopt a resolution authorizing the Director of Aviation to exercise options to extend the agreements with Seabury APG and AviaSolutions to provide on-call air service development consultant services for up to two additional one-year periods at no increase in total compensation.

CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design/Study/Research/Inspection. (Airport)

(Deferred from 8/19/14 – Item 2.8)

**Resolution No. 77142 adopted.**

### 2.8 Amendment to the Parking Premises Agreement with SP6 San José Hotel Owner, LLC at the Convention Center.

**Recommendation:** Approve a Fourth Amendment to the Parking Premises Agreement between the City of San José and SP6 San José Hotel Owner, LLC as successor in interest to PR SJM Hotel, LLC (Prudential Insurance) that includes the following changes:

- (a) Change the party from PR SJM Hotel, LLC, an affiliate of Prudential Insurance, to SP6 San José Hotel Owner, LLC.
- (b) Authorize the City Manager to amend the agreement when there is an assignment or transfer in ownership.

CEQA: Not a Project, File No. PP10-066(f), Lease of existing space for the same use. Council District 3. (Transportation)

(Deferred from 8/19/14 – Item 2.13)

**Approved.**

### 2.9 Councilmember Campos' Travel to Dallas, TX.

**Recommendation:** Approve travel by Councilmember Campos to Dallas, TX on September 12 – 13, 2014 to attend the National Association of Latino Elected and Appointed Officials' (NALEO) National Policy Institute on Infrastructure. Source of Funds: NALEO and any remaining funds will be paid by District 5 Council Funds.

(Campos)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.10 District 5's Semana Jalisco 2014 Reception.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 27, 2014:

- (a) Approve the SEMANA JALISCO 2014 scheduled on August 29, 2014 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. (Campos)

[Rules Committee referral 8/27/14 – Item G(3)]

**Approved.**

### 2.11 Amendment to Continuation Agreement with Renne Sloan Holtzman & Sakai LLP for Legal Services and Adoption of Appropriation Ordinance Amendments in the General Fund for Fiscal Reform Plan Legal Services.

**Recommendation:**

- (a) Adopt a resolution authorizing the City Attorney to negotiate and execute an amendment to the continuation agreement with Renne Sloan Holtzman & Sakai LLP for legal services in connection with labor relations matters, increasing compensation by \$220,000 for a total amount not to exceed \$1,195,000, subject to appropriation of funds as recommended below, and extending the term through June 30, 2015.

**Resolution No. 77143 adopted.**

**Noes: Campos, Kalra.**

- (b) Adopt the following Appropriation Ordinance amendments in the General Fund:
  - (1) Increase the City-Wide Expenses appropriation to the City Attorney's Office for Fiscal Reform Plan Outside Legal Counsel by the amount of \$220,000; and
  - (2) Decrease the Fiscal Reform Plan Implementation Earmarked Reserve by the amount of \$220,000.

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

**Ordinance No. 29473 adopted.**

**Noes: Campos, Kalra.**

### 2.12 Federated City Employee's Retirement System Board of Administration Appointment.

**Recommendation:** Appoint an employee member to fill an unanticipated vacancy on the Federated City Employee's Retirement System Board of Administration to a term expiring November 30, 2017. (City Clerk)

(Rules Committee referral 8/20/14)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.13 Library and Early Education Commission Appointment to Special Eligibility Seat.

**Recommendation:** Approve the following appointment to the Special Eligibility Seats on the Library and Early Education Commission:

- (a) Jan Maguire to a term ending June 30, 2016.

CEQA: Not a Project. (City Clerk)

**Approved.**

### 2.14 Status Report on Reverse 911 System For Daycare and Afterschool Programs.

**Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support Committee on August 21, 2014:

- (a) Accept staff's report regarding options available to the San José Police Department to inform private daycares and afterschool programs of an imminent threat to public safety; and
- (b) Approve the new provider agreement between the City of San José and County of Santa Clara to use the County-wide AlertSCC Regional Mass Notification System, at no cost to the City, for emergency notifications.

(City Manager/Fire/Police)

[Public Safety, Finance, and Strategic Support Committee 8/21/14 – Item D(4)]

**Deferred to 9/16/14 per Administration**

### 2.15 Ratification of Final Expenditures for 2013-2014.

**Recommendation:**

- (a) Adopt an ordinance ratifying the final 2013-2014 appropriation increases detailed in this report.

**Ordinance No. 29474 adopted.**

- (b) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:

- (1) Increase the Earned Revenue estimate by \$3,505,905;
- (2) Increase the Needs-Based Allocation Transfer to Council District 1 by \$238,683;
- (3) Increase the Needs-Based Allocation Transfer to Council District 2 by \$158,901;
- (4) Increase the Needs-Based Allocation Transfer to Council District 3 by \$116,822;
- (5) Increase the Needs-Based Allocation Transfer to Council District 4 by \$199,980;
- (6) Increase the Needs-Based Allocation Transfer to Council District 5 by \$240,617;

*(Item Continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.15 Ratification of Final Expenditures for 2013-2014. (Cont'd.)

#### **Recommendation:**

- (b) (7) Increase the Needs-Based Allocation Transfer to Council District 6 by \$301,547;
- (8) Increase the Needs-Based Allocation Transfer to Council District 7 by \$229,283;
- (9) Increase the Needs-Based Allocation Transfer to Council District 8 by \$196,111;
- (10) Increase the Needs-Based Allocation Transfer to Council District 9 by \$205,783;
- (11) Increase the Needs-Based Allocation Transfer to Council District 10 by \$103,554;
- (12) Increase the Transfer to the Parks City-Wide Construction and Conveyance Tax Fund by \$995,640; and
- (13) Increase the Transfer to the General Fund – Parks Eligible Maintenance Costs by \$518,984.

**Ordinance No. 29475 adopted.**

**Resolution No. 77144 adopted.**

- (c) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the 1990 Gas Tax Maintenance and Construction Fund:

- (1) Increase the estimate for Earned Revenue by \$2,345,264; and
- (2) Increase the Transfer to the General Fund for Street Maintenance by \$2,345,264.

**Ordinance No. 29476 adopted.**

**Resolution No. 77145 adopted.**

- (d) Adopt the following 2013-2014 Appropriation Ordinance amendments in the Convention Center Facilities District Revenue Fund:
  - (1) Increase the Commercial Paper Debt Service to the Finance Department by \$99,805; and
  - (2) Decrease the Unrestricted Ending Fund Balance by \$99,805.

**Ordinance No. 29477 adopted.**

- (e) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the 1943 Gas Tax Maintenance and Construction Fund:

- (1) Increase the estimate for Earned Revenue by \$96,108; and
- (2) Increase the Transfer to the General Fund for Street Maintenance by \$96,108.

**Ordinance No. 29478 adopted.**

**Resolution No. 77146 adopted.**

## 2. CONSENT CALENDAR

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### 2.15 Ratification of Final Expenditures for 2013-2014. (Cont'd.)

#### **Recommendation:**

(f) Adopt the following 2013-2014 Appropriation Ordinance amendments in the General Purpose Parking Fund:

- (1) Increase the Personal Services appropriation to the Department of Transportation in the amount of \$34,478; and
- (2) Decrease the Unrestricted Ending Fund Balance by \$34,478.

**Ordinance No. 29479 adopted.**

(g) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:

- (1) Increase the Earned Revenue estimate by \$8,306; and
- (2) Increase the Transfer to the Park Yards Operating and Maintenance Expenses appropriation by \$8,306.

**Ordinance No. 29480 adopted.**

**Resolution No. 77147 adopted.**

(h) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the 1964 Gas Tax Maintenance and Construction Fund:

- (1) Increase the estimate for Earned Revenue by \$4,370; and
- (2) Increase the Transfer to the General Fund for Street Maintenance by \$4,370.

**Ordinance No. 29481 adopted.**

**Resolution No. 77148 adopted.**

(i) (1) Adopt the following 2013-2014 Appropriation Ordinance amendments in the General Fund:

- (a) Increase the Operating Expenditures for Council District #03 by \$1,547;
- (b) Decrease the City-Wide Expenses City Dues/Memberships appropriation by \$1,547 as a temporary offset.

(2) As part of the 2013-2014 Annual Report, decrease the 2014-2015 operating expenditures for Council District #03 (July-December) appropriation by \$1,547 as a final offset.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager)

**Ordinance No. 29482 adopted.**

## 2. CONSENT CALENDAR

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### 2.16 Councilmember Constant's Travel to Tempe, AZ.

**Recommendation:** Approve travel by Councilmember Constant to Tempe, AZ on September 11 – 13, 2014 to represent San José as Chair of the National League of Cities' Public Safety and Crime Prevention Steering Committee. Source of Funds: Mayor & Council Travel Funds. (Constant)

**Approved, with Staff to prepare a resolution to formalize the repeal or suspension of the boycott of travel to Arizona.**

### 2.17 Amendment to the Purchase Order Agreement with Joson Fence for Fence Installation and Repairs.

**Recommendation:** Authorize the City Manager to:

- (a) Amend the Purchase Order with Joson Fence (San José, CA) for chain link fence installation and repairs, to increase compensation by \$250,000, for a revised total amount not-to-exceed \$520,000, for the current term ending on June 30, 2015.
- (b) Approve a contingency of \$50,000 in the event that usage exceeds estimates for the remainder of the current term ending on June 30, 2015.
- (c) Exercise the remaining three year options to extend the term through June 30, 2018, subject to the appropriation of funds.

CEQA: Exempt, File No. PP14-072. (Finance)

**Authorized.**

### 2.18 District 8 Balance Awareness Walk.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 27, 2014:

- (a) Approve the Balance Awareness Walk scheduled on September 20, 2014, 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. (Herrera)

[Rules Committee referral 8/27/14 – Item G(4)]

**Approved.**

### 2.19 City Loan and Release of Affordability Restrictions on City Loan with Varun Shah.

**Recommendation:** Approve the acceptance of \$143,600 as full payment of the City Loan and release the Affordability Restrictions on the property located at 383 Destino Circle. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. Council District 3. (Housing)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.20 Agreement with HomeFirst to Continue Implementation of the Downtown Homeless Outreach and Engagement Program.

**Recommendation:** Approve the Second Continuation to the Grant Agreement with HomeFirst (formerly EHC LifeBuilders) to extend implementation of the San José Downtown Homeless Outreach and Engagement Program through June 30, 2015, and to add \$347,000 for a total contract amount not to exceed \$954,000. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts. (Housing)

**Approved.**

### 2.21 District 2 Village Fest Event.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 27, 2014:

- (a) Approve the District 2 Village Fest Event scheduled on September 20, 2014 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. (Kalra)

[Rules Committee referral 8/27/14 – Item G(2)]

**Approved.**

### 2.22 Vietnamese New Year Flag Raising.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 27, 2014:

- (a) Approve the Vietnamese New Year Flag Raising Ceremony sponsored Special Event; and
- (b) Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Khamis)

[Rules Committee referral 8/27/14 – Item G(5)]

**Approved.**

### 2.23 District 10 SAP Grant to Martin-Fontana Parks Association.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 27, 2014, approve a grant of \$1,000 to the Martin-Fontana Parks Association to be paid from the budgeted District 10 SAP Center at San José allocations, which is funded by the Arena Community Fund City-wide appropriation. (Khamis)

[Rules Committee referral 8/27/14 – Item G(6)]

**Approved.**

## 2. CONSENT CALENDAR

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### 2.24 Mayor Reed's Travel to Washington D.C.

**Recommendation:** Approve travel by Mayor Reed to Washington, D.C. on August 28 – 29, 2014 to attend the City Innovation Conference. Source of Funds: Mayor's Office Fund. (Mayor)

**Approved.**

### 2.25 Adjustment to the Schedule of Parkland Fees.

**Recommendation:** Conduct a Public Hearing and adopt a resolution to be effective December 1, 2014 to:

- (a) Set forth the new Schedule of Parkland Fees charged pursuant to the San José Municipal Code Chapters 14.25 ("Park Impact Ordinance") and 19.38 ("Parkland Dedication Ordinance") to reflect the 2012 Residential Land Value Study trended to 2013, and the updated 2010 Census data; and
- (b) Authorize the City Manager to determine the applicable parkland fees for any residential units in the City of San José that are not included in the Schedule of Parkland Fees based on the nearest Multiple Listing Service districts.

CEQA: Not a Project, File No. PP10-067(a), Adjustments to fees, rates, and charges. (Parks, Recreation and Neighborhood Services)

*Note: Renumbered to Item 5.1*

### 2.26 Actions Related to the Priority Conservation Area Grant Program Funds for the Design of Coyote Creek Trail Between Brokaw Road and Union Pacific Railroad.

**Recommendation:**

- (a) Adopt a resolution that authorizes the City Manager, or designee, to:
  - (1) Accept a grant in the amount of \$712,700 from the Metropolitan Transportation Commission (MTC) under the Priority Conservation Area (PCA) Grant Program supporting the design of Coyote Creek Trail from Brokaw Road to the Union Pacific Railroad (UPRR) corridor ("Project");
  - (2) Conduct all negotiations, execute and submit all documents, including but not limited to: agreements, amendments, and payment requests which may be necessary for use of the grant funds in completion of the Project; and
  - (3) Make the assurances required by the MTC to comply with the Project application, deadlines to complete the Project, grant program requirements, and other assurances as explained in this memorandum.

**Resolution No. 77149 adopted.**

*(Item Continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.26 Actions Related to the Priority Conservation Area Grant Program Funds for the Design of Coyote Creek Trail Between Brokaw Road and Union Pacific Railroad (Cont'd.)

**Recommendation:**

- (b) Adopt the following Appropriation Ordinance Amendments in the Subdivision Park Trust Fund (Fund 375):
- (1) Decrease the Future PDO/PIO Projects Reserve by \$713,000; and
  - (2) Establish the “TRAIL: Coyote Creek (Brokaw Road to the Union Pacific Railroad corridor) Design” appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$713,000.

CEQA: Mitigated Negative Declaration, File No. PP09-218. (Parks, Recreation and Neighborhood Services/City Manager)

**Ordinance No. 29483 adopted.**

### 2.27 *Note: Item 2.27 Not Used*

### 2.28 Agreement with Rosa Lowinger Associates for Conservator Consulting Services Various City Public Art Pieces.

**Recommendation:** Approve a Master Agreement with Rosa Lowinger Associates, Inc. from the date of execution to December 31, 2018, in an amount not to exceed \$500,000 for objects conservator consulting services for various city public art pieces, including assessment and repair. CEQA: Exempt, File No. PP11-017. (Public Works)

**Approved.**

### 2.29 District 1 Candidate Forum.

**Recommendation:** As recommended by the Rules and Open Government Committee on September 3, 2014:

- (a) Approve the District 1 Candidate Forum scheduled on Saturday, October 11, 2014 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. (Constant)

[Rules Committee referral 9/3/14 – Item G(2)]

**Approved.**

## 2. CONSENT CALENDAR

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### 2.30 Day in the Park Festival.

**Recommendation:** As recommended by the Rules and Open Government Committee on September 3, 2014:

- (a) Approve the Day in the Park festival scheduled on October 11, 2014 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. (Herrera)

[Rules Committee referral 9/3/14 – Item G(3)]

**Approved.**

### 2.31 SB 556 (Padilla/Corbett) – Providers of Health and Safety Labor of Services; Identification.

**Recommendation:** As recommended by the Rules and Open Government Committee on September 3, 2014; reaffirm a position to oppose SB 556 (Padilla/Corbett). (City Manager)

[Rules Committee referral 9/3/14 – Item G(5)]

**Position Reaffirmed**

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the City Manager, Edward Shikada (Verbal Report). City Manager Ed Shikada offered appreciation to the emergency response staff in the rescue and return of a six year-old boy, and to the exemplary sensitivity demonstrated by the attending officer.

### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.

**No report provided.**

### 3.3 2014-2015 Council Priority Ordinance and Policy Initiatives Prioritization Process.

**Recommendation:**

- (a) Confirm the remaining items on the Active Priority Ordinances, including the two items added under separate Council action and approve staff recommendation to remove five items from the Pending Ordinance List; and
- (b) Determine up to four issues to be selected as Active Priority Ordinances from the Pending Ordinances List.

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

(Deferred from 8/26/14 - Item 3.5)

***Item Heard Last***

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.3 2014-2015 Council Priority Ordinance and Policy Initiatives Prioritization Process.**

- **The following were approved:**  
**Confirmation of Remaining Items on the Active Priority Ordinances List**
  - (1) Streamlining Off-Sale of Alcohol at Grocery Store**
  - (2) Zoning Ordinance Quarterly Modifications**
  - (3) Real Estate Transactions Streamlining**
  - (4) Development Agreement Policy**

**Items Removed from the Pending Ordinance List:**

- (1) Rehabilitating Vacant Buildings to address Homelessness**
- (2) University Corridor Overlay Along Story Road**
- (3) Illuminating Downtown Project**
- (4) Public Entertainment Business Permit Fee Methodology**
- (5) Extend Two-Year Construction Tax Incentive Program**

**Council agreed to bifurcate and pull items “Food and Clothing Distribution at City Parks” and “Downtown Parks Maintenance District and High-Rise Incentive Program” items for a separate vote.**

**(11-0.)**

- **The following were approved for addition to the Priority Ordinances List**
  - Food and Clothing Distribution at City Parks  
(9-2. Noes: Campos, Kalra.)**
  - Downtown Parks Maintenance District and High-Rise Incentive Program  
(8-3. Noes: Campos, Kalra, Oliverio.)**
- **With eight votes from Council, the Mobile Home Conversion Ordinance was the only item designated to be added to the Active Priority Ordinances List.**

#### **3.4 Approval of Sale and Issuance of Bonds and Related Bond Documents for Airport Revenue Refunding Bonds, Series 2014A, Series 2014B, and Series 2014C.**

**Recommendation:**

- (a) Hold a TEFRA (“Tax Equity and Fiscal Responsibility Act”) hearing with respect to the proposed issuance by the City of airport revenue refunding bonds in an aggregate principal amount not to exceed \$180,000,000 pursuant to a plan of finance in order to provide proceeds to finance or refinance all or a portion of the costs of acquisition, construction, equipping, financing, reconstruction, development, and modification of airport facilities that are included in or are consistent with the Airport Master Plan for the Airport.

**Public hearing opened. No testimony provided.**

*(Item Continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Approval of Sale and Issuance of Bonds and Related Bond Documents for Airport Revenue Refunding Bonds, Series 2014A, Series 2014B, and Series 2014C (Cont'd.)

- (b) Adopt the Nineteenth Supplemental Resolution (the “Resolution”) of the City Council:
  - (1) Authorizing the issuance of City of San José Airport Revenue Refunding Bonds, Series 2014A, Series 2014B, and Series 2014C, in an aggregate principal amount of not to exceed \$180,000,000 to be sold through negotiated sale;
  - (2) Approving substantially final forms of Tenth Supplemental Trust Agreement, Preliminary Official Statement, Final Official Statement, Bond Purchase Agreement and Continuing Disclosure Certificate; authorizing the distribution of one or more Preliminary Official Statements and the Final Official Statements; and
  - (3) Authorizing the City’s designated officers to take other necessary actions in connection therewith.

CEQA: Not a project, File No. PP10-066, Agreements and Contracts. (Finance)

**Item 3.4(B) deferred to 9/16/14 per Administration**

***Note: Item to be heard immediately following Consent Calendar on 9/16/14***

#### 3.5 Approval of the Issuance of a Tax-Exempt Multifamily Housing Revenue Notes and Loan of Note Proceeds for the Cambrian Center Project.

**Recommendation:** Adopt a resolution:

- (a) Authorizing the issuance of (a) tax-exempt multifamily housing revenue notes designated as “City of San José Multifamily Housing Revenue Notes (Cambrian Center), Series 2014A-1 (the “Series 2014A-1 Note”) and Series 2014A-2 (the “Series 2014A-2 Note, with, the Series 2014A-1 Note, the “Series 2014A Tax-Exempt Notes”) in an aggregate principal amount not to exceed \$38,069,000 and (b) taxable multifamily housing revenue notes designated “City of San José Multifamily Housing Revenue Notes (Cambrian Center), Series 2014A-3 (the “Series 2014A-3 Note”) and Series 2014A-4 (the “Series 2014A-4 Note”, with the Series 2014A-3 Note, the “Series 2014A Taxable Notes”) in an aggregate principal amount not to exceed \$5,000,000;
- (b) Approving a loan of Series 2014A Tax-Exempt Note and Series 2014A Taxable Note proceeds to Eden Cambrian, L.P., a California limited partnership created by Eden Housing Inc., to finance the acquisition and rehabilitation of the Cambrian Center apartments located at 2360 Samaritan Place, in San José;

*(Item Continued on the next page)*

### **3.5 Approval of the Issuance of a Tax-Exempt Multifamily Housing Revenue Notes and Loan of Note Proceeds for the Cambrian Center Project (Cont'd.)**

- (c) Approving in substantially final form the Funding Loan Agreement, Borrower Loan Agreement, Assignment of Deed of Trust, and Regulatory Agreement and Declaration of Restrictive Covenants (the “Series 2014A Documents”); and
- (d) Authorizing and directing the City Manager, Director of Finance, and Director of Housing, or their designees, to execute and, deliver the Series 2014A Documents and other related Series 2014A Tax-Exempt Note and Series 2014A Taxable Note documents as necessary.

CEQA: North San José Policies Update Final Program EIR, Resolution No. 72768, adopted June 21, 2005, File No. PDC07-101. (Finance/Housing)

**Deferred to 9/16/14 per Orders of the Day.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.1 Title 20 and 21 California Environmental Quality Act (CEQA) Streamlining.**

**Recommendation:** Consideration of an ordinance amending Chapter 20.100 including but not limited to Sections 20.100.180, 20.100.220, 20.100.630, 20.100.800, 20.100.820, 20.100.830, 20.100.920, 20.100.940, and 20.100.950, of Title 20 (the Zoning Code); and Chapter 21.04 including but not limited to Section 21.04.140, and Chapter 21.07 including but not limited to Sections 21.07.040, 21.07.050, 21.07.060, and 21.07.080 of Title 21 (Environmental Review) of the San José Municipal Code to streamline the City’s environmental clearance and permitting processes, and to make other technical, non-substantive, or formatting changes within those Chapters of Title 20 and Title 21 including but not limited to Chapters 20.100, 21.04, and 21.07. CEQA: Not a Project, File No. PP10-068 (c), Code or policy change that involves no changes in the physical environment. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)

**Ordinance No. 29484 passed for publication.**

**Noes: Campos.**

### **4.2 Planned Development Permit to Allow Construction of a Residential-Commercial Mixed Use Project at the Real Property Located on the north side of The Alameda approximately 315 feet west of Stockton Avenue.**

**Recommendation:** Consider a Planned Development Permit to allow the demolition of an existing building and construction of a 140 multi-family attached residence building and 22,651 square feet of commercial space on a 1.04 gross-acre site on the north side of The Alameda, approximately 315 feet west of Stockton Avenue (785 The Alameda LLC, Owner). CEQA: Addendum to Mitigated Negative Declaration File No. PDC13-007, Resolution No. 76763, adopted 8/20/2013. Planning Commission recommends approval. (Planning, Building and Code Enforcement)

PD14-016 – District 6

**Resolution No. 77150 adopted.**

#### 4.3 Award of Design-Build Contract for the United States Patent and Trademark Office (USPTO) Project.

**Recommendation:**

- (a) Award a design-build contract for the United States Patent and Trademark Office (USPTO) project to Turner Construction Company (Turner), in an amount not to exceed \$9,636,364; and approve a 10 percent City/USPTO contingency in the amount of \$963,636, all subject to the appropriation of funds.

**Approved.**

- (b) Adopt a resolution authorizing the Director of Public Works to issue any single and/or multiple change orders up to the amount of the City/USPTO contingency.

**Resolution No. 77151 adopted.**

- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Establish a City-Wide appropriation to the Department of Public Works for the USPTO - Tenant Improvements project in the amount of \$6,116,000; and

(2) Increase the estimate for Revenue from Federal Government in the amount of \$6,116,000.

- (2) Increase the estimate for Revenue from Federal Government in the amount of \$6,116,000.

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

**Ordinance No. 29485 adopted.**

**Resolution No. 77152 adopted.**

## 5 NEIGHBORHOOD SERVICES

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### 5.1 Adjustment to the Schedule of Parkland Fees.

**Recommendation:** Conduct a Public Hearing and adopt a resolution to be effective December 1, 2014 to:

- (a) Set forth the new Schedule of Parkland Fees charged pursuant to the San José Municipal Code Chapters 14.25 (“Park Impact Ordinance”) and 19.38 (“Parkland Dedication Ordinance”) to reflect the 2012 Residential Land Value Study trended to 2013, and the updated 2010 Census data;

**Public hearing held.**

**Resolution No. 77153 adopted.**

- (b) Authorize the City Manager to determine the applicable parkland fees for any residential units in the City of San José that are not included in the Schedule of Parkland Fees based on the nearest Multiple Listing Service districts.

CEQA: Not a Project, File No. PP10-067(a), Adjustments to fees, rates, and charges. (Parks, Recreation and Neighborhood Services)

**Authorized.**

*Note: Item Renumbered From Item 2.25*

## 6 TRANSPORTATION & AVIATION SERVICES

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## 7 ENVIRONMENTAL & UTILITY SERVICES

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## 8 PUBLIC SAFETY SERVICES

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### 8.1 Use of Privately Owned Surveillance Cameras.

**Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support Committee on August 21, 2014:

- (a) Accept the staff's report; and
- (b) Direct staff to create a database providing San José residents and business owners with the option to voluntarily register the type and location of their surveillance equipment for potential use by the Police Department.

CEQA: Not a Project, File No. PP10-068(c), Policy action that involves no changes in the physical environment. (City Manager)

[Public Safety, Finance, and Strategic Support Committee referral 8/21/14 – Item D(3)]

**Approved, with acceptance of recommendations as provided in Councilmember Liccardo's memorandum of September 8, 2014 to (1) (a) Accept the staff report; and (b) Direct staff to create a database providing San José residents and business owners with the option to voluntarily register the type and location of their surveillance equipment for potential use by the Police Department; (2) Direct staff to consider whether simple GIS mapping software (which the City likely already possesses) could best assist officers in quickly identifying private surveillance cameras geographically near a crime scene; and (3) Further direct the City Attorney to issue public guidance that, barring some extraordinary circumstance or court order, a Public Record Act Request seeking the identity of any voluntary participant in this program will be denied, with a finding that the interests of confidentiality of cooperators in a criminal investigation outweighs the interests in disclosure.**

## 9 REDEVELOPMENT – SUCCESSOR AGENCY

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### 9.1 Extension of Long-Term Reimbursement Agreement Between City of San José and Successor Agency to the Redevelopment Agency.

**Recommendation:** Adopt resolutions authorizing the negotiation and execution of a First Amendment to the Amended and Restated Long Term Reimbursement Agreement between the City of San José and the Successor Agency to the Redevelopment Agency of the City of San José, authorizing reimbursement through FY 2014-15. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities.

(Successor Agency)

**Successor Agency Resolution No. 7031 adopted.**

**Resolution No. 77154 adopted.**

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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### 9.2 Partial Reinstatement Loan Agreement Related to the Supplemental Education Revenue Augmentation Fund.

**Recommendation:** Adopt resolutions authorizing the negotiation and execution of a Partial Reinstatement of Loan Agreement by and between the Successor Agency to the Redevelopment Agency of the City of San José and the City of San José Related to the Supplemental Education Revenue Augmentation Fund (the “SERAF Loan”) reinstating a portion of the SERAF Loan, in the principal amount of \$10,000,000, and revising the repayment terms to conform to the requirements of Health and Safety Code Section 34191.4. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Successor Agency)

**Successor Agency Resolution No. 7032 adopted.**

**Resolution No. 77155 adopted.**

- **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>
10153	West side of N. 1 <sup>st</sup> Street, 450 feet south of Rio Robles	4	Irvine Company	3 Lots/ 591 Units	MFA	Approve

- **Open Forum**

- 1) **Rachell Key and Hannah Van Doren from IMC Women’s Fitness Center disputed their non-compliance with the storefront window coverage ordinance, claiming their window coverings are tasteful and provided for their client’s privacy and safety.**
- 2) **Judy Rickard expressed concerns that the storefront window coverage ordinance is not enforced uniformly, and questioned why the IMC Women’s Fitness Center is being singled out.**
- 3) **Yolanda Lewis suggested the meeting protocol for speakers from the public be changed in order to offer a better platform and consideration for the public.**

**Diane Buchanan, Deputy Director, Planning, Building and Code Enforcement, addressed the IMC Women’s Fitness Center’s claims, countering that this is primarily a signage issue, rather than a window covering issue.**

- **Adjournment**

**The Council of the City of San José was adjourned at 5:31 p.m. in memory of San José resident Diana Marie Showman, a fixture at the Cambrian Park little league fields where she volunteered many hours of her time. She was an excellent athlete who played with the West Valley Slammers and Leigh High School fast pitch softball teams. Diana, who was beloved by her family, passed away at the age of 19 on August 14, 2014. (Rocha)**