



CITY COUNCIL AGENDA

NOVEMBER 8, 2016

SYNOPSIS

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MANH NGUYEN
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

PIERLUIGI OLIVERIO
TAM NGUYEN
ROSE HERRERA VICE MAYOR
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th 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**
9:33 a.m. - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: All Present.

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present.
- **Invocation (District 10)**
The Reverend Shelley Booth Denney, Rector, The Episcopal Church in Almaden, provided the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo led the Pledge of Allegiance accompanied by students from De Vargas Elementary School.
- **Orders of the Day — *Heard after Ceremonial Items***
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report**
None provided.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing November 11, 2016 as Veteran’s Day in the City of San José. (Herrera)**
Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized November 11, 2016 as Veteran’s Day in the City of San José.
- 1.2 Presentation of a commendation to Evergreen Square Tai-Chi. (Herrera)**
Mayor Sam Liccardo and Vice Mayor Rose Herrera commended Evergreen Square Tai-Chi for promoting good health and well-being in District 8.
- 1.3 Presentation of a commendation presented to GateWay City Church. (Mayor)**
Mayor Sam Liccardo and Vice Mayor Rose Herrera offered a commendation to GateWay City Church for their partnership in ending veteran’s homelessness through their participation in Housing One Hero as part of the All the Way Home Campaign.

2. CONSENT CALENDAR

- 2.1 Approval of City Council Minutes.**
None provided.
- 2.2 Final Adoption of Ordinances.**
None provided.
- 2.3 Approval of Council Committee Minutes.**
Recommendation: Approval of Council Committee Minutes.
(a) Ad Hoc Committee on Development Services Minutes of September 29, 2016. (Mayor)
(b) Rules and Open Government Committee Minutes of October 19, 2016. (Mayor)
(c) Public Safety, Finance, and Strategic Support Committee Minutes of October 20, 2016. (Oliverio)
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.
Approved.
- 2.4 Mayor and Council Excused Absence Requests.**
None provided.
- 2.5 City Council Travel Reports.**
None provided.

2. CONSENT CALENDAR

2.6 Report from the Council Liaison to the Retirement Boards.

Councilmember Johnny Khamis provided an overview of the Police and Fire Retirement Board Meeting held November 3, 2016. It was noted that the Fiscal Year 2015-2016 Retirement Plan Investments Annual Report is agendaized for discussion at the November 15, 2016 meeting of the San José City Council.

2.7 Actions Related to the 2016 JAG Spending Plan.

Recommendation:

- (a) Approve the proposed Spending Plan for the 2016 Edward Byrne Memorial Justice Assistance Grant.
- (b) Adopt a resolution accepting the 2016 Justice Assistance Grant in the amount of \$284,921 and authorizing the City Manager to execute any documents required to effectuate the grant.
- (c) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:
 - (1) Increase the estimate for Revenue from the Federal Government by \$223,351; and
 - (2) Establish an appropriation to the Police Department for the 2016 Justice Assistance Grant in the amount of \$223,351.

CEQA: Not a Project, File No. PP10-067(c), Non-Project Specific Funding Mechanism, Grant Distribution that would not result in a physical change to the environment. (Police/City Manager)

Deferred to 11/29/16 per Administration.

2.8 Vacation of a Portion of Meridian Avenue South of Fruitdale Avenue.

Recommendation: Adopt a resolution of intention to vacate a portion of Meridian Avenue, south of Fruitdale Avenue with the reservation of a public service easement over the entire area being vacated, and set a Public Hearing on November 29, 2016 at 1:30 p.m. CEQA: Exempt, Section 15305 Minor Alterations in Land Use Limitations, File No. PP16-052. Council District 6. (Public Works)

Resolution No. 77965 adopted.

2.9 San José Gun Buy Back.

Recommendation: As recommended by the Rules and Open Government Committee on October 26, 2016:

- (a) Approve the San José Gun Buy Back scheduled on December 3, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Kalra)
[Rules Committee referral 10/26/16 – Item G.1.a.]

Approved.

2. CONSENT CALENDAR

2.10 Actions Related to Travel by Mayor Liccardo's Staff to Las Vegas, Nevada.

Recommendation: Accept travel payments and authorize travel for Mayor's staff, Shireen Santosham, to Las Vegas, NV from November 14, 2016 to November 16, 2016 for the Andreessen Horowitz a16z Summit. Source of Funds: Andreessen Horowitz (lodging and food); Mayor's Office budget (flight). CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities, Travel. (Mayor)
Accepted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report). None provided.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
None provided.

3.3 Establish the Self-Insured Medical Fund and Related Appropriation Ordinance and Funding Sources Resolution Amendments.

Recommendation:

- (a) Approve an Ordinance amending Sections 4.80.2010 and 4.80.2020 of Chapter 4.80 of Title 4 of the San José Municipal Code to establish the Self-Insured Medical Fund.

Ordinance No. 29816 passed for publication.

Abstain: Khamis.

- (b) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the Self-Insured Medical Fund, effective on the date on which the ordinance establishing the Self-Insured Medical Fund becomes effective:
- (1) Establish an estimate for Other Revenue in the amount of \$1,752,000;
 - (2) Establish an estimate for Transfers and Reimbursements in the amount of \$6,789,000;
 - (3) Establish an estimate for Revenue from the Use of Money/Property in the amount of \$5,000;
 - (4) Establish a Personal Services appropriation to the Human Resources Department in the amount of \$96,000;
 - (5) Establish a Non-Personal/Equipment appropriation to the Human Resources Department in the amount of \$7,500;

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3. STRATEGIC SUPPORT SERVICES

3.3 Establish the Self-Insured Medical Fund and Related Appropriation Ordinance and Funding Sources Resolution Amendments. (Cont'd.)

Recommendation:

- (b) (6) Establish a Provider Administration Fee appropriation to the Human Resources Department in the amount of \$157,000;
- (7) Establish a Stop Loss Premium appropriation to the Human Resources Department in the amount of \$558,000;
- (8) Establish a Health Plans appropriation to the Human Resources Department in the amount of \$7,104,000;
- (9) Establish a Self-Insured Medical Claim Reserve in the amount of \$550,000; and
- (10) Establish an Unrestricted Ending Fund Balance in the amount of \$73,500.

Ordinance No. 29817 adopted.

Resolution No. 77971 adopted.

With direction to return in one year for an evaluation of the Self-Insured Medical Fund.

Abstain: Khamis.

- (c) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the Benefit Fund, effective on the date on which the ordinance establishing the Self-Insured Medical Fund becomes effective:
 - (1) Decrease the estimate for Transfers and Reimbursements by \$1,718,000;
 - (2) Decrease the Health Plans appropriation to the Human Resources Department by \$1,718,000;
 - (3) Decrease the Personal Services appropriation to the Human Resources Department by \$96,000; and
 - (4) Increase the Unrestricted Ending Fund Balance by \$96,000.

CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy Making that involves not changes to the physical environment; and Not a Project, File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (Human Resources/City Manager)

Ordinance No. 29818 adopted.

Resolution No. 77972 adopted.

With direction to return in one year for an evaluation of the Self-Insured Medical Fund.

Abstain: Khamis.

3.4 Citywide Capital Improvement Program Annual Status.

Recommendation: Accept the Annual Status Report on the Citywide Capital Improvement Program. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities, Annual Reports. (Public Works)

Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 First Amendment to the Development Agreement with Jackson Taylor Partners, LLC, et. al. Related to the Subject Property Located at 696 North 6th Street.

Recommendation: Consideration of an ordinance to approve the First Amendment to the Development Agreement between Jackson Taylor Partners, LLC, et. al. and the City of San José to vest previously approved Planned Development Zoning (File No. PDC15-018) and Planned Development Permit (File No. PD15-055) for the subject property located at 696 North 6th Street (City of San José, Owner). The First Amendment to the Development Agreement would vest the Zoning District designation of R-M(PD) Planned Development and the development standards set forth in the rezoning and also authorize the construction of 520 residential units and 19,191 square feet of commercial space as further set forth in the Planned Development Permit. CEQA: Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report and addendum thereto, File No. DA16-001. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement) **DA16-001** – Council District 3

[Deferred from 9/20/16 – Item 11.1(b) and 10/18/16 – Item 11.3]

Ordinance No. 29819 passed for publication.

4.2 Amendment to Title 4 of the San José Municipal Code Related to an Urban Agriculture Tax Incentive Zone.

Recommendation: Approve an ordinance amending Title 4 (Revenue, Finance, and Business Taxes) of the San José Municipal Code to add a new Chapter 4.88 to create an urban agriculture tax incentive zone (UAIZ) consisting of parcels that are vacant, unimproved, or blighted and improved only with paving at grade, or with legal minor structures for the urban agriculture use), that are at least 0.10 acre and less than 1.0 acre in size, located in incorporated areas of the City of San José, and that meet other specified eligibility criteria consistent with State law governing the adoption UAIZ ordinances. CEQA: Not a Project, Section 15378 Definition of Project and Exempt, Section 15061(b)(3), No potential for causing a significant effect on the environment, File No. PP16-119. (Planning, Building and Code Enforcement)

Ordinance No. 29820 passed for publication, with agricultural use to be established within 90 days of the contract, and with the cumulative cap to be raised to \$250,000.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Award of 2016 Department of Transportation General Engineering Contract.

Recommendation: Report on bids and award of an on-call contract for the “8306 – 2016 DOT General Engineering Contract” to the lowest responsive bidder, Pacific Electric Contracting, Inc., in an amount not to exceed \$1,500,000, with no individual task order for the construction of a public works project to exceed \$100,000. CEQA: Exempt, Section 15301 Existing Facilities, File No. PP14-017. (Transportation/Public Works)
Accepted.

6.2 Status Report on the Potential Amendment to the Team San José Agreement for the City’s Convention Center Parking Garage.

Recommendation: Accept the status report regarding a potential amendment to the Team San José Agreement to include management and operations oversight of the City’s Convention Center Parking Garage. CEQA: Not a Project, File No. PP10-069(a), City (a), City Organizational and Administrative Activities, Staff Reports. (Transportation) (Deferred from 11/1/16 – Item 6.3)
Accepted.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
 - (1) Harjinder expressed traffic concerns in a residential area.
 - (2) Natalie Nguyen suggested community service hours for high school students.
 - (3) Geraldine Castrence complained of faulty parking meters in the downtown area.
 - (4) Moria Merriweather discussed bicycle use and traffic issues in the City.
 - (5) Carl Guaradino invited participation in the Turkey Trot on Thanksgiving Day.

- **Adjournment**

The Council of the City of San José adjourned at 4:09 p.m.