



# CITY COUNCIL AGENDA

**AUGUST 30, 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 14<sup>th</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**  
9:35 a.m. - Closed Session, Call to Order in Council Chambers  
**Absent Councilmembers: All Present.**  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Councilmembers: All Present.**
- **Invocation (District 7)**  
Venerable Thich Phap Luan, Di Lac Temple, offered Buddhist prayer for peace and harmony for the Invocation.
- **Pledge of Allegiance**  
Mayor Liccardo led the Pledge of Allegiance.
- **Orders of the Day** — *Heard after Ceremonial Items.*  
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report** — *Heard after Ceremonial Items.*  
None provided.

# 1. CEREMONIAL ITEMS

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## 2. CONSENT CALENDAR

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### 2.1 Approval of Minutes.

### 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29780 – An ordinance of the City of San José rezoning certain real property of approximately 2.88 acres situated on the southerly side of Phelan Avenue, approximately 650 feet westerly of Senter Road (500-506 Phelan Avenue), from the LI Light Industrial Zoning District to the HI Heavy Industrial Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

C16-025 – District 7

**Ordinance No. 29780 adopted.**

- (b) ORD. NO. 29782 – An ordinance of the City of San José rezoning certain real property of approximately 28 gross acres situated on the northeast corner of North Ninth Street and East Santa Clara Street (389 East Santa Clara Street) from the R-M Multiple Residence and CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District. CEQA: Our Lady La Vang Church and Multi-Purpose Building Mitigated Negative Declaration (C14-061). (Planning, Building and Code Enforcement)

C14-061 – District 3

**Ordinance No. 29782 adopted.**

- (c) ORD. NO. 29783 – An ordinance of the City of San José rezoning certain real property of approximately 3.5 gross acres bounded by South Second Street, East William Street, South Third Street, and East Reed Street (596 South Second Street), from the CG Commercial General and R-M Multiple-Residence Zoning Districts to the DC(PD) Planned Development Zoning District. CEQA: Addendum to the Final Program Environmental Impact Report for The Downtown Strategy 2000 (Resolution No. 77267), and The Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 Final Supplemental Environmental Impact Report (Resolution No. 77617). (Planning, Building and Code Enforcement)

PDC15-032 – District 3

**Ordinance No. 29783 adopted.**

## 2. CONSENT CALENDAR

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### 2.3 Approval of Council Committee Minutes.

**Recommendation:** Approval of Council Committee Minutes.

(a) Rules and Open Government Committee Minutes of August 10, 2016. (Mayor)  
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.

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

None provided.

### 2.7 Traffic and Criminal Bail Schedules.

**Recommendation:**

(a) Approve recommended changes to the City of San José Traffic and Criminal Bail Schedules and direct the City Attorney to submit the recommended changes in the Bail Schedules to the Superior Court Bail Committee.

**Approved.**

(b) Approve an ordinance amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the list of infractions.

CEQA: Not a Project, File No. PP10-069(a), Organizational & Administrative Activities.  
(City Attorney)

**Ordinance No. 29786 passed for publication.**

### 2.8 Walk to End Alzheimer's Kickoff.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 17, 2016:

(a) Retroactively approve the Walk to End Alzheimer's Kickoff scheduled on Wednesday, August 3, 2016, as City Council sponsored Special Events 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, File No. PP15-077, Temporary Special Events. (Herrera)  
[Rules Committee referral 8/17/16 – Item G.1.a.]

**Approved.**

## 2. CONSENT CALENDAR

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### 2.9 Disability Awareness Day.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 17, 2016:

- (a) Approve the Disability Awareness Day scheduled on Thursday, October 6, 2016, as City Council Sponsored Special Events 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, File No. PP15-077, Temporary Special Events. (Jones)  
[Rules Committee referral 8/17/16 – Item G.1.b.]

**Approved.**

### 2.10 Shred-A-Thon and E-Waste.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 17, 2016:

- (a) Approve the Shred-A-Thon and E-Waste event scheduled on Saturday, October 8, 2016, as City Council Sponsored Special Events and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Exempt, File No. PP12-080, Section 15304(e), Minor temporary use of land having negligible or no permanent effect on the environment. (Jones)  
[Rules Committee referral 8/17/16 – Item G.1.c.]

**Approved.**

### 2.11 Restated Agreement with the Silicon Valley Regional Interoperability Authority.

**Recommendation:** Adopt a resolution authorizing the City Manager to execute an Amendment to an Agreement with the Silicon Valley Regional Interoperability Authority for its restated Silicon Valley Regional Interoperability Authority Joint Powers Agreement, which was originally entered into as of November 2009, to accommodate Santa Clara Valley Transportation Authority as an additional member of the Silicon Valley Regional Interoperability Authority and member of the Authority's Board of Directors. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Police)

**Resolution No. 77918 adopted.**

## 2. CONSENT CALENDAR

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### 2.12 Approval of an Ordinance Dedicating Additional Public Right-of-Way for St. James Street.

**Recommendation:** Approve an ordinance dedicating as public right-of-way approximately 3,684 square feet along the south side of St. James Street, located over City-owned properties, and accepting the newly dedicated right-of-way into the City's street system as part of St. James Street to allow for construction-related traffic improvements on St. James Street in conjunction with the Julian Street Realignment Project. CEQA: Exempt, File No. PP16-059. Council District 3. (Public Works) **Ordinance No. 29787 passed for publication.**

### 2.13 Actions Related to Councilmember Carrasco's Travel to Shanghai, China.

**Recommendation:**

- (a) Approve travel by Councilmember Carrasco to Shanghai, China on September 1 – 6, 2016, to join the City of San José's Delegation on Air China's inaugural flight between San José and Shanghai. Source of Funds: Personal Funds.
- (b) Approve the receipt of gifts of meals received in an official capacity as a representative of the City in accordance with San José Municipal Code section 12.08.040(c). While the City could reimburse Air China for the meals, they will be provided as a gesture to foster a good working relationship between the City and Air China.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Carrasco) **Approved.**

### 2.14 Actions Related to Councilmember Carrasco's Travel to Washington, D.C.

**Recommendation:** Approve travel by Councilmember Carrasco to Washington D.C. on September 9 – 12, 2016, to join the International Sister City Board Members at a mandatory executive board training. Source of Funds: Mayor/Council Travel Budget. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Carrasco) **Approved.**

### 2.15 Approval of Participant Expenses for Silicon Valley Pride Parade and Festival.

**Recommendation:** Retroactively approve payment and reimbursement of participant expenses for the San José Pride Parade and Festival scheduled on August 28, 2016 for the Mayor, Vice Mayor and Councilmembers. CEQA: Not a Project, File No: PP15-077, Temporary Special Events. (City Clerk) **Approved.**

## 2. CONSENT CALENDAR

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### 2.16 Winchester/Santana Row Urban Village Workshop #2.

**Recommendation:** Approve the Winchester/Santana Row Urban Village Workshop #2 scheduled on September 1, 2016 as a City Council sponsored Special Event and approve the expenditure of funds. CEQA: Not a Project, File No: PP15-077, Temporary Special Events. (Jones)

**Approved.**

### 2.17 Actions Related to Councilmember Khamis' Travel to Shanghai, China.

**Recommendation:**

- (a) Approve travel by Councilmember Khamis to Shanghai, China on September 1 – 6, 2016, as an official representative of the City of San José on the Inaugural Flight of the new, direct, Air China service between Mineta San José International Airport (SJC) and Shanghai Pedong International Airport (PVG) in the People's Republic of China. Source of Funds: Personal Funds.
- (b) Request for an excused absence for Councilmember Khamis from the following meetings due to Authorized City Business:
  - (1) September 1, 2016 Police and Fire Department Retirement Plan Board of Trustees;
  - (2) September 2, 2016 Santa Clara Valley Transportation Authority; and
  - (3) September 6, 2016 San José City Council Study Session.
- (c) Approve the receipt of gifts of meals received in an official capacity as a representative of the City in accordance with San José Municipal Code section 12.08.040(c). While the City could reimburse Air China for the meals, they will be provided as a gesture to foster a good working relationship between the City and Air China. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Khamis)

**Approved.**

### 2.18 Actions Related to Travel by Mayor Liccardo's Staff to Baltimore, Maryland.

**Recommendation:** Accept travel payments and authorize travel for Mayor's staff, Khanh Russo, Director of Strategic Partnership, to Baltimore, Maryland from September 14 – 16, 2016 for the 21<sup>st</sup> Century Cities Symposium. Source of Funds: John Hopkins University. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.  
**Accepted.**

### 2.19 Approval of SAP Grant for Cambrian Park Little League.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 24, 2016, approve a grant for the Cambrian Park Little League for their general fund for general operating administrative expenses to support student sports. To be paid by the Arena Community Fund City-Wide appropriation. (Rocha)  
(Rules Committee referral 8/24/16 – Item G.2.)

**Approved.**



### 3. STRATEGIC SUPPORT SERVICES

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**3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).**  
**City Manager Norberto Dueñas offered that September is Disaster Preparedness Month and reminded everyone of the importance of being prepared both at home and in the work place.**

**3.2 Labor Negotiations Update.**

**Recommendation:** Accept Labor Negotiations Update.  
**None provided.**

**3.3 Neighborhoods Commission 2016 Caucus Appointment for Council District 6.**

**Recommendation:** Appointments of Olivia Navarro and Jim Carter to fill Council District 6 vacancies on the Neighborhoods Commission to a term ending June 30, 2020. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. Council District 6. (City Manager)

[Deferred from 8/9/16 – Item 2.8(c)]

**The results of the District 6 Neighborhoods Commission Caucus to appoint Olivia Navarro and Jim Carter to fill Council District 6 vacancies on the Neighborhoods Commission were upheld as recommended in Councilmember Donald Rocha’s memorandum dated August 29, 2016.**

**3.4 Actions Related to the Customer Relationship Management/Service Request Management Software Solutions.**

**Recommendation:**

- (a) Accept the update on the Request for Proposal for a Customer Relationship Management/Service Request Management (CRM/SRM) Software Solution; and
- (b) Reject all proposals; and re-issue a Request for Proposal or follow a similar competitive process consistent with the City’s procurement Code and policies that would incorporate modified scope requirements for a successful CRM/SRM solution.

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, staff reports that involve no approvals of any City actions.

(Finance/Information Technology)

(Deferred from 6/28/16 – Item 3.4; 8/9/16 – Item 3.4; and 8/23/16 – Item 3.3)

**With staff to quote the Request for Proposal, and as outlined in the joint memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Councilmembers Khamis, Tam Nguyen, and Jones, dated August 26, 2016, direct the new Office of Civic Innovation and Digital Strategy to prioritize and work together with the IT Department, Finance, and the City Attorney’s Office to explore and pilot alternative processes that will speed up procurement cycles for IT, including, but not limited to, cooperative purchasing agreements.**

**Recommendations should come back by Q1 2017. (10-1. Noes: Oliverio.)**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Amending the Rules of Conduct Resolution Related to Evening Council Meeting Sessions.

**Recommendation:** As recommended by the Rules and Open Government Committee, adopt a resolution amending the Council's Rules for the Conduct of Its Meetings, superseding Resolution No. 77486, to limit evening Council meeting sessions to two per month, with the second evening session scheduled only when necessary as prescribed by Council or the Rules Committee, and to schedule evening sessions to commence at 6:00 p.m. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)

(Rules Committee referral 8/24/16 – Item D.2.)

**Resolution No. 77919 adopted, with the issue regarding a meeting 'start time' to be deferred to allow feedback from the public, and with staff to review the City's various commissions for possible alternatives.**

#### 3.6 Determination of Emergency Under the Meyers-Milias-Brown Act Related to San José Police Department Staffing Levels in the Patrol Division.

**Recommendation:**

- (a) Accept the staff memorandum describing the unprecedented low staffing levels in the Patrol Division of the San José Police Department and the public safety reasons for the determination of emergency.

**Accepted.**

- (b) Council discussion and consideration of a Resolution determining an emergency under the Meyers-Milias-Brown Act based on the findings in the memorandum to address the threat to public safety created by the unprecedented low staffing levels in the Patrol Division, including the redeployment of Police Officers from other assignments into Patrol and the resulting rebidding of the shift assignments for the upcoming September 2016 shift change.

**Resolution No. 77920 adopted.**

**Noes: Oliverio.**

- (c) Direct City Administration to take the necessary steps to address the staffing levels of the Patrol Division via the redeployment of Police Officers into Patrol and the resulting rebidding of the shift assignments for the upcoming September 2016 shift change.

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (City Manager)

**Accepted.**

**Noes: Oliverio.**

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

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### **4.1 North San José Area Development Policy.**

**Recommendation:** Hold further work on the North San José Area Development Policy. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, staff reports that involve no approvals of any City actions. Council District 4. (Economic Development)

**Approved, including Mayor Sam Liccardo’s memorandum dated August 29, 2016, approving direction to suspend work on the North San José Area Development Policy (“Policy”), but with staff directed to return to Council in December 2016 to: (1) Assess whether to resume work on the Policy, and (2) Regardless of the progress of the Policy, present Council with a list of recommendations that will spur development of much-needed amenities – retail, recreation, restaurants and athletic facilities – on or adjacent to corporate campuses in the area.**

### **4.2 Summary Vacation of a Public Service Easement on South Eighth Street Between San Salvador Street and San Carlos Street.**

**Recommendation:** Adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a public service easement on property owned by the State of California (“PSE”);
- (b) Summarily vacating the PSE that had been reserved with the vacation of Eighth Street between San Salvador Street and San Carlos Street in Resolution No. 31726; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Exempt, File No. PP16-082. Council District 3. (Public Works)

**Resolution No. 77921 adopted.**

### **4.3 Modifications to the Regulations for the Apartment Rent Ordinance.**

**Recommendation:** Adopt a resolution approving an amendment to Resolution No. 61114 for the existing regulations for the operation and administration of the San José Rental Dispute Mediation and Arbitration Ordinance to add Chapter 9 which provides the procedural direction needed for the interim fair return hearing process implemented by the Interim Ordinance amending Chapter 17.23 of Title 17 of the San José Municipal Code (Apartment Rent Ordinance). CEQA: Exempt, Section 15061(b)(3), No potential for causing a significant effect on the environment, File No. PP16-051. (Housing) (Deferred from 8/23/16 – Item 4.1)

**Resolution No. 77922 adopted, with Staff to return to discuss proposed revisions in 4 weeks to allow outreach to stakeholders, allowing for further input to the final Apartment Rent Ordinance, which must be finalized by January 1, 2017.**

**Noes: Oliverio.**

## **5. NEIGHBORHOOD SERVICES**

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## **6. TRANSPORTATION & AVIATION SERVICES**

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### **6.1 Actions Related to the 8100 – Mineta San José International Airport – Southeast Apron Reconstruction.**

**Recommendation:** Adopt a resolution authorizing the Director of Public Works to:

- (a) Award and execute the 8100 – Mineta San José International Airport Southeast Apron Reconstruction Project to the low bidder, Graniterock Company for the base bid in an amount of \$2,315,085, contingent on the award and execution of an Airport Improvement Program (AIP) grant from the Federal Aviation Administration (FAA) of a minimum amount of \$2,800,000, and for Add Alternates 1 and/or 2 contingent on the amount of any FAA AIP grant being sufficiently above the minimum amount to fund either or both of the add alternates;
- (b) Establish a construction contingency of fifteen percent of the amount of the construction contract for the Project if the Director awards and executes a contract; and
- (c) Issue any change orders up to the amount of the contingency if the Director awards and executes a construction contract for the Project.

CEQA: Resolution Nos. 67380 and 71451, Determination of Consistency with the Final EIR, as Supplemented, for the San José International Airport Master Plan Update, File No. PP15-129. (Airport)

(Deferred from 8/23/16 – Item 6.2)

**Resolution No. 77923 adopted.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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## **8. PUBLIC SAFETY SERVICES**

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## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

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- **Open Forum**  
 (1) **Mark Trout offered personal observations.**  
 (2) **Blair Beekman urged a commitment to Vision Zero to address bicycle and pedestrian fatalities.**
- **Adjournment**  
**The Council of the City of San José adjourned at 6:03 p.m. in memory of Crisantos Flores, a member of the City of San José Parks, Recreation and Neighborhood Services Department for 18 years who passed away on July 13, 2016. (City Manager)**
- **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>
10263	SE/C of Yerba Buena Rd. and Hwy 101	8	Dove Hill of San Jose	18/17	SFD	Approve