

CITY COUNCIL AGENDA

AUGUST 4, 2015

SYNOPSIS

CHAPPIE JONES	DISTRICT 1	PIERLUIGI OLIVERIO	DISTRICT 6
ASH KALRA	DISTRICT 2	TAM NGUYEN	DISTRICT 7
RAUL PERALEZ	DISTRICT 3	ROSE HERRERA VICE MAYOR	DISTRICT 8
MANH NGUYEN	DISTRICT 4	DONALD ROCHA	DISTRICT 9
MAGDALENA CARRASCO	DISTRICT 5	JOHNNY KHAMIS	DISTRICT 10
	SAM LICCARDO MAYOR		

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, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: All Present.
1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present.
- **Invocation (District 7)**
Beshkam Dance Group performed a traditional Persian dance for the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report**
None provided.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Alviso Park Master Plan Task Force for their diligent work on the future rehabilitation and expansion of Alviso Park and the community. (Matthews)
Mayor Sam Liccardo and Councilmember Margie Matthews offered a commendation to the Alviso Park Master Plan Task Force for their diligent work on the future rehabilitation and expansion of Alviso Park and the community.
- 1.2 Presentation of a commendation to Councilmember Margie Matthews for her service to the residents of the City of San José. (Mayor)
Mayor Sam Liccardo and Assemblymember Kansen Chu honored Councilmember Margie Matthews and presented commendations for her service to the residents of the City of San José.
- 1.3 Presentation of a commendation to the San José Public Library 2015 Volunteers of the Year Nikita Takru and Katherine Dart, for their outstanding leadership and community service. (Library/Oliverio)
Mayor Sam Liccardo and Councilmember Pierluigi Oliverio presented a commendation to the San José Public Library 2015 Volunteers of the Year Nikita Takru and Katherine Dart, for their outstanding leadership and community service.
- 1.4 Administer Oath of Office for newly elected Councilmember Manh Nguyen. (City Clerk)
Blanca Alvarado administered the Oath of Office to Newly elected Councilmember Manh Nguyen.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None provided.
- 2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29596 – Rezoning certain real property of approximately 0.84 acre situated approximately at the southwest corner of Aborn Road and Lyter Way (2860 and 2868 Lyter Way) from the A Agricultural Zoning District to the CP Commercial Pedestrian Zoning District. CEQA: Section 15168. Determination of Consistency with the Envision San José 2040 General Plan EIR, Resolution No. 76041, adopted November 1, 2011. C14-054
Deferred to 8/11/15 per Administration.

2. CONSENT CALENDAR

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

Recommendation: Final adoption of ordinances.

- (b) ORD. NO. 29597 – Rezoning certain real property of approximately 0.53 acre situated at the southerly corner of Park Avenue Road and Newhall Street (2095 Park Avenue) from the R-M Multiple Residence Zoning District to the CP Commercial Pedestrian Zoning District. CEQA: Section 15168. Determination of Consistency. Envision San José 2040 General Plan EIR, Resolution No. 76041, adopted November 1, 2011. C15-004
Deferred to 8/11/15 per Administration.

- (c) ORD. NO. 29598 – Rezoning certain real property of approximately 2.0 acres on the southerly side of Quinn Avenue, approximately 1,027 east of Senter Road, (650 Quinn Avenue) from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District. CEQA: Section 15168. Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FPEIR). C15-007
Deferred to 8/11/15 per Administration.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Transportation and Environment Committee Minutes of June 1, 2015. (Kalra)
- (b) Rules and Open Government Committee Minutes of June 3, 2015. (Mayor)
- (c) Rules and Open Government Committee Minutes of June 10, 2015. (Mayor)
- (d) Rules and Open Government Committee Minutes of June 17, 2015. (Mayor)
- (e) Public Safety, Finance, and Strategic Support Committee Minutes of June 18, 2015. (Oliverio)
- (f) Community and Economic Development Committee Minutes of June 22, 2015. (Khamis)

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

Item Deferred to 8/11/15 per Administration.

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Request for an excused absence for Mayor Liccardo from the Regular Meeting of the Rules and Open Government Committee on July 29, 2015. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)

Approved.

2. CONSENT CALENDAR

2.5 City Council Travel Reports.
None provided.

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

**2.7 Agreements with MuniServices LLC, for Revenue Enhancement Services. -
*DEFERRED***

Recommendation: Adopt resolutions:

- (a) Authorizing the Director of Finance to negotiate and execute the following agreements with MuniServices LLC, a Delaware Limited Liability Company (“MuniServices”) to provide:
 - (1) Sales and Use Tax revenue enhancement services and data analysis for the term of July 1, 2015 through June 30, 2018 at a maximum annual compensation not to exceed \$412,000, with two one-year options to extend through June 30, 2020, at the same rate of compensation for each additional optional year subject to the City Council’s annual appropriation of funds; and
 - (2) Telephone Line Tax, Utility Users Tax and Franchise Fee compliance services for the term of July 1, 2015 through June 30, 2018 at a maximum annual compensation not to exceed \$70,000, with two one-year options to extend through June 30, 2020, at the same rate of compensation for each additional optional year subject to the City Council’s annual appropriation of funds.
- (b) Authorizing MuniServices to examine all Sales and Use Tax records of the California State Board of Equalization for tax collection purposes and other governmental functions of the City of San José.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)
(Deferred from 6/16/15 – Item 2.13)

Deferred to 8/25/15 per Administration.

2.8 Certification of the Results of the Special Municipal Run-Off Election for Council District 4 Held on June 23, 2015.

Recommendation: Adopt a resolution declaring the results of the June 23, 2015 Special Municipal Run-Off Election for Council District 4 pursuant to Elections Code Section 15400. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)

Resolution No. 77482 adopted.

2. CONSENT CALENDAR

2.9 Actions Related to Councilmember Jones' Travel to Denver, CO.

Recommendation:

- (a) Approve travel by Councilmember Jones to Denver, CO on September 16-18, 2015 to participate in the San Jose Silicon Valley Chamber of Commerce Annual Study Mission. Source of Funds: Office Budget. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Jones)
- (b) Request for an excused absence for Councilmember Jones from the Regular Meeting of the Rules and Open Government Committee on September 16, 2015 and the Regular Meeting of the Public Safety, Finance and Strategic Support Committee on September 17, 2015 due to Authorized City Business: 2015 Chamber of Commerce Annual Study Mission to Denver, CO. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Jones)

Approved.

2.10 Retroactively Approve Travel by Mayor Liccardo to Vatican City.

Recommendation: Retroactively approve travel by Mayor Liccardo to Vatican City on July 19 – 22, 2015 for a meeting with Pope Francis and other international leaders as Mayor of the City of San José. Source of Funds: Sponsored by Vatican City State. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor) **Mayor Sam Liccardo provided a brief overview of his meeting with Pope Francis and other international leaders to engage in discussions on human trafficking and other human rights issues.**

2.11 Shakespeare in the Park and Opera in the Park.

Recommendation: As recommended by the Rules and Open Government Committee on July 29, 2015:

- (a) Approve Shakespeare in the Park and Opera in the Park scheduled for June 2016 as 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, File No. PP15-077 Temporary Special Events. (Oliverio)
[Rules Committee referral 7/29/15 – Item G(1)(b)]

Approved.

2.12 San José Jazz Flag.

Recommendation: As recommended by the Rules and Open Government Committee on July 29, 2015, approve the San José Jazz Flag scheduled to be raised August 3 – 10, 2015 as City Council sponsored Special Event. CEQA: Not a Project, File No. PP15-077 Temporary Special Events. (Peralez)

[Rules Committee referral 7/29/15 – Item G(1)(c)]

Approved.

2. CONSENT CALENDAR

2.13 Council Committee, Board and Commission Appointments.

Recommendation: As recommended by the Rules and Open Government Committee on July 29, 2015:

- (a) Appoint Councilmember Charles “Chappie” Jones as an alternate to the El Camino Real Rapid Transit Policy Advisory Board.
- (b) Appoint Councilmember Jones to the Federated City Employees Retirement Board as a Non-Voting Member.
- (c) Appoint Councilmember Manh Nguyen to replace Councilmember Margie Matthews on the following Boards and Commissions:
 - (1) Recycling and Waste Reduction Commission of Santa Clara County;
 - (2) Recycled Water Policy Advisory Committee;
 - (3) Santa Clara Valley Habitat Agency Governing Board (Alternate);
 - (4) Santa Clara Valley Habitat Agency Implementation Board (Alternate);
 - (5) Santa Clara Valley Water District - Water Commission (two year appointment);
 - (6) SJ/SC Clean Water Financing Authority; and
 - (7) SJ/SC Treatment Plant Advisory Committee.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)
[Rules Committee referral 7/29/15 – Item G(4)]

The appointments were approved, including appointment of Councilmember Manh Nguyen to the Neighborhood Services Committee and the Transportation and Environment Committee, replacing Councilmember Margie Matthews.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).
City Manager Norberto Dueñas invited everyone to participate in this evening’s “National Night Out” activities.

3.2 Labor Negotiations Update.
None provided.

3.3 Actions Related to the Fiscal Year 2015-2016 Property Tax Levy for General Obligation Bonds.

Recommendation: Adopt a resolution establishing the FY 2015-2016 property tax levy on all taxable property within the City of San José for the purpose of funding the City’s general obligation bonded indebtedness and pay the related administration fee to the County. CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance)

Resolution No. 77483 adopted.

3. STRATEGIC SUPPORT SERVICES

3.4 Actions Related to the Fiscal Year 2015-2016 Residential Solid Waste Collection Service Charges Report.

Recommendation: Conduct a Public Hearing to hear public testimony on the Fiscal Year 2015-2016 Residential Solid Waste Collection Service Charges annual report prepared by the Director of Finance (“Director’s Annual Report”) filed with the City Clerk’s Office; and adopt a resolution to confirm the approval of the Director’s Annual Report and the placement of such charges as set forth therein on the 2015-2016 Santa Clara County Secured Property Tax Roll, with such modifications as the City Council may make based on public hearing testimony. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities. (Finance)

Public hearing held.

Resolution No. 77484 adopted.

Abstain: Councilmember Tam Nguyen

3.5 Actions Related to the Fiscal Year 2015-2016 Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges Report.

Recommendation: Conduct a Public Hearing to hear public testimony on the Fiscal Year 2015-2016 annual report prepared by the Director of Finance (“Director’s Report”) detailing the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges filed with the City Clerk’s Office; and adopt a resolution to confirm the approval of the Director’s Report and the placement of such charges as set forth therein on the 2015-2016 Santa Clara County Secured Property Tax Roll, with such modifications as the City Council may make based on public hearing testimony. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities. (Finance)

Public hearing held.

Resolution No. 77485 adopted.

3.6 Amendment to Rules of Conduct Resolution Related to Convening Council Meetings.

Recommendation: As recommended by the Rules and Open Government Committee on July 29, 2015, consider adoption of a resolution amending the Council's Rules for the Conduct of Its Meetings, Superseding Resolution No. 77268, to allow the Mayor, in his or her discretion, to convene any regular City Council meeting or special City Council meeting at the noticed times with at least one other member of the Council present in order to proceed with the Invocation, the Pledge of Allegiance, and Ceremonial Items, and to include additional modifications. CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy, change that involve no changes to the physical environment. (City Attorney)

[Rules Committee referral 7/29/15 – Item G(2)]

Resolution No. 77486 adopted.

Noes: Khamis, Peralez, Rocha.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Development Agreement Between the Coleman Airport Partners, LLC, and the City of San José Related to the Real Property Located on the West Side of Coleman Avenue, Approximately 820 Feet South of Brokaw Road and North of Newhall Drive. - *DROPPED*

Recommendation: Consideration of an ordinance approving a Development Agreement between the Coleman Airport Partners, LLC, and the City of San Jose relative to the development of an industrial/commercial project with (a) up to 1.514 million square feet of general office uses, 300 hotel rooms, and 63,700 square feet of retail uses; or (b) up to 1.695 million square feet of office/research and development or light industrial uses on an approximately 45.4 gross acre site, located on the west side of Coleman Avenue, approximately 820 feet south of Brokaw Road and north of Newhall Drive. CEQA: Section 15164. Addendum to the FMC/Coleman Avenue Planned Development Rezoning Environmental Impact Report (Resolution No. 71716). (Planning, Building, and Code Enforcement)

DA15-001 – Council District 3
(Deferred from 6/16/15 – Item 4.5)

Dropped per Administration.

4.2 Administrative Hearing and Consideration of an Appeal of the Planning Commission’s Decision to Approve a Conditional Use Permit to Allow Construction of a 760 Square Foot Fitness Center, New Pedestrian Access Paths, and Landscape Improvements. - *DEFERRED*

Recommendation: Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Commission’s decision to approve a Conditional Use Permit to allow construction of a 760 square foot fitness center, new pedestrian access paths, and landscape improvements to an existing Swim and Racquet club on a 3.33 acre site in the R-1-8 Single-Family Residence Zoning District located on southeast corner of Northridge Drive and Bose Lane (Almaden Swim and Racquet Club, 6604 Northridge Drive). CEQA: Exempt, CEQA Guidelines Section 15301(e)(1), Existing Facilities. (Planning, Building, and Code Enforcement)

CP13-004 – District 10
(Deferred from 6/23/15 – Item 11.4)

Deferred to 8/18/15 in the evening per Administration

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Audit of Curbside Recycling. - *DEFERRED*

Recommendation: As recommended by the Transportation and Environment Committee on June 1, 2015, accept the Audit Report on Curbside Recycling. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (City Auditor)

[Transportation and Environment Committee referral 6/1/15 – Item D(4)]
(Deferred from 6/16/15 – Item 7.1)

Deferred to 9/15/15 per Rules and Open Government Committee.

7.2 Actions Related to the Commercial Solid Waste and Recyclables Collection Franchise Agreement with GW Debris Services.

Recommendation:

- (a) Conduct a Public Hearing on the application of GreenWaste Recovery Inc., dba GW Debris Services LLC for Commercial Solid Waste and Recyclables Collection Franchise for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris;

Public hearing held.

- (b) Approve an ordinance granting the franchise; and
- (c) Approve the Commercial Solid Waste and Recyclables Collection Franchise Agreement for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris for a term from July 1, 2015 to June 30, 2016, with the option of three one-year extensions.

CEQA: Exempt, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment, File No. PP08-228. (Environmental Services)

(Deferred from 6/16/15 – Item 7.2)

Approved. Ordinance No. 29599 passed for publication.

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Actions Related to the Compensation Changes for Successor Agency to the Redevelopment Agency Employees.

Recommendation: Adopt a resolution approving compensation changes for the Successor Agency to the Redevelopment Agency of the City of San José employees reflecting the changes approved by the City Council for Unit 99 which included a 3.0% salary increase for Fiscal Year 2015-16, effective retroactively to June 21, 2015 and a one-time payment equivalent to approximately 1% of a full-time employee's base pay as of June 20, 2015 and general wage increases of 3% in FY 2016-17 and FY 2017-18. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (Successor Agency)

Successor Agency Resolution No. 7042 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 receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10319	5550 Entrada Cedros	10	Sycamore Creek Partners, LLC	9 Lots / 8 Units	SFA/ SFD

- **Open Forum**

1. **Brian Darby expressed concerns regarding the plight of fellow mobile home residents who will be displaced if the Winchester Ranch Mobile Home Park is sold.**
2. **Perry Mistry asked that City leaders extend a welcome to the Prime Minister of India, Narendra Modi , who will be visiting the Bay Area in September.**
3. **David Wall suggested that History San José should provide an exhibit to honor POW/MIA struggles to acknowledge the sacrifices these individuals have made to protect our way of life.**

- **Adjournment**

The Council of the City of San José adjourned at 3:20 p.m. in memory of William "Bill" Alfred Kindricks, beloved friend, mentor and community leader. (Kalra)