

CITY COUNCIL AGENDA

AUGUST 11, 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**
9:03 a.m. - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: All Present.
1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present.
- **Invocation (District 7)**
Yurong Li of the Firebird Youth Chinese Orchestra provided a musical performance for the Invocation.
- **Pledge of Allegiance**
Mayor Liccardo led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 1.3 dropped per Councilmember Magdalena Carrasco.
- **Closed Session Report**
None provided.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Youth Connection Foundation for the PRNS FIT Camp Program. (Parks, Recreation and Neighborhood/Carrasco)
Mayor Sam Liccardo and Councilmember Magdalena Carrasco offered a commendation to the Youth Connection Foundation for the PRNS FIT Camp Program.
- 1.2 Presentation of a commendation to Almaden Valley Counseling Service for their exemplary work in promoting the psychological health and well-being of San José residents. (Khamis)
Mayor Sam Liccardo and Councilmember Khamis offered a commendation to the Almaden Valley Counseling Service for their exemplary work in promoting the psychological health and well-being of San José residents.
- 1.3 Presentation of a commendation to the San José Peace and Justice Center to celebrate their 100 years of service to the City of San José in the pursuit of a more equitable and peaceful world. (Carrasco)
(Rules Committee referral 8/5/15)
Dropped per Councilmember Magdalena Carrasco.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
- 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 Final Program EIR, Resolution No. 76041, adopted November 1, 2011. C14-054
[Deferred from 8/4/15 – Item 2.2(a)]

Ordinance No. 29596 adopted.

- (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 Final Program EIR, Resolution No. 76041, adopted November 1, 2011. C15-004
[Deferred from 8/4/15 – Item 2.2(b)]

Ordinance No. 29597 adopted.

2. CONSENT CALENDAR

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

Recommendation: Final adoption of ordinances.

- (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 EIR. C15-007

[Deferred from 8/4/15 – Item 2.2(c)]

Ordinance No. 29598 adopted.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Community and Economic Development Committee Minutes of June 22, 2015. (Khamis)

[Deferred from 8/4/15 – Item 2.2(f)]

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 Acceptance of Partnership Funds Under the Safe, Clean Water and Natural Flood Protection Program.

Recommendation: Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (a) Increase the estimate for Revenue from Local Agencies by \$196,250; and
(b) Establish the City-wide appropriation, San José Watershed Community Stewardship and Engagement Project, to the Environmental Services Department in the amount of \$196,250.

CEQA: Exempt, Section 15301(h) Existing Facilities, Maintenance, File No. PP13-056, Citywide Litter Clean-up Activities (including water bodies and homeless encampments). (Environmental Services/City Manager)

Ordinance No. 29600 adopted.

Resolution No. 77487 adopted.

2. CONSENT CALENDAR

2.8 Appointments of Non-Elected City Members on the Implementation Board of the Santa Clara Valley Habitat Agency.

Recommendation: Adopt a resolution appointing Jason Rogers, Division Manager in the Planning Division, to serve as the non-elected City member on the Implementation Board of the Santa Clara Valley Habitat Agency and appointing Meenaxi Panakkal, Supervising Planner of Environmental Review in the Planning Division, to serve as the non-elected alternate member on the Implementation Board. CEQA: Not a Project, File No. PP10-069(c), Organizational and Administrative Activities. (Planning, Building and Code Enforcement)

Resolution No. 77488 adopted.

2.9 Amendment to Title 17 Buildings and Construction Code for Residential Rooftop Solar Systems.

Recommendation: Approve an ordinance amending Title 17 of the San José Municipal Code to implement Assembly Bill 2188 by creating an expedited, streamlined permitting process for small residential rooftop solar systems. CEQA: Exempt, Section 15268, Ministerial Projects, File No. PP15-073. (Planning, Building and Code Enforcement)

Ordinance No. 29601 passed for publication.

2.10 Actions Related to the Willow Glen Community Benefit and Improvement District 2015-2016 Annual Report.

Recommendation: Adopt a resolution:

- (a) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2015-2016 as filed or modified by Council;
- (b) Confirming the individual assessments as proposed, or modified by Council;
- (c) Directing the City to pay the assessment on City-owned property within the district in the amount of approximately \$9,792; and
- (d) Directing the Director of Public Works to deliver the assessment role to the County for collection with the property taxes.

CEQA: Exempt, Section 15301(h) Existing Facilities Maintenance, File No. PP13-057, Landscape maintenance in the public right-of-way and public facilities. (Public Works)

Resolution No. 77489 adopted.

2.11 Agreement with Santa Clara Valley Transportation Authority for the I-280/I-880/Stevens Creek Boulevard Interchange Improvement Project.

Recommendation: Approve the Reimbursement Agreement between the City of San José and the Santa Clara Valley Transportation Authority for the I-280/I-880/Stevens Creek Boulevard Interchange Improvement Project in the amount of \$2,632,690. CEQA: Improvements at SR-17/I-280/I-880 Interchange and I-880/Stevens Creek Boulevard Interchange Final Environment Impact Report/Environmental Assessment under Resolution No. 76398 adopted August 21, 2012. Council District 6. (Transportation)
Approved.

2. CONSENT CALENDAR

2.12 Indian Independence Day Flag Raising.

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

- (a) Approve the Indian Independence Day Flag Raising scheduled on August 12, 2015 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. (Kalra)
Approved.

2.13 AB 448 (Brown) – Local Government Finance: Property Tax Revenue Allocations: Vehicle License Fee Adjustments.

Recommendation: As recommended by the Rules and Open Government Committee on August 5, 2015, adopt a support position for AB 448 (Brown) – Local Government Finance: Property Tax Revenue Allocations: Vehicle License Fee Adjustments. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager) [Rules Committee referral 8/5/15 – Item G(2)]

Position of support adopted.

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 Amendment to the Flag Display Policy. - *DEFERRED*

Recommendation: Discuss the policy alternatives for amending Council Policy 2-1, as set forth in the memorandum to Council, to establish guidelines for the permanent display of the POW/MIA (Prisoner-of-War/Missing-in-Action) flag at City Hall's West Plaza, and direct City staff to amend the policy based on the selected alternative. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (Public Works)

(Referred from 6/23/15 – Item 3.24)

Deferred to 8/25/15 per Administration.

3. STRATEGIC SUPPORT SERVICES

3.4 Actions Related to the Settlement Agreement with the San José Police Officers' Association and the San José Fire Fighters, International Association of Fire Fighters, Local 230.

Recommendation:

- (a) Adopt a resolution to:
 - (1) Approve the terms of the Alternative Pension Reform Settlement Framework Agreement between the City and the San José Police Officers' Association (SJPOA) and San José Fire Fighters, International Association of Fire Fighters, Local 230 (IAFF, Local 230); and
 - (2) Authorize the City Manager to negotiate and execute a Tripartite Retirement Memorandum Agreement between the City, the SJPOA, and IAFF, Local 230.
- (b) Adopt the following 2015-2016 Appropriation Ordinance amendments in the General Fund:
 - (1) Establish a City-Wide Measure B Settlement appropriation to the City Manager's Office in the amount of \$1,500,000; and
 - (2) Decrease the Fiscal Reform Plan Implementation Reserve in the amount of \$1,500,000.

CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)

Deferred to 8/18/15 per Administration.

3.5 Actions Related to Salary Setting Commission Recommendations. - *DEFERRED*

Recommendation: As recommended by the Salary Setting Commission, approve an ordinance establishing the following salaries and benefits for the Mayor and City Council for the next two Fiscal Years, the period July 1, 2015 through June 30, 2017:

- (a) For the Mayor, increase the authorized salary from \$114,000 annually to \$125,000 annually;
- (b) For each Councilmember, increase the authorized salary from \$81,000 annually to \$92,000 annually.
- (c) Retain the levels of health, dental, life insurance and other benefits in accordance with the benefits provided to management employees in Unit 99.
- (d) Retain the current retirement benefits offered under the CalPERS Tier 2 Plan and the PTC 457 Defined Contribution Plan.
- (e) Increase the vehicle allowance from \$350 per month to \$500 per month for the Mayor and each member of the City Council.
- (f) Continue to require Councilmembers to pay \$250 for each unexcused absence at scheduled Council meetings, pursuant to City Charter Section 407.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)
(Deferred from 5/19/15 – Item 3.3 and 6/23/15 – Item 3.21)

Deferred per Rules and Open Government Committee.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Acquisition of the Plaza Hotel from Successor Agency to the Redevelopment Agency for Housing the Homeless. - *DEFERRED*

Recommendation: Adopt a resolution directing the Interim Director of Housing to pursue steps necessary to acquire the Plaza Hotel located in San José at 96 South Almaden Boulevard (“Plaza Hotel”) from the Successor Agency to the Redevelopment Agency of the City of San José (SARA), for housing the homeless, and return to City Council to obtain authorization to acquire. CEQA: Exempt, Section 15301, Existing Facility. (Housing).

(Deferred from 6/16/15 – Item 4.2, 6/9/15 – Item 4.2, and 6/23/15 – Item 4.5)

Deferred to 8/25/15 per Administration.

4.2 Conditional Use Permit for the Real Property Located on the East Side of South First Street, Approximately 400 Feet Southerly of East Santa Clara Street.

Recommendation: Consideration of a Conditional Use Permit to allow a drinking establishment (for more than 250 people) and late night use until 2:00 a.m. in an existing 8,684 square foot public eating establishment in the DC Downtown Primary Commercial Zoning District on an approximately 0.15 gross acre site, located on the east side of South 1st Street, approximately 400 feet southerly of East Santa Clara Street (58 South 1st Street). CEQA: Exempt, Section 15303(c), New Construction or Conversion of Small Structures. Planning Commission recommends approval (4-1-1-1) (Kline opposed, Abelite absent, and Yob recused). (Planning, Building and Code Enforcement)

CP15-016 – District 3

Resolution No. 77642 adopted. Conditional Use Permit Denied. (9-2. Noes: Khamis, Rocha.)

4.3 Mobilehome Preservation/Conversion Update.

Recommendation: As recommended by the Community and Economic Development Committee on June 22, 2015, accept the report and provide direction on staff’s proposed work plan for updating the Envision San José 2040 General Plan (General Plan) text and the provisions of Title 20 of the San José Municipal Code (the Zoning Code) to further the preservation of mobilehome parks. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments, and Annual Reports. (Planning, Building, and Code Enforcement/Housing)

[Community and Economic Development Committee referral 6/22/15 – Item D(5)]

Item 4.3 was bifurcated into two motions as follows:

(Item Continued on the next page)

4.4 (Cont'd.)

#1: The report was accepted, including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Councilmembers Chappie Jones, Manh Nguyen and Tam Nguyen, dated August 7, 2015, to (1) Accept staff's report and work plan to further the preservation of mobile home parks; and (2) Direct staff to return in two weeks with an urgency ordinance, and if findings cannot be made, with a standard ordinance, to establish a moratorium on mobile home park conversions for six months. (11-0.)

#2: Acceptance of Councilmember Johnny Khamis' recommendations including meeting with stakeholders, MHP owners, with possible preparation of an "Opt-In; Stay in Business" alternative, including alternative methods of maintaining mobile home inventory, and including review of the 2040 General Plan to examine urban village designations in these locations and implications for MHP residents. (9-1-1. Noes: Peralez. Absent: Kalra.)

Additionally, as requested by Councilmember Pierluigi Oliverio, staff to provide an information memorandum determining the County's response regarding the City's requests for an annual provision of 10 million dollars that may be allocated for affordable housing.

5. NEIGHBORHOOD SERVICES

5.1 Bringing Everyone's Strengths Together (BEST) Program and Mayor's Gang Prevention Task Force Annual Report.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on May 21, 2015, accept the 2013-2014 Annual Report on the San José Bringing Everyone's Strengths Together (BEST) and the Mayor's Gang Prevention Task Force (MGPTF) Programs. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Parks, Recreation and Neighborhood Services)

[Public Safety, Finance, and Strategic Support Committee referral 5/21/15 – Item D(3)]
(Deferred from 6/23/15 – Item 5.1)

Deferred to 8/18/15 per Administration.

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Unmanned Aerial System.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on June 18, 2015:

- (a) Accept the Police Department's (Department) report analyzing the report of the Neighborhoods Commission (Commission) related to a Pilot Program for the Department's Unmanned Aerial System (UAS).
- (b) Accept the Department's recommendations regarding its use of a UAS; proposed UAS Policies and Procedures, including the Commission recommendations, as accepted or modified by the Department; and, the implementation of a UAS Pilot Program.
- (c) Direct the Administration to:
 - (1) Seek approval from the Federal Aviation Administration (FAA) to operate a UAS; and
 - (2) Upon receipt of FAA approval to operate a UAS, conduct a one-year UAS Pilot Program under the Department's adopted UAS Policies and Procedures.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Police)
[Public Safety, Finance, and Strategic Support referral 6/18/15 – Item D(2)]

Accepted, with staff directed to return to Council once final policies & procedures are drafted, but before those policies & procedures are submitted to the FAA for approval; and with the City Attorney to examine the viability of the Chief of Police notifying the Office of the Independent Police Auditor of the use and the outcome of an Unmanned Aerial System (UAS) used in an "exigent situation".

A verbal report will be provided to the Public Safety, Finance, & Strategic Support Committee within 30 calendar days of the Department's use of the Unmanned Aerial System (UAS), or during the next bimonthly Department report due to the PSFSS Committee, whichever is sooner.

8. PUBLIC SAFETY SERVICES

8.2 Police Disability Retirement Scenarios.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on June 18, 2015, accept the report on Police Disability Retirement Scenarios. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (City Auditor)

[Public Safety, Finance, and Strategic Support referral 6/18/15 – Item D(4)]

Accepted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Actions Related to the Compensation Agreement with County of Santa Clara for the Autumn Street Extension and the California Theatre.

Recommendation:

- (a) The City Council approve Compensation Agreements by and among the Successor Agency to the Redevelopment Agency of the City of San José, the City of San José, the County of Santa Clara and other affected taxing entities under Health and Safety Code Section 34180(f) for real property necessary for the Autumn Street Extension Phase II and the California Theatre.
- (b) The Successor Agency Board approve Compensation Agreements by and among the Successor Agency to the Redevelopment Agency of the City of San José, the City of San José, the County of Santa Clara and other affected taxing entities under Health and Safety Code Section 34180(f) for real property necessary for the Autumn Street Extension Phase II and the California Theatre.

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

Approved.

- **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>
10313	S/E corner of Almaden Expressway and Timber Crest Drive	10	Timbercrest Venture LLC	8/7	SFD	Approve

- **Open Forum**

1. **Brian Darby asked that disabled participants be allowed to use communication devices during Council meetings.**
2. **Jeffrey Bedolla suggested encouragement and support of storage businesses.**
3. **Blair Beekman encouraged transparency when implementing the UAS/Drone program.**
4. **Tim Gildersleeve expressed religious convictions and urged Council to be stewards of the environment.**

- **Adjournment**

The Council of the City of San José adjourned at 6:51 p.m.