



# CITY COUNCIL AGENDA

**APRIL 28, 2015**

**AMENDED AGENDA**

CHAPPIE JONES  
ASH KALRA  
RAUL PERALEZ  
MARJORIE MATTHEWS  
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, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

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

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

- **Call to Order and Roll Call**

- \* 1:30 p.m. - Regular Session, Council Chambers, City Hall
  - Closed Session, Call to Order in Council Chambers

**TO COMMENCE IMMEDIATELY FOLLOWING REGULAR SESSION**

Adjourn to Closed Session in Council Chambers Conference Room, W133

See [Separate Agenda](#)

- **Invocation (District 4)**

- \* Saint Victor's School Choir

- **Pledge of Allegiance**

- **Orders of the Day**

- \* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- **Closed Session Report**

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a proclamation recognizing the San José Green Commute Challenge, a City staff competition taking place May through August that promotes cycling, transit, transportation sharing and walking as environmentally-friendly work commute transportation options and also helps set an example for the community to follow. (Transportation)
- 1.2 Presentation of a proclamation declaring Tuesday, April 28, 2015 as “Día del Niño” in the City of San José. (Carrasco)  
\* (Rules Committee referral 4/22/15)
- 1.3 Presentation of a commendation recognizing Saint Victor School’s 50<sup>th</sup> Anniversary. (Matthews)  
\* (Rules Committee referral 4/22/15)
- 1.4 Presentation of a commendation to recognize Archbishop Mitty High School Monarchs Women’s Basketball Team as the 2015 Division II California State Champions. (Jones)  
\* (Rules Committee referral 4/22/15)

# 2. CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

## 2.1 Approval of Minutes.

## 2.2 Final Adoption of Ordinances.

- \* **Recommendation:** Final adoption of ordinances.
  - (a) ORD. NO. 29552 – Rezoning certain real property of approximately 0.45 acre situated at the southwesterly corner of St. John Street and North Almaden Boulevard from the CG Commercial General and LI Light Industrial Zoning Districts to the DC Downtown Primary Commercial Zoning District. CEQA: Addendum to San José Downtown Strategy EIR, Resolution no. 64273. C14-071
  - (b) ORD. NO. 29553 – Rezoning certain real property of approximately 1.34 acres situated on the northerly side of Branham Lane, Approximately 250 feet east of Glenmont Drive, (955 Branham Lane) from the A Agricultural Zoning District to the A(PD) Planned Development Zoning District. CEQA: Mitigated Negative Declaration, Resolution No. 77323. PDC14-042

## 2. CONSENT CALENDAR

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### 2.3 Approval of Council Committee Reports.

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

(a) [Transportation and Environment Committee Report of April 6, 2015](#). (Kalra)

(b) [Rules and Open Government Committee Report of April 8, 2015](#). (Mayor)

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

### 2.4 Mayor and Council Excused Absence Requests.

### 2.5 City Council Travel Reports.

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

### 2.7 [Actions Related to the Spending Plan for the Supplemental Law Enforcement Services Grant](#).

**Recommendation:**

(a) Approve the proposed 2014-2016 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant for \$1,580,053, and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the memorandum to Council in the event State SLES Grant payments are less or more than expected.

(b) Approve the revised 2013-2015 Spending Plan for the Supplemental Law Enforcement Services Grant reallocating funds from Project #2 and Project #3 to Project #1 to purchase Mobile Data Computers.

(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Supplemental Law Enforcement Services Fund:

(1) Increase the Earned Revenue estimate by \$667,806; and

(2) Establish an appropriation to the Police Department for the SLES Grant 2014-2016 for \$667,806.

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

(Deferred from 4/14/15 – Item 2.15)

### 2.8 [Amendment to the Agreement with CH2M Hill, Inc., for the Los Gatos Creek Trail Reach 5B/C](#).

**Recommendation:** Approve the [First Amendment](#) to the Agreement for Consultant Services with CH2M HILL, Inc. for the Los Gatos Creek Trail Reach 5B/C to revise the scope of services to reflect a change in project conditions, with no increase in the total contract amount of \$1,430,050. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. Council District 6. (Public Works)

## 2. CONSENT CALENDAR

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### 2.9 [Actions Related to Councilmember Khamis' Travel to Washington, D.C.](#)

**Recommendation:**

- (a) Approve travel by Councilmember Khamis to Washington, D.C. on April 29 – May 1, 2015 to represent the City of San José at the Arab American Institute Foundation Kahlil Gibran *Spirit of Humanity* Awards Gala and 2015 Arab American Leadership Day. Source of Funds: Councilmember Khamis' Personal Funds.
- (b) Request for an excused absence for Councilmember Khamis from the Regular Meeting of the Rules and Open Government Committee on April 29, 2015 due to Authorized City Business: Arab American Institute Foundation Kahlil Gibran *Spirit of Humanity* Awards Gala and 2015 Arab American Leadership Day.

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

\* (Rules Committee referral 4/22/15)

### 2.10 [District 5's Colombian Flag Raising.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on April 22, 2015:

- (a) Approve the Colombian Flag Raising Ceremony scheduled on August 14, 2015 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

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

\* [Rules Committee referral 4/22/15 – Item G(1)(a)]

### 2.11 [District 5 and 3's Mexican Flag Raising.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on April 22, 2015:

- (a) Approve the Mexican Flag Raising Ceremony scheduled on September 16, 2015 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

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

\* [Rules Committee referral 4/22/15 – Item G(1)(b)]

### 2.12 [AB 90 \(Chau and Atkins\) – Federal Housing Trust Fund.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on April 22, 2015, approve a support position for AB 90 (Chau and Atkins – Federal Housing Trust Fund. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Housing)

\* [Rules Committee referral 4/22/15 – Item G(2)]

## 2. CONSENT CALENDAR

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### 2.13 [AB 1009 \(Garcia\) – Local Government: Redevelopment: Revenues from Property Tax Overrides Rates.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on April 22, 2015, re-affirm a position to oppose for AB 1009 (Garcia) – Local Government: Redevelopment: Revenues from Property Tax Overrides Rates. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)

\* [Rules Committee referral 4/22/15 – Item G(3)]

### 2.14 [AB 1220 \(Harper\) – Transient Occupancy Taxes: Residential Short-Term Rentals Units.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on April 22, 2015, adopt a position of opposition for AB 1220 (Harper) – Transient Occupancy Taxes: Residential Short-Term Rentals Units. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)

\* [Rules Committee referral 4/22/15 – Item G(4)]

### 2.15 [SB 317 \(DeLeon\) – Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2016.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on April 22, 2015, approve a support position if SB 317 (DeLeon) - Parks is amended. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)

\* [Rules Committee referral 4/22/15 – Item G(5)]

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Interim City Manager, Norberto Dueñas (Verbal Report).

### 3.2 Labor Negotiations Update.

\* **Recommendation:** Accept Labor Negotiations Update.

### 3.3 [Ethics Commission Interviews.](#)

[Applications](#)

[Conflict of Interest dated April 10, 2015](#)

[Code Review](#)

[Conflict of Interest dated February 19, 2015](#)

**Recommendation:**

- (a) Interview four (4) applicants for appointment to the Ethics Commission;
- (b) Appoint one (1) member to the Ethics Commission to a term expiring March 1, 2019; and

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Ethics Commission Interviews. (Cont'd.)

**Recommendation:**

- (c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

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

*Please note: Approval of this item requires 8 or more affirmative votes (2/3).*

**TO BE HEARD IMMEDIATELY FOLLOWING THE CONSENT CALENDAR**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 [Amendment to Title 23 Sign Code Ordinance.](#)

**Recommendation:** Approve the proposed [ordinance](#) amending Title 23 (the Sign Code) of the San José Municipal Code:

- (a) To amend Chapter 23.02, Part 1, Definitions, to revise Section 23.02.010 Definitions Govern to add clarifying language; to add new Sections 23.02.232 Freeway Frontage, 23.02.465 Riparian Corridor, and 23.02.517 Special Sign Zone;
- (b) To amend Chapter 23.02, Part 2, General Provisions, to revise Section 23.02.860 Special Sign Zones to add a description of the North San José Signage Area;
- (c) To amend Chapter 23.04, Part 1, Commercial and Industrial Zoning Districts and Neighborhood Business Districts, to amend Section 23.04.010 Application to add North San José Signage Area to the zones governed by this Part; to amend Section 23.04.035 Freeway Signs to allow sites developed as Office/Research & Development in the North San José Signage Area to have Freeway Signs; and
- (d) To amend Chapter 23.04, Part 4, Residential, Agricultural and Open Space Zoning Districts, to amend Section 23.04.300 Application to revise the list of zones governed by this Part, to amend Section 23.04.320 Signs on Residential Parcels to increase the maximum allowable height of Free-standing Signs on multi-family residential Parcels in the North San José Signage Area; and
- (e) To make other nonsubstantive, ministerial, technical, or typographical changes to various Sections of said Chapters 23.02 and 23.04 of the Sign Code.

CEQA: Final Program Environmental Impact Report entitled, “North San José Area Development Policies Update Final Environmental Impact Report (SCH# 2004102067)” and Addendum thereto, File No. PP15-007. (Planning, Building and Code Enforcement)

\* (Deferred from 4/21/15 – Item 4.4)

### 5. NEIGHBORHOOD SERVICES

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

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### **6.1 2015 Arterial Resurfacing Pavement Project.**

**\* Recommendation:**

- (a) Approve award of a construction contract for the 2015 Arterial Resurfacing Project, to the lowest responsive bidder, DeSilva Gates Construction, LP in the amount of \$10,094,461.
  - (b) Approve a ten percent contingency in the amount of \$1,009,446.
- CEQA: Exempt, File No. PP11-035. (Transportation)

## **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**  
*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.*
- **Adjournment**

## **CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.