

CITY COUNCIL AGENDA

MAY 5, 2015

AMENDED AGENDA

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
MARJORIE MATTHEWS	DISTRICT 4	DONALD ROCHA	DISTRICT 9
MAGDALENA CARRASCO	DISTRICT 5	JOHNNY KHAMIS	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, 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**

- 9:00 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
See [Separate Agenda](#)
- 1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 5)**

- * Ramon J. Martinez, PhD.

- **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

- 1.1 Presentation of a proclamation declaring May 3, 2015 through May 9, 2015 as “Municipal Clerks Week” in the City of San José. (Mayor)
- 1.2 Presentation of a proclamation declaring May as Asian American and Pacific Islander Heritage Month in the City of San José. (Kalra)
* (Rules Committee referral 4/29/15)
- 1.3 Presentation of a proclamation declaring May as Older Americans Month in the City of San José. (Khamis)
* (Rules Committee referral 4/29/15)

2. CONSENT CALENDAR

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.

Recommendation: Approval of minutes.

- (a) [Regular Minutes of February 3, 2015.](#)
- (b) [Regular Minutes of February 10, 2015.](#)
- (c) [Regular Minutes of February 24, 2015.](#)

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

2.2 Final Adoption of Ordinances.

* **Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29554 – Rezoning certain real property of approximately 0.92 acre situated north of Charter Park Drive, approximately 650 feet south of Hillsdale Avenue (3591 Charter Park Drive) from the IP(PD) Planned Development Zoning District to the IP Industrial Park Zoning District. CEQA: Negative Declaration, Resolution No. 77325. C15-002
- (b) ORD. NO. 29556 - Amending Sections 15.10.310, 15.10.330 and 15.10.360 and repealing Section 15.10.370 of Part 3 of Chapter 15.10 of Title 15 of the San José Municipal Code to replace the time of day landscape irrigation restrictions and prohibition on use of potable water for all outdoor landscape irrigation, with limited exceptions, that are triggered by a council declaration of water shortage with a landscape and turf irrigation restriction of zero (0) to four (4) days per week, with the specific number of days, days per week and exceptions to the prohibition to be as set forth in a resolution adopted by city council; ...

(Item continued on the next page)

2. CONSENT CALENDAR

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

Recommendation:

- (b) ...to modify the restriction related to swimming pool filling so that it is triggered by a council adoption of a resolution declaring a thirty percent (30%) or greater water shortage and includes an exception for refilling after repair for leaks; to provide that after council adoption of a resolution declaring a thirty percent (30%) or greater water shortage, it shall be unlawful for any person to install new outdoor landscaping or turf during the months of May through October in an area with an overhead irrigation system, unless the overhead irrigation system is disconnected, removed or converted to drip irrigation, except for drought-tolerant native plants, plants or trees grown for consumption, installation that has been commenced prior to the date of the council resolution declaring the thirty percent (30%) water shortage pursuant to a development permit or building permit for which a landscape documentation package has been submitted to the city or installation on a project for which a development permit application has been filed prior to the date of the council resolution declaring the thirty percent (30%) water shortage, and which is located in an employment lands area, as designated in the city of San José envision 2040 General Plan; and to repeal Section 15.10.370 limiting outdoor irrigation after council declaration of a forty percent (40%) water shortage. CEQA: Exempt, File Nos. PP15-032 and PP15-041.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Neighborhood Services and Education Committee Report of April 9, 2015.](#) (Rocha)
- (b) [Rules and Open Government Committee Report of April 15, 2015.](#) (Mayor)
[Memo from Councilmember Carrasco](#)
- (c) [Public Safety, Finance, and Strategic Support Committee Report of April 16, 2015.](#) (Oliverio)

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. CONSENT CALENDAR

2.7 District 5's Cassell/Hillview Beautification/Dumpster Day.

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

- (a) Retroactively approve District 5 Cassell/Hillview Beautification/Dumpster Day event scheduled on April 18, 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: Exempt, File No. PP13-056, Activities associated with citywide litter clean-up activities. (Carrasco)

(Rules Committee referral 4/22/15 – Item G(1)(c)]

2.8 Actions Related to the San José Works: Youth Jobs Initiative Program.

* **Recommendation:** Adopt the following 2014-2015 Appropriation Ordinance amendments in the General Fund:

- (a) Establish a City-Wide appropriation to the Office of Economic Development for San José Works: Youth Jobs Initiative in the amount of \$161,000; and
- (b) Decrease the Personal Services appropriation to the Parks, Recreation and Neighborhood Services Department by \$161,000.

CEQA: Not a Project; File No. PP10-067(b), Appropriation Ordinance. (Economic Development/Parks, Recreation and Neighborhood Services/City Manager)

2.9 Tie-Back Agreement and Consent to Use of Crane Related to Construction of the Silvery Towers Project.

* **Recommendation:** Approve a Lateral Tie-Back Agreement with Full Power Properties, LLC (Developer) providing consent to Developer to allow a crane to operate non-live loads over the Fallon House and approval of easements and encroachments necessary to accomplish both the tie-back agreement and crane installation, operation and removal.

CEQA: Supplemental Environmental Impact Report, File No. H13-041. (Economic Development)

2.10 Certification of the Results of the Primary Special Municipal Election Held April 7, 2015.

Recommendation: Adopt a resolution declaring the results of the April 7, 2015 Primary Special Municipal Election pursuant to Elections Code Section 15400. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)

* (Rules Committee referral 4/29/15)

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
TO BE HEARD AT 9:00 A.M.

3.3 2015 Council Prioritization Process Revisions. - *DEFERRED*

* **Recommendation:** Accept the staff report, approve proposed Council Priority Setting Process, and set the next Council Priority Setting Session for June 16, 2015. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Manager)
DEFERRED TO 5/12/15 PER THE RULES AND OPEN GOVERNMENT COMMITTEE

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [General Plan Text Amendment and Communications Hill Specific Plan Amendment Related to the Real Property at 2829 Monterey Road.](#)

[Conflict of Interest](#)

[Memo from the Mayor Liccardo](#)

[Memo from Councilmember Rocha](#)

[Memo from Councilmember Nguyen](#)

[Memo from Mayor Liccardo, Vice Mayor Herrera and Councilmember Jones](#)

Recommendation: Denial of General Plan Amendment and Communications Hill Specific Plan Amendment to change the Land Use/Transportation Diagram designation from Heavy Industrial to Urban Residential and increase the amount of allowable residential units in the Communications Hill Specific Plan, on a 7.50 gross acre located at 2829 Monterey Road (The Wolff Company, Owner). In the alternative, refer to staff to complete CEQA review and include the proposed amendments for consideration as part of the annual General Plan Amendment cycle for 2015. CEQA: Statutory Exemption, Section 15270. Planning Commission recommends denial (6-0-0). (Planning, Building and Code Enforcement)

[GP14-011](#) - District 7

(Deferred from 4/21/15 – Item 4.3)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 [Actions Related to the Substantial Amendment to the FY 2014-15 Annual Action Plan.](#)

Recommendation:

- (a) Hold a Public Hearing and take public comment on a Substantial Amendment to the City's FY 2014-15 Annual Action Plan to:
 - (1) Increase the 2014-2015 Emergency Solutions Grant (ESG) allocation by \$146,287 from previous years unused ESG allocations for emergency shelter operations; and
 - (2) Add the Shelter Operations category under Description of ESG Programs.
- (b) Adopt a [resolution](#) approving the recommended Substantial Amendment to the FY 2014-15 Annual Action Plan.

CEQA: Not a Project, File No. PP10-066(a), Purchase Order/Cooperative Purchase of Supplies, Equipment & Professional Services with no changes in the physical environment. (Housing)

4.3 [Actions Related to the 2015-2020 Five-Year Consolidated Plan and the FY 2015-2016 Annual Action Plan.](#) [Supplemental](#)

* **Recommendation:**

- (a) Hold a final Public Hearing regarding the approval of the City's Five-Year (2015-2020) Consolidated Plan and the FY 2015-2016 Annual Action Plan;
- (b) Adopt the City's Five-Year Consolidated Plan for FY 2015-2020;
- (c) Adopt the City's Annual Action Plan FY 2015-2016, including the FY 2015-2016 funding recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program;
- (d) Adopt a resolution authorizing the Director of Housing to negotiate and execute all non-capitol agreements and contracts not requiring CEQA/NEPA review and to negotiate all capitol project agreements and contracts, including any amendments or modifications, and to execute all documents for the expenditure of CDBG, HOME, and HOPWA funds on behalf of the City;
- (e) Adopt a [resolution](#) authorizing the Housing Department to submit the Five-Year (2015-2020) Consolidated Plan and the FY 2015-2016 Annual Action Plan to the U.S. Department of Housing and Urban Development, which makes the City eligible to receive and distribute approximately \$12,300,000 for FY 2015-2016;
- (f) Adopt a resolution authorizing the Director of Housing to negotiate and execute extensions to the existing CDBG/ESG Homeless Services agreements with Homefirst, Bill Wilson Center, and the Domestic Violence Collaborative through September 30, 2015; and
- (g) Modify the definition of a substantial amendment from the greater of \$100,000 or a 15% change in the amount allocated to the greater of \$100,000 or a 25% change.

CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Housing)

5. NEIGHBORHOOD SERVICES

5.1 [Anti-Graffiti and Anti-Litter Programs Annual Report.](#) [Memo from Councilmember Peralez](#)

Recommendation: As recommended by Public Safety, Finance, and Strategic Support Committee on April 16, 2015, accept the Anti-Graffiti and Anti-Litter Program Annual Report. 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 4/16/15 – Item D(6)]

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Actions Related to the Partnership Funds Under the Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection Program.](#)

Recommendation: Adopt a [resolution](#):

- (a) Authorizing the City Manager to accept an award of partnership grant funds under the Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection Program; and
- (b) Authorizing the City Manager to negotiate and execute partnership agreements to effectuate Water District award of funds to the City.

CEQA: Not a Project, File No. PP10-066(d), Consultant Services. (Environmental Services)

7.2 [Actions Related to the Great Oaks Water Company for Application for Renewal of Potable Water Franchise.](#)

* **Recommendation:**

- (a) Hold a Public Hearing on the Great Oaks Water Company application for renewal of a potable water franchise per San José Municipal Code Section 15.40.720.
- (b) Approve an uncodified [ordinance](#), to extend the term of the Great Oaks Water Company franchise until July 1, 2020, with no change in any other terms and conditions of the franchise.

CEQA: Exempt, File No. PP10-066, Agreements and Contracts. (Environmental Services)

7. ENVIRONMENTAL & UTILITY SERVICES

7.3 [Actions Related to Title 9 Commercial Solid Waste Collection Requirements. Supplemental](#)

Recommendation:

- (a) Approve an [ordinance](#) amending Chapter 9.10 of Title 9 of the San José Municipal Code to clarify commercial solid waste collection requirements.
- (b) Adopt a [resolution](#) amending the Administrative Citation Schedule of Fines related to solid waste service, storm water, and water use to add new fines, change current fines, and reinstate fines inadvertently removed in September 2014.

CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making. (Environmental Services)

7.4 [Implementation of Title 9 Recycle Plus Secured Property Tax Billing.](#)

Recommendation:

- (a) Approve an [ordinance](#) amending Chapter 9.10 of Title 9 of the San José Municipal Code to add an alternate procedure for the billing collection of garbage and recycling services, prescribed or imposed by the provisions of the Municipal Code, to have such charges for each fiscal year placed on the Santa Clara County Secured Property Tax Bill and collected in the same manner, by the person and at the same time as, and together with and not separate from, general taxes; and
- (b) Adopt a [resolution](#) to suspend the assessment of late payment charges on delinquent accounts related to Municipal Water Service and Recycle Plus collection services for the period May 15, 2015 through August 31, 2015 to accommodate the transition of billing activities from the current Integrated Billing System (i.e. Enterprise Tools by People Soft) to the new Customer Information System (i.e. Infinity by Advanced Utilities Systems).

CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making. (Environmental Services/Finance)

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **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>
10304	2979 Huff Avenue	1	STEI, LLC	1 Lot/ 16 Units	MFA

- **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.