



# CITY COUNCIL AGENDA

**FEBRUARY 4, 2014**

**AMENDED AGENDA**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
XAVIER E. CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON NGUYEN, VICE MAYOR  
ROSE HERRERA  
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. 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, Mayor Reed 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**

- 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 [City Council Closed Session Agenda](#)
  - See [Successor Agency to the Redevelopment Agency Closed Session Agenda](#)

- 1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 2)**

- \* Rev. Jethroe Moore, NAACP President

- **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 Commendation to Downtown Streets Team for their dedicated work in cleaning the streets of the Mayfair area and throughout District 5. (Campos)
- 1.2 Presentation of a proclamation recognizing February 7, 2014 as “Wear Red Day” in the City of San José. (Constant)

# 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.

**Recommendation:** Approval of minutes.

- (a) [Regular Minutes of October 1, 2013.](#)
- (b) [Minutes of the Joint Council/Successor Agency to the Redevelopment Agency of October 1, 2013.](#)
- (c) [Regular Minutes of October 8, 2013.](#)
- (d) [Joint City Council and Santa Clara County Board of Supervisors Minutes of October 18, 2013.](#)
- (e) [Regular Minutes of October 22, 2013.](#)
- (f) [Regular Minutes of October 29, 2013.](#)

## 2.2 Final Adoption of Ordinances.

## 2.3 Approval of Council Committee Reports.

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

- (a) [Rules and Open Government Committee Report of January 15, 2014.](#) (Mayor)
- (b) [Public Safety, Finance, and Strategic Support Committee Report of January 16, 2014.](#) (Constant)
- (c) [Economic Competitiveness Committee Report of November 4, 2013.](#) (Mayor)
- (d) [Economic Competitiveness Committee Report of December 2, 2013.](#) (Mayor)

## 2.4 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) [Request for an excused absence](#) for Councilmember Constant from the Regular Meetings of Rules and Open Government Committee on January 29, 2014, February 5, 2014 and February 12, 2014 due to Scheduling Conflict. (Constant)

\* (Rules Committee referral 1/29/14)

## 2. CONSENT CALENDAR

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### 2.5 City Council Travel Reports.

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

### 2.7 [Continuation of Construction Tax Suspension for Office/Research & Development.](#)

- \* **Recommendation:** Approve an [ordinance](#) amending Section 4.46.039.10 of Chapter 4.46 of Title 4 of the San José Municipal Code and Section 4.47.095 of Chapter 4.47 of Title 4 to extend the partial suspension of the collection of the building and structure construction tax and the suspension of the collection of the commercial-residential-mobile home park building tax for tenant improvements to office research and development uses, data center uses and installation of solar photovoltaic systems until March 31, 2017. CEQA: Not a Project; File No. PP10-067 (a), Increase or Adjustment to Fees, Rates & Fares. (City Attorney's Office)

### 2.8 [Amendment to Agreement for Legal Services Related to the Airport with Orrick Herrington & Sutcliffe LLP.](#)

**Recommendation:** Adopt a resolution authorizing the City Attorney to negotiate and execute a Nineteenth Amendment to the agreement with Orrick Herrington & Sutcliffe LLP for legal services related to the City's outstanding Airport revenue debt to increase the compensation by \$75,000 for a total compensation not to exceed \$735,000. CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney's Office)

### 2.9 [Report on Bids and Award of Contract for 7409 – Water Valve Rehabilitation 2014 Rebid.](#)

- \* **Recommendation:**
- (a) Reject all bids received on October 10, 2013, for Project 7409 – Water Valve Rehabilitation 2014 project;
  - (b) Report on bids received on December 12, 2013, and award of contract for the 7409 – Water Valve Rehabilitation Rebid project to the low bidder, San José Water Company, for the base bid and Add Alternate No. 1 in the amount of \$418,500, and approve a contingency in the amount of \$62,775.
- CEQA: Exempt, File No. PP13-089. (Environmental Services/Public Works)

## 2. CONSENT CALENDAR

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### 2.10 [Actions Related to the Purchase Order 48837 with Buckles Smith Electrical for Electrical Supplies.](#)

- \* **Recommendation:** Authorize the City Manager to:
- (a) Amend Purchase Order 48837 with Buckles Smith Electric (San José, CA), for the purchase of new and reconditioned supplies and electrical parts, to increase maximum compensation by \$700,000, for a revised total amount not-to-exceed \$1,780,000 for the current term ending June 30, 2014;
  - (b) Amend Purchase Order 48837 to increase the not-to-exceed amount for the remainder of the current term ending on June 30, 2014, in the event that the usage exceeds estimates, subject to the appropriation of funds; and
  - (c) Exercise the remaining one-year options to issue a new purchase order for the period July 1, 2014 through June 30, 2015, subject to the appropriation of funds.
- CEQA: Not a Project, File No. PP10-066(a), Purchase of Supplies, Equipment & Professional Services with no changes in the physical environment. (Finance)

### 2.11 [Cost-Share Agreement with the Santa Clara Valley Transportation Authority for the Sanitary Sewer Relocation Project.](#)

**Recommendation:** Approve an [agreement](#) with Santa Clara Valley Transportation Authority for the Sanitary Sewer Relocation Project on Alum Rock Avenue from the date of execution to June 30, 2015, in an amount not to exceed \$643,000. CEQA: Exempt, File No. PP13-076. Council District 5. (Public Works)

### 2.12 **Actions Related to Councilmember Chu's Travel to San Francisco, CA.**

**Recommendation:**

- (a) Approve [travel](#) by Councilmember Chu to San Francisco, CA on February 20 - 21, 2014 to attend the League of California Cities League Board of Director's Meeting. Source of Funds: League of California Cities. (Chu)
  - (b) [Request for an excused absence](#) for Councilmember Chu from the Regular Meeting of Public Safety, Finance and Strategic Support Committee on February 20, 2014 due to Authorized City Business: League of California Cities Annual Conference and Board of Director's Meeting. (Chu)
- \* (Rules Committee referral 1/29/14)

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the City Manager, Edward Shikada (Verbal Report)

### 3.2 Labor Negotiations Update

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

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 [Amendments to the Agreements for Airport Commercial Paper Program Letter of Credit Replacement.](#)

**Recommendation:** Adopt a [resolution](#) authorizing the City's designated officers to negotiate, execute and deliver the following agreements related to the City of San José, San José International Airport Subordinated Commercial Paper Notes:

- (a) [Letter of credit and reimbursement agreement](#) with Barclays Bank PLC, and the associated [fee letter](#);
- (b) [Third Amended and Restated Issuing and Paying Agent Agreement](#) with U.S. Bank National Association;
- (c) Third amended and restated dealer agreements with each of [Barclays Capital Inc.](#), [Citigroup Global Markets Inc.](#), and a fourth amended and restated dealer agreement with [Morgan Stanley & Co., LLC](#); and authorizing the City's designated officers to take other necessary actions in connection therewith.

CEQA: Not a Project, File No. PP10-066, Agreements/Contracts (New or Amended). (Finance)

#### 3.4 [Commission Appointments.](#) [Supplemental from the City Attorney](#) [Memo from Councilmembers Khamis and Nguyen](#) [Supplemental from the City Manager's Office](#)

\* **Recommendation:**

- (a)
  - (1) Approve appointments to the Housing and Community Development Commission; or, in the alternative
  - (2) Approve an ordinance amending Section 2.08.090 and Part 28 of Chapter 2.08 of Title 2 of the San José Municipal Code to modify the appointment process for the Housing and Community Development Commission and to make modifications to the quorum requirements for all boards and commissions.
- (b) Approve an ordinance amending Part 32 of Chapter 2.08 of Title 2 of the San José Municipal Code adding the appointment process for the Library and Early Education Commission.

CEQA: Not a Project; File No. PP10-068(b), Municipal Code or Policy change, Title 2 (Administration). (City Clerk/City Attorney) [Ordinance including 3.4\(a\)\(2\) and 3.4\(b\)](#) (Deferred from 1/14/14 – Item 2.7 and 1/28/14 – Item 2.7)

#### 3.5 [Amendments to the City Pay Plan for Various Classifications.](#)

\* **Recommendation:** Adopt a [resolution](#) to:

- (a) Amend the City of San José Pay Plan effective February 4, 2014, to create the following classifications:
  - (1) Assistant Communications Manager (8522)
  - (2) Crisis Intervention Training Manager (8541)

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Amendments to the City Pay Plan for Various Classifications. (Cont'd.)

**Recommendation:**

(b) Amend the City of San José Pay Plan effective February 4, 2014, to change the salary range and title for the following classifications:

- (1) Latent Fingerprint Examiner I/II/III (2241/2242/2246) (formerly Latent Fingerprint Examiner I/II (2241/2242))

CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy change, Title 3 (Personnel). (Human Resources)

#### 3.6 [Comprehensive Annual Financial Report for Retirement Plans for Fiscal Years Ending June 30, 2013 and June 30, 2012.](#)

\* **Recommendation:** Accept the following annual reports:

(a) [Police and Fire Department Retirement Plan](#) Comprehensive Annual Financial Report for the Fiscal Years ended June 30, 2013 and June 30, 2012; and

(b) [Federated City Employees' Retirement System](#) Comprehensive Annual Financial Report for the Fiscal Years ended June 30, 2013 and June 30, 2012.

CEQA: Not a Project, File No. PP10-069(a), Annual Reports that involve no approvals of any City action. (Retirement)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 [Rezoning the Real Property Located on the Northwest Corner of Charcot Avenue and Junction Avenue.](#)

\* **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the northwest corner of Charcot Avenue and Junction Avenue (521 Charcot Avenue) from the LI(PD) Planned Development Zoning District to the LI(PD) Planned Development Zoning District to allow light industrial uses, vehicle storage and warehousing, public and private events, general office, and commercial support on a 6.7 gross acre site (Club Auto Sport-Silicon Valley, LLC, Owner). CEQA: Final Program Environmental Impact Report for the North San Jose Development Policies Update, Resolution No. 72768. (Planning, Building and Code Enforcement)  
[PDC13-008](#) – District 4



## 5. NEIGHBORHOOD SERVICES

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### 5.1 [Bond Funded Softball Facility Update.](#)

[Memo from Mayor Reed and Councilmembers Herrera and Liccardo](#)

[Memo from Councilmember Rocha](#)

**Recommendation:** Accept the report which provides an update on the Measure P Bond funded softball facility site selection process and direct staff to proceed with next steps toward implementing the following recommendations:

- (a) Pursue negotiations with the owners of the Arcadia site as shown on Attachment A for the development of a bond funded softball facility at that site with a minimum of four adult sized lighted softball fields; and
- (b) Return to the City Council in late 2014 with recommendations on how to allocate any remaining reserves in the Parks and Recreation Bond Projects Fund for the softball facility.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of City actions. (Parks, Recreation and Neighborhood Services)

\* **TO BE HEARD LAST**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 [Agreement with IPS Group, Inc. for Smart Meters Parking.](#)

[Memo from Councilmembers Kalra and Chu](#)

[Memo from Councilmember Liccardo](#)

\* **Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to:
  - (1) Negotiate and execute a one-year agreement with IPS Group, Inc. (San Diego, CA) for the purchase of 1,200 single-space parking “Smart Meters”, parking occupancy sensors, installation services, a hosted Web based application for system administration and applicable sales tax for a not-to-exceed amount of \$1,294,700;
  - (2) Negotiate and execute amendments and change orders to the agreement to purchase additional Smart Meters as required, maintenance and support, payment processing, and a hosted Web based application for system administration; and to add, delete or relocate Smart Meters as required, subject to the appropriation of funds;
  - (3) Execute up to nine additional one-year options to extend the term of the agreement for on-going hosting services, system administration, payment processing, and maintenance and support, subject to the annual appropriation of funds.

*(Item continued on the next page)*

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Agreement with IPS Group, Inc. for Smart Meters Parking. (Cont'd.)

**Recommendation:**

- (b) Adopt the following Appropriation Ordinance amendments in the General Purpose Parking Fund:
- (1) Increase the appropriation to the Department of Transportation for Revenue Control and Meter Upgrades in the amount of \$250,000; and
  - (2) Decrease the appropriation to the Department of Transportation for the Minor Parking Facility Improvements by the same amount of \$250,000.
- CEQA: Exempt, File No. PP14-008. Council District 3. (Finance/Transportation/City Manager's Office)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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### 8.1 [Extension of Urgency Ordinance and Other Actions to Control Invasive Wild Pig Population.](#)

**Recommendation:** As recommended by Rules and Open Government Committee on January 29, 2014:

- (a) Adopt an [urgency ordinance](#) to extend the effectiveness of Ordinance No. 29336 which amends Section 10.32.010 of Chapter 10.32 of Title 10 of the San José Municipal Code to allow persons with duly issued and approved trapping licenses and wild pig depredation permits from the California Department of Fish and Wildlife to discharge firearms within the limits of the City under specified circumstances until February 2, 2015, as recommended by staff, to prevent a gap in providing a solution to the wild pig issue within San José and to allow for evaluation of the Urgency Ordinance through full seasonal migration patterns of local wild pig populations;
- (b) Direct staff to monitor complaints of wild pig incidences and record their observations on the effectiveness of the Urgency Ordinance and any challenges that ensue during the coming year;
- (c) Direct staff to continue to engage with stakeholders to encourage the County to consider taking concrete steps to reduce wild pig populations, through methods such as those employed in Monterey and Alameda Counties; and

*(Item continued on the next page)*

## 8. PUBLIC SAFETY SERVICES

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### 8.1 Extension of Urgency Ordinance and Other Actions to Control Invasive Wild Pig Population. (Cont'd.)

**Recommendation:**

(d) Direct staff to bring back to Council a recommendation for permanent ordinance, with input from the appropriate departments including Animal Services and the SJPd, in early December of 2014, so Council may consider it before the expiration of the Urgency Ordinance.

CEQA: Use of the Final EIR for the Santa Clara Valley Habitat Conservation Plan, File No. PP13-103 (Khamis)

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

\* [Rules Committee referral 1/29/14 – Item G(5)]

## 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.