



# CITY COUNCIL AGENDA

**MAY 6, 2014**

## **SYNOPSIS**

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**  
9:07 a.m. - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: All Present.**  
  
1:34 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: All Present.**
- **Invocation (District 5)**  
Yei Tochtli Mitlaphilli, Calpulli Tonalehqueh presented the Invocation.
- **Pledge of Allegiance**  
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report**  
No Report.

# 1. CEREMONIAL ITEMS

---

- 1.1 Presentation of a proclamation declaring the Month of May 2014 as “Asian Pacific American Heritage Month” in the City of San José. (Chu)  
**Heard in the Evening.**  
**Deferred to May 20, 2014 per Council Member Chu.**
- 1.2 Presentation of a proclamation for “Letter Carriers’ Food Drive Day” in the City of San José. (Kalra)  
**Mayor Reed and Council Members Kalra and Chu recognized “Letter Carriers’ Food Drive Day” in San José.**
- 1.3 Presentation of a proclamation declaring May 4, 2014 through May 10, 2014 as “Municipal Clerks Week” in the City of San José. (Mayor)  
**Mayor Reed recognized the week of May 4, 2014 through May 10, 2014 as “Municipal Clerks Week” and acknowledged the hardworking efforts of the City Clerk and her Staff.**

# 2. CONSENT CALENDAR

---

- 2.1 **Approval of Minutes.**  
**There were none.**

- 2.2 **Final Adoption of Ordinances.**

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29404 – Rezoning certain real property situated on the northwest corner of Tully Road and Capitol Expressway on an approximately 13.52 gross-acre site from the IP Industrial Park Zoning District to the CG Commercial General Zoning District.

**Ordinance No. 29404 adopted.**

- 2.3 **Approval of Council Committee Reports.**

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

- (a) Neighborhood Services and Education Committee Report of April 10, 2014. (Nguyen)  
(b) Rules and Open Government Committee Report of April 9, 2014. (Mayor)  
(c) Rules and Open Government Committee Report of April 16, 2014. (Mayor)

**Approved.**

- (d) Public Safety, Finance, and Strategic Support Committee Report of April 17, 2014. (Constant)

**Deferred to May 13, 2014 per City Clerk.**

## **2. CONSENT CALENDAR**

---

- 2.4 Mayor and Council Excused Absence Requests.**  
No Report.
- 2.5 City Council Travel Reports.**  
No Report.
- 2.6 Report from the Council Liaison to the Retirement Boards.**  
No Report.

## **3. STRATEGIC SUPPORT SERVICES**

---

- 3.1 Report of the City Manager, Edward Shikada (Verbal Report).**  
City Manager Edward K. Shikada announced the appointment of Pamela Antil as Assistant City Manager and thanked Interim Assistant City Manager Norberto Dueñas for his service during the recruitment.

City Manager Edward K. Shikada pointed out that an information memorandum was sent out today with updates regarding the Patton Boggs Federal Legislative and Regulatory action relevant to general local government interests.

- 3.2 Labor Negotiations Update.**

**Recommendation:** Accept Labor Negotiations Update.  
**Heard at 9:00 a.m.**  
No Report.

- 3.3 Actions Related to the Agreement with Google Fiber for Future Installation of Google Fiber Network.**

**Recommendation:**

- (a) Accept status report on the City's efforts to submit information requested by Google Fiber for its consideration of selecting San José for the future installation of a Google Fiber network.
- (b) Adopt a resolution authorizing the City Manager or his designee to execute a master Network Hut License Agreement with Google Fiber, and to execute Network Hut Site Terms thereunder for individual sites following City Council approval of such individual sites.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (City Manager)  
(Deferred from 4/29/14 – Item 3.4)

**Deferred to May 13, 2014 per Administration.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

---

### **4.1 Agreement with Prospect Silicon Valley for the Sublease of San José Environmental Innovation Center.**

**Recommendation:**

- (a) Conduct a Public Hearing concerning an economic development subsidy to be provided to Prospect Silicon Valley or "Prospect SV," in connection with a below-market lease, pursuant to California Government Code Section 53083.
- (b) Adopt a resolution authorizing the City Manager, or his designee, to execute a below-market sublease, for an initial term of five (5) years, plus two (2) three (3) year extension options, with Prospect SV, for approximately 23,492 square feet of space in real property located at 1608 Las Plumas Avenue, known as the San José Environmental Innovation Center, or "EIC," for purposes of operating a clean technology demonstration center.

CEQA: Negative Declaration for the San José Environmental Innovation Center, File No. PP09-138. (Economic Development)

**Deferred to May 13, 2014 per Administration.**

### **4.2 Actions Related to the Agreement with San José Fairmont Lessee, LLC for Catered Event Management Services.**

**Recommendation:** Adopt resolutions:

- (a) Authorizing the City Manager to negotiate and execute a continuation agreement to the Catering Management Services Agreement at the Fourth Street Garage Banquet Center with San José Fairmont Lessee, LLC, the successor in interest to Light Tower Associates, L.P. (aka the Fairmont) for an additional term through May 14, 2014, and making other changes thereto including but not limited to reducing the minimum guarantee due the City for the additional term from \$212,000 to \$101,200, and reducing the minimum guarantee currently owed the City for the term that expired on February 28, 2013, by an amount not to exceed \$36,125.
- (b) Authorizing the City Manager to negotiate and execute an agreement with the San José Fairmont Lessee, LLC as the exclusive contractor to provide catering management services at the Fourth Street Garage Banquet Center and City Hall, for a term of two years, with the option of up to four additional two-year terms at the City's discretion, commencing on May 15, 2014.
- (c) Revising the Schedule of Fees for Use of City Hall and the Plaza and superseding Resolution No. 75379, to be effective May 15, 2014.

CEQA: Not a Project, File No. PP10-066(a), Purchase of Supplies, Equipment & Professional Services with no changes in the physical environment. Council District 3. (Public Works)

**Deferred to May 13, 2014 per Administration.**

## **5. NEIGHBORHOOD SERVICES**

---

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

---

### **6.1 Report on Bids and Award of Construction Contract for the 7333 - 2013 Relinquishment Pavement Project.**

#### **Recommendation:**

(a) Report on bids and award of a construction contract for the 7333 - 2013 Relinquishment Pavement Project, Federal Project No. STPL 5005 (120), to the lowest responsive bidder, Bay Cities Paving and Grading, Inc. in the amount of \$12,018,386.

(b) Approve a ten percent contingency in the amount of \$1,201,839.

CEQA: Exempt, File No. PP11-035. (Public Works)

**The memorandum from Council Member Rocha, dated May 6, 2014 was approved, the Staff recommendations were accepted, with Staff directed to send a letter to Senator Beall informing him of the actions taken by the City of San José as a result of the passage of AB 1670.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

---

## **8. PUBLIC SAFETY SERVICES**

---

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

---

- **Open Forum**  
Ross Signorino thanked Vice Mayor Nguyen for a book that she presented to him.
- **Adjournment**  
The Council of the City of San José was adjourned at 1:57 p.m.