



CITY COUNCIL AGENDA

OCTOBER 21, 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. 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, 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**
 - 9:30 a.m.** - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: Herrera (Excused)
 - 1:30 p.m.** - Regular Session, Council Chambers, City Hall
Absent Councilmembers: Herrera (Excused)
 - 7:10 p.m.** - Public Hearings, Council Chambers, City Hall
Absent Councilmembers: Herrera (Excused)
- **Invocation (District 9)**

The Underserved and Gifted presented 'Let Them See', a video presentation highlighting the City-affiliated youth program working to end violence.
- **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, with Item 2.3(c) deferred to 11/18/14.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation to recognize the week of October 23, 2014 as National Save for Retirement Week. (Constant)
Mayor Reed and Councilmember Constant recognized the week of October 23, 2014 as National Save for Retirement Week.
- 1.2 Presentation of a commendation to Nextdoor for its partnership with the City of San José and for its role in informing and empowering San José residents. (Herrera)
Mayor Reed commended Nextdoor for its partnership with the City of San José and for its role in informing and empowering San José residents to help make their neighborhoods safer and happier places to live.
- 1.3 Presentation of a proclamation declaring October 8, 2014 as “International Walk to School Day” in the City of San José. (Herrera)
Mayor Reed recognized October 8, 2014 as “International Walk to School Day” in the City of San José.
- 1.4 Presentation of a proclamation for “Hindu-American Awareness & Appreciation Month” in the City of San José. (Kalra)
Mayor Reed and Councilmember Kalra recognized “Hindu-American Awareness & Appreciation Month” in the City of San José.
Heard in the evening.
- 1.5 Presentation of a commendation to participants of the Google Science Fair. (Mayor)
(Rules Committee referral 10/15/14)
Mayor Reed and Councilmember Kalra congratulated and offered a commendation to participants of the Google Science Fair.
Heard in the evening.
- 1.6 Presentation of a commendation to Officer Huan Nguyen of the San José Police Department. (Nguyen)
(Rules Committee referral 10/15/14)
Mayor Reed and Vice Mayor Nguyen commended Officer Huan Nguyen of the San José Police Department, who organized a crowd-sourcing fundraiser to aid the family of road rage victim Phuoc Lam in District 7, which garnered over \$125,000 in support from across the US as well as overseas.
Heard in the evening.

2. CONSENT CALENDAR

2.1 **Approval of Minutes.**
None provided.

2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

(a) ORD. NO. 29492 – Rezoning certain real property situated at the northeast corner of Park Avenue and Laurel Grove Lane from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.

Ordinance No. 29492 passed for publication.

2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

(a) Rules and Open Government Committee Report of September 24, 2014. (Mayor)

(b) Public Safety, Finance, and Strategic Support Committee Report of September 25, 2014. (Constant)

Approved.

(c) Rules and Open Government Committee Report of October 1, 2014. (Mayor)
Deferred to 11/18/14 per Orders of the Day.

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 **Agreement with ReliaStar Life Insurance Company for Voluntary Personal Insurance Benefits Plans.**

Recommendation: Approve the Agreement with ReliaStar Life Insurance Company to provide voluntary insurance benefits including Accident Insurance and Critical Illness Insurance for the City's voluntary insurance benefits program for the period of January 1, 2015 to December 31, 2015, and to exercise up to three one-year options to renew the Agreement through December 31, 2018. CEQA: Not a Project, File No. PP10-068(e), Services that involve no physical changes to the environment. (Human Resources)
(Deferred from 9/30/14 – Item 2.10)

Approved.

2. CONSENT CALENDAR

2.8 Legal Services Contract to Support the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.

Recommendation: Adopt a resolution authorizing the City Attorney to do the following:

- (a) Negotiate and execute a legal services contract with Hawkins, Delafield & Wood LLP to support the San José-Santa Clara Regional Wastewater Facility capital improvement program for an initial one-year term with compensation not to exceed \$180,000;

Resolution No. 77189 adopted.

- (b) Exercise up to two one-year options extending the legal services contract with Hawkins, Delafield & Wood LLP with compensation for each option year not to exceed \$160,000 plus any funds remaining from the previous contract year, subject to appropriation of funds by the City Council.

CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical change to the environment. (City Attorney)

Approved.

2.9 Consider Actions Regarding Arizona SB 1070 Relating to Immigration Enforcement.

Recommendation: Adopt a resolution to repeal Resolution No. 75401 which directed City staff to take certain actions as a result of the enactment of Arizona SB 1070 relating to immigration enforcement. CEQA: Not a Project; File No. PP10-068(c), Policy that involves no changes in the physical environment. (City Attorney)

Resolution No. 77190 adopted.

2.10 City Positions on the November 4, 2014 California General Election Ballot – Propositions 1, 2, 45 – 48.

Recommendation: As referred by the Rules and Open Government Committee on October 1, 2014, approve the recommended City position for Propositions 1, 2, 45 – 48, on the November 4, 2014 California General Election ballot.

(Item Continued on the next page)

2. CONSENT CALENDAR

2.10 City Positions on the November 4, 2014 California General Election Ballot – Propositions 1, 2, 45 – 48 (Cont’d.)

<u>Propositions</u>		<u>Recommended City Position</u>
Proposition 1 -	Water Bond. Water Quality, Supply and Support Infrastructure Act of 2014 (AB 1471 Ch. 188).	Support
Proposition 2 -	State Budget Stabilization Account. Legislative Constitutional Amendment.	Support
Proposition 45 -	Healthcare Insurance. Rate Changes. Initiative Statute.	No Position
Proposition 46 -	Drug and Alcohol Testing of Doctors, Medical Negligence Lawsuits. Initiative Statute.	Oppose
Proposition 47 -	Criminal Sentences. Misdemeanor Penalties. Initiative Statute.	Oppose
Proposition 48 -	Indian Gaming Compacts. Referendum.	No Position

(City Manager)
[Rules Committee referral 10/1/14 – Item G(8)]

Item 2.10 was bifurcated, with Propositions 46, 47, and 48 pulled for separate votes.

Propositions 1 & 2: Support positions were recommended. (9-1. Noes: Kalra.)

Proposition 45: No Position taken. (9-1. Noes: Kalra.)

Proposition 46: Oppose Position taken. (6-4. Noes: Campos, Kalra, Liccardo, Nguyen.)

Proposition 47: No position taken. (5-5. Ayes: Campos, Kalra, Nguyen, Rocha; Reed. Noes: Chu, Constant, Khamis, Liccardo, Oliverio.)

Proposition 48: Oppose position taken. (10-0-1)

2. CONSENT CALENDAR

2.11 Downtown High Rise Development Incentives.

Recommendation: As recommended by the Community and Economic Development Committee on September 22, 2014, adopt a resolution modifying the 2,500 units limit of the existing Parks Specific High Rise Incentive Program to add 64 units to the maximum limit of units that are eligible to receive the incentive and sunset the program by June 30, 2016, even if the unit count is not reached. CEQA: Not a Project, File No. PP10-067 (Statutory Exemption, Sec. No. 15273), Rates, Tolls, Fares, and Charges. (Economic Development/Planning, Building and Code Enforcement/Parks, Recreation and Neighborhood Services)

[Community and Economic Development Committee referral 9/22/14 – Items D(2)(a)(1)]

Resolution No. 77191 adopted.

Noes: Campos, Kalra.

2.12 Agreements for Special Inspection and Materials Testing Services for the San José - Santa Clara Regional Wastewater Facility Capital Improvement Program.

Recommendation: Approve Master Agreements between the City of San José and the following firms for special inspection and materials testing services for various capital improvement projects at the San José-Santa Clara Regional Wastewater Facility for a 5-year term beginning upon execution of the agreements through December 31, 2019, subject to the appropriation of funds:

- (a) Construction Testing Services, Inc. in an amount not to exceed \$500,000; and
- (b) Signet Testing Laboratories, Inc. in an amount not to exceed \$500,000.

CEQA: Exempt, File No. PP10-066(d), Consultant Services. (Environmental Services)

Approved.

2.13 District 8's Public Safety Fair.

Recommendation: As recommended by the Rules and Open Government Committee on October 8, 2014:

- (a) Approve the Public Safety Fair scheduled on October 20, 2014 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. (Herrera)

[Rules Committee referral 10/8/14 – Item G(3)]

Approved.

2. CONSENT CALENDAR

2.14 Amendment to the Agreement for Enterprise Cashiering Software System with System Innovators.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute the First Amendment to the Enterprise Cashiering Software System Agreement with System Innovators, a division of Harris Computer Systems, Inc. (Jacksonville, FL) to extend the term of the agreement for an additional five years, from April 24, 2014 to April 25, 2019, to enhance functionality, add additional interfaces, provide ongoing maintenance and support, and increase compensation by \$150,687 for revised maximum compensation of \$400,142.
- (b) Execute change orders not-to-exceed \$150,000 to cover any unanticipated changes or requirements related to the enhanced functionality, and additional interfaces, subject to the appropriation of funds.
- (c) Execute one-year options to extend the term of the Agreement commencing in 2019 to provide ongoing maintenance and support subject to the annual appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)

Resolution No. 77192 adopted.

2.15 Recertification of the Revised Sewer System Management Plan as Required by the State Water Resources Control Board.

Recommendation: Approve the recertification of the revised Sewer System Management Plan as required by the State Water Resources Control Board. CEQA: Exempt, Title 14, Sections 15301 and 15302. (Transportation/Public Works/Environmental Services)

Approved.

2.16 District 5's Peace in the Park.

Recommendation: As recommended by the Rules and Open Government Committee on October 15, 2014:

- (a) Approve the Peace in the Park scheduled on October 18, 2014 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. (Campos)

[Rules Committee referral 10/15/14 – Item G(2)]

Approved.

2. CONSENT CALENDAR

2.17 District 10's Youth Job and College Fair.

Recommendation: As recommended by the Rules and Open Government Committee on October 15, 2014:

- (a) Approve the Youth Job and College Job Fair scheduled on Saturday, October 25, 2014 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. (Khamis)

[Rules Committee referral 10/15/14 – Item G(3)]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Edward Shikada (Verbal Report). None provided.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
None provided.

3.3 Implementation of Changes to Retiree Healthcare Funding for the Bargaining Units Representing Employees in the Federated City Employees' Retirement System and Modifications for Employees in Unit 99.

Recommendation:

- (a) Adopt a resolution to approve the terms of agreements with the bargaining units listed below that would modify retiree healthcare funding effective December 21, 2014 by extending the phase-in of the retiree healthcare Annual Required Contribution through June 21, 2015 and authorize the City Manager to execute said agreements, pending ratification by their memberships:
 - (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI);
 - (2) Association of Engineers and Architects, IFPTE Local 21 (AEA Units 41/42 and 43);
 - (3) Association of Legal Professionals (ALP);
 - (4) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP);

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Implementation of Changes to Retiree Healthcare Funding for the Bargaining Units Representing Employees in the Federated City Employees' Retirement System and Modifications for Employees in Unit 99. (Cont'd.)

- (a) (5) City Association of Management Personnel, IFPTE Local 21 (CAMP);
(6) Confidential Employees' Organization, AFSCME Local 101 (CEO);
(7) International Brotherhood of Electrical Workers, Local No. 332 (IBEW);
(8) Municipal Employees' Federation, AFSCME Local 101 (MEF); and
(9) International Union of Operating Engineers, Local 3 (OE#3)

Resolution No. 77193 adopted.

- (b) Adopt a resolution to approve modifications to the retiree healthcare funding phase-in for Executive Management and Professional Employees (Unit 99) effective December 21, 2014, to extend the phase-in of the retiree healthcare Annual Required Contribution through June 21, 2015.

Resolution No. 77194 adopted.

- (c) Direct the Administration to bring forward a recommendation to place the savings from the phase-in extension into the Retiree Healthcare Solutions Reserve in the applicable City funds as part of the 2014-2015 Annual Report for the one-time savings generated from the recommendations related to the changes to the retiree healthcare funding provisions for employees in the Federated City Employees' Retirement System for 2014-2015.

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

(Deferred from 10/7/14 – Item 3.4)

Approved.

3.4 Actions Related to the Request for Proposal for the Purchase of Business Tax Billing System.

Recommendation:

- (a) Accept the report on the Request for Proposal for the purchase of a Business Tax Billing System and adopt a resolution authorizing the City Manager to:
 - (1) Negotiate and execute an Agreement with CSDC Systems Inc. (Fort Worth, TX) for the purchase of a Business Tax Billing System to include software, installation, implementation, data migration, training and related professional services, taxes, maintenance and support, for an initial five-year term ending June 2019, with a maximum compensation not-to-exceed \$1,488,536, subject to the appropriation of funds;
 - (2) Execute change orders to cover any unanticipated changes or requirements in the system design and implementation not to exceed \$200,205 (15% of first year amount) as may be required, subject to the appropriation of funds; and

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Actions Related to the Request for Proposal for the Purchase of Business Tax Billing System (Cont'd.)

- (a) (3) Execute one-year options to extend the term of the Agreement to provide ongoing maintenance and technical support services after the initial five-year term at an estimated initial annual cost of \$40,181 to be adjusted each year up to 3%, subject to the annual appropriation of funds.

Resolution No. 77195 adopted.

- (b) Adopt the following 2014-2015 Appropriation Ordinance amendments in the General Fund:

- (1) Increase the Business Tax System Replacement appropriation to the Finance Department in the amount of \$2,290,000; and

- (2) Decrease the Business Tax System Replacement Reserve by \$2,290,000.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance/City Manager)

(Deferred from 10/7/14 – Item 3.6)

Ordinance No. 29498 adopted.

3.5 Report on Request for Proposal for Airport Baggage Handling Conveyor System Services.

Recommendation: Accept the report on the Request for Proposal for Airport Baggage Handling Conveyor System Services and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Vanderlande Industries Inc. (Wilmington, DE) for the operation, maintenance and repair of the Airport Baggage Handling Conveyor System in Terminals A and B, including all spare and replacement parts, for an initial five-year term ending October 31, 2019, with a maximum compensation not-to-exceed \$2,054,955 for the initial twelve months of the Agreement, and an estimated \$10,158,827 for the five year term, subject to the annual appropriation of funds;
- (b) Adjust the maximum compensation annually, not to exceed 3% annually or the percentage adjustment to the City's Living Wage/Prevailing Wage whichever is greater, subject to the appropriation of funds;
- (c) Execute change orders to cover any unanticipated and non-routine repairs during the initial five year term of the Agreement as may be required, not to exceed \$500,000, subject to the appropriation of funds; and
- (d) Execute five one-year options to extend the term of the Agreement after the initial five year term subject to the annual appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)

Deferred to 10/28/14 per Administration

3. STRATEGIC SUPPORT SERVICES

3.6 Audit of City Procurement Cards.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on September 25, 2014, accept the Audit of City Procurement Card: Better Oversight and Streamlined Processes Would Improve Protection of Public Resources. (City Auditor)

[Public Safety, Finance, and Strategic Support Committee referral 9/25/14 – Item D(6)]

Accepted, with recommendations as outlined the joint memorandum from Mayor Reed and Councilmembers Constant and Liccardo, dated October 17, 2014, that (1) staff begin posting procurement card transaction data on the City’s internet site as soon as card numbers can be redacted to increase transparency and encourage compliance with the City Policies; and (2) assign the City Clerk as approving official for City Council appointees’ transactions.

3.7 Audit of Development Services.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on September 25, 2014, accept the Audit of Development Services: Improving the Experience for Homeowners. (City Auditor)

[Public Safety, Finance, and Strategic Support Committee referral 9/25/14 – Item D(7)]

Accepted, with direction to Staff to provide an analysis to Council by the end of the year determining which items can be eliminated, and if an ordinance will be needed.

3.8 Follow-Up Report on PRNS' Response to the Audit of Senior Membership Fee Revenue.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on September 25, 2014, accept the Audit of Senior Membership Fee Revenue, and the Follow-up Report on PRNS’ Response to the Audit of Senior Membership Fee Revenue. CEQA: Not a Project, File No. PP10-069(a), Staff Report. (City Auditor/Parks, Recreation and Neighborhood Services)

[Public Safety, Finance, and Strategic Support Committee referral 9/25/14 – Item D(8)]

Accepted, with Staff directed to conduct further outreach with the senior community and to continue to work and communicate with the various community associations in crafting MOUs that will satisfy the communities’ needs.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Downtown High Rise Development Incentives.

Recommendation: As recommended by the Community and Economic Development Committee on September 22, 2014, direct the City Attorney to draft an ordinance amending Chapter 4.46 of Title of the San José Municipal Code and Chapter 4.47 of Title 4 of the San José Municipal Code to add sections to suspend the collection of the building and structure constructions tax for a single commercial high rise development project within two years. CEQA: Not a Project, File No. PP10-067 (Statutory Exemption, Sec. No. 15273), Rates, Tolls, Fares, and Charges. (Economic Development /Planning, Building and Code Enforcement/Parks, Recreation and Neighborhood Services) [Community and Economic Development Committee referral 9/22/14 – D(2)(a)(3)]
Deferred to 11/18/14 per Administration

4.2 Extension of North San José Development Incentive.

Recommendation: As recommended by the Community and Economic Development Committee on September 22, 2014, adopt a resolution amending the North San José Area Development Policy to:

- (a) Extend the North San José Traffic Impact Fee Incentive deadline for Tier 2 projects (build to suit projects of over one million square feet) to obtain building permits for one year to December 31, 2017; and to receive a certificate of occupancy for one year to December 31, 2017;
- (b) Limit the amount of development capacity in the incentive to a total of four million square feet across both Tiers; and
- (c) Designate the point at which the allocation of the incentive occurs is at the time of payment of the Traffic Impact Fee, or upon execution of an Industrial Project Completion Agreement upon approval of a valid development permit.

CEQA: North San José Environmental Impact Report, Resolution No. 72768 and Addenda thereto. (Economic Development /Planning, Building and Code Enforcement/Transportation)

[Community and Economic Development Committee referral 9/22/14 – Items D(2)(b)]

Deferred to 11/4/14 per Rules and Open Government Committee

4.3 Nomination of the San José Central Fire Station (201 N. Market Street) for Listing on the National Register of Historic Places.

Recommendation: Consider the comments of the Historic Landmarks Commission and provide comments to the State of California regarding the proposed nomination of the San Jose Central Fire Station (201 N. Market Street) for listing on the National Register of Historic Places. CEQA: Not a project, File No. PP10-069, City Organizational and Administrative Activities. Council District 3. (Planning, Building and Code Enforcement)

Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Award of Contract for the San Carlos Street Multimodal Streetscape Improvement Project - Phase II.

Recommendation: Report on bids and award of the contract for the 6597 – San Carlos Street Multimodal Streetscape Improvement Project – Phase II (between Market Street and South Second Street), Federal Project No. STPL-5005(104) to the low bidder Redgwick Construction Company, in an amount of \$1,540,100, and approval of a ten percent contingency in the amount of \$154,000. CEQA: Exempt, File No. PP03-08-254, Re-use of the Downtown Strategy SEIR, Resolution No. 68839. Council District 3. (Public Works/Transportation)

Approved.

5 NEIGHBORHOOD SERVICES

6 TRANSPORTATION & AVIATION SERVICES

7 ENVIRONMENTAL & UTILITY SERVICES

8 PUBLIC SAFETY SERVICES

9 REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
 - (1) **Steve Bennette complained that inadequate notice was provided to homeowners that garbage bill charges would be included in their property tax.**
 - (2) **Leon Dryden offered comments regarding the City’s failure to enforce its codes and the flagging/tagging of private residences.**
 - (3) **Yolanda Lewis offered comments regarding the speakers’ timing light and City policy.**

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 4:26 p.m.

10 GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11 PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) **Prezoning the Real Property Located Southerly of the Terminus of Pullman Way.**

Recommendation: Consideration of an ordinance rezoning the real property located southerly of the terminus of Pullman Way from unincorporated County to PQP Public/Quasi-Public Zoning District and IP Industrial Park Zoning District on an approximately 9.6 gross acre site encompassing a portion of existing railroad right of way (Raisch Investment Group Ltd, Union Pacific Railroad, Owners). CEQA: Communications Hill 2 Project Subsequent Environmental Impact Report Resolution No. 77172. Planning Commission recommends approval (5-0-1-1). (Planning, Building and Code Enforcement)

C14-046 – District 7

[Deferred from 9/30/14 – Item 11.1(a)]

Ordinance No. 29499 passed for publication.

- (b) **Prezoning the Real Property Located East of Canoas Garden Avenue, North and South of Millpond Drive.**

Recommendation: Consideration of an ordinance rezoning the real property located east of Canoas Garden Avenue, north and south of Millpond Drive (County of Santa Clara, California Department of Public Transportation, Brandenburg Staedler & Moore- Mill Pond, Owners) from unincorporated County to PQP Public/Quasi-Public Zoning District and OS Open Space Zoning District on an approximately 12.4 gross acre site. CEQA: Communications Hill 2 Project Subsequent Environmental Impact Report Resolution No. 77172. Planning Commission recommends approval (5-0-1-1). (Planning, Building and Code Enforcement)

C14-047 – District 7

[Deferred from 9/30/14 – Item 11.1(b)]

Ordinance No. 29500 passed for publication.

(Item Continued on the next page)

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar. (Cont'd.)

Recommendation:

- (c) **Prezoning the Real Property Located Northeast of Saint Florian Way and Adeline Avenue.**

Recommendation: Consideration of an ordinance rezoning the real property located northeast of Saint Florian Way and Adeline Avenue (APN: 455-09-040) from unincorporated County to PQP Public/Quasi-Public Zoning District on a 2.0 gross acre site (Joaquin Bear LLC, Owner). CEQA: Communications Hill 2 Project Subsequent Environmental Impact Report Resolution No. 77172. Planning Commission recommends approval (5-0-1-1). (Planning, Building and Code Enforcement)

C14-048 – District 7

[Deferred from 9/30/14 – 11.1 (c)]

Ordinance No. 29501 passed for publication.

- (d) **Prezoning the Real Property Located South of Batista Drive at the County Communications Facility at the Terminus of Carol Drive.**

Recommendation: Consideration of an ordinance rezoning the real property located south of Batista Drive at the County Communications Facility at the terminus of Carol Drive (County of Santa Clara, Owner). CEQA: Communications Hill 2 Project Subsequent Environmental Impact Report Resolution No. 77172. Planning Commission recommends approval (5-0-1-1). (Planning, Building and Code Enforcement)

C14-049 – District 7

[Deferred from 9/30/14 – 11.1(d)]

Ordinance No. 29502 passed for publication.

END OF THE PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Rezoning and Prezoning the Real Property Located on the South Side of Union Pacific Railroad Tracks, West of Hillsdale Avenue, Northerly of Adeline Avenue and Altino Boulevard, and Easterly of Highway 87 at the Terminus of Carol Drive.

Recommendation: Consideration of an ordinance rezoning and prezoning the real property located on the south side of the Union Pacific Railroad tracks, west of Hillsdale Avenue, northerly of Adeline Avenue and Altino Boulevard, and easterly of Highway 87 at the terminus of Carol Drive (Mta Properties LP Robert Bettencourt, Owner; KB Home South Bay, Inc., Peter Lezak, Developer) from A(PD) Planned Development, A Agriculture and Prezoning from unincorporated County to A(PD) Planned Development Zoning District for the proposed development of up to 2,200 residential units including single family attached and detached and multi-family units; up to 67,500 square feet of retail/commercial space; up to 1.44 million square feet of industrial park uses; parks, trails, a school site and related off-site public infrastructure of an approximately 331.6-acre site. CEQA: Communications Hill 2 Project Subsequent Environmental Impact Report Resolution No. 77172. (Planning, Building and Code Enforcement)

PDC13-009 – District 7

(Deferred from 9/30/14 – Item 11.3)

Ordinance No. 29503 passed for publication, with the Staff’s recommendation accepted and approval of the zoning and pre-zoning for Communications Hill 2 Project, with direction to staff to (1) implement the measures outlined in the memorandum authored by Mayor Reed, Vice Mayor Nguyen and Councilmembers Liccardo and Rocha dated October 16, 2014 related to the Grand Staircase, Jobs and Transportation; (2) work with elected representatives in Sacramento to pass legislation to allow for the legal transfer or conversion of the Grand Staircase to parkland or trail; and (3) to return by December 9, 2014 with a proposed ordinance to enforce nuisance and other threats to public safety at the Grand Staircase.

11.3 Rezoning the Real Property Located on the Southwest Side of Dove Hill Road, Approximately 1370 Feet Southerly of Yerba Buena Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the southwest side of Dove Hill Road, approximately 1370 feet southerly of Yerba Buena Avenue (0 Dove Hill Road) from A Agricultural to R-1-2 Zoning on an approximately 0.87 gross acre site. CEQA: Re-use of San José 2040 General Plan FEIR, Resolution No. 76041. (Planning, Building and Code Enforcement)

C14-031 – District 8

Ordinance No. 29504 passed for publication.

11. PUBLIC HEARINGS

11.4 Rezoning the Real Property Located on the West Side of San Felipe Road, Approximately 90 Feet North of Fowler Road.

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of San Felipe Road, approximately 90 feet north of Fowler Road from the Agriculture Zoning District to the R-1-5 Single-Family Residence Zoning District of an approximately 0.24 gross acre property (APN 676-33-013) and the northern portion of a contiguous property to the east (APN 676-33-014) of approximately 0.17 acres. CEQA: Re-Use of Envision San José 2040 General Plan FEIR (Reso. No. 76041). (Planning, Building and Code Enforcement)

C14-034- District 8

Continued to 10/28/14 as requested by Councilmember Herrera, with Staff directed to return at that time prepared to discuss the setback's impact on the riparian corridor.

11.5 Rezoning the Real Property Located on the East Side of the Stone Avenue Approximately 650 Feet Northerly of Cimino Street.

Recommendation: Consideration of an ordinance rezoning the real property located on the east side of the Stone Avenue approximately 650 feet northerly of Cimino Street (1850 Stone Avenue) from the IP-Industrial Park to the HI-Heavy Industrial Zoning District on a 4.64 gross acre site (KT 2 Stone LLC, Owners). CEQA: Re-use of San José 2040 General Plan FEIR, Resolution No. 76041. (Planning, Building and Code Enforcement)

C14-037 – District 7

Ordinance No. 29505 passed for publication.

11.6 Rezoning the Real Property Located at the Southeast Corner of South Winchester Boulevard and Williams Road.

Recommendation: Consideration of an ordinance rezoning the real property located at the southeast corner of South Winchester Boulevard and Williams Road (1000 South Winchester Boulevard) from the Commercial Office Zoning District to the Commercial Pedestrian Zoning District on an approximately 0.20 gross acre site (Sakai Eugene Et Al, Owner). CEQA: Exempt. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)

C14-043 – District 1

Ordinance No. 29506 passed for publication.

11. PUBLIC HEARINGS

11.7 Amendment to a Development Agreement in the North San José Area Development Policy Area.

Recommendation: Consideration of an ordinance to amend a Development Agreement with Barry Swenson Builder to develop up to 378 multi-family attached residential units and approximately 5,115 square feet of ground floor commercial space consistent with a previously approved Planned Development Rezoning (File No. PDC13-055), which allows up to 460 residential units and up to 20,000 square feet of ground floor commercial space on a 2.4 gross acre site located at the southwest corner of North First Street and Century Center Court (1729 N. First Street) in the North San José Area Development Policy area, subject to performance by Barry Swenson Builder for payment of contributions, commencement of construction and subsequent occupancy per deadlines of performance included in the previously approved Development Agreement (File No. DA13-001). The purpose of this Development Agreement amendment is to modify the findings to recognize that the extraordinary benefit to be provided by the project includes a contribution of \$2,600,000 to be used either for affordable housing or transportation infrastructure improvements (James F. Schmidt, owner). CEQA: North San José Area Development Policies Update Environmental Impact Report, Resolution No. 72768. (Planning, Building and Code Enforcement)

DA14-001 – District 3

Deferred to 12/9/14 per Administration

11.8 Rezoning the Real Property Located at the Southeast Corner of West San Carlos Street and Sunol Street.

Recommendation: Consider the following actions:

- (a) Adopt an ordinance rezoning the approximately 4.73 gross acre site located at the southeast corner of West San Carlos Street and Sunol Street (800 West San Carlos Street) from HI Heavy Industrial to RM(PD) Planned Development Zoning District to allow up to 315 residential units and approximately 20,500 square feet of commercial uses.

Ordinance No. 29507 passed for publication.

- (b) Open the hearing on Planned Development Permit, File No. PD14-012 for the approximately 4.73 gross acre site located at the southeast corner of West San Carlos Street and Sunol Street (800 West San Carlos Street) to allow the construction of up to 315 multi-family residential units and 22,665 square feet of commercial space, and continue the hearing to the October 28, 2014 Council meeting for adoption of the resolution. (Cheim, Barbara J Jr Trustee & Et Al, Owner).

(Item Continued on the next page)

11. PUBLIC HEARINGS

11.8 Rezoning the Real Property Located at the Southeast Corner of West San Carlos Street and Sunol Street (Cont'd.)

CEQA: Addendum to the Diridon Station Area Plan EIR. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)

PDC14-007/PD14-012 – District 6

Approved, with recommendations as outlined the joint memorandum from Mayor Reed and Councilmember Oliverio, dated October 17, 2014, to approve the ordinance, and to open the hearing on the Planned Development Permit to allow the development of up to 315 multi-family residential units and 22,665 square feet of commercial space, and continue the hearing to October 28, 2014 for adoption of the resolution.

Note: Item 11.8(b) was previously noted as “Deferred to 10/28/14.” The public hearing was opened at this meeting and continued to the 10/28/14 meeting.

- **Open Forum**

Residents of the Evergreen area, as listed below, expressed their frustration and fear in dealing with the burglaries in their neighborhood and urged the Mayor and Council to take action: Wallace Gardner, Bruce Tran, Paula Martinez, Zhefeng Du, Alice Aguilar, Susan, Duy Tu, Ed Ho, Dana Ye, June Yang, Tony Tran, Dewey Dean, Rita Jin, Anika Maturi, Trisha Maturi, Kien Lam, Hanh Tran, Ku Lo, Irma Tiejó, Le Huong, Sphie Dao, Vinod Kashyap, Rashmi Kashyap, Ghuong Va Le, Phat Lu, Ngoc Do and Tommy Fulcher.

- **Adjournment**

The Council of the City of San José adjourned at 9:25 p.m. in memory of Haylie Lynn Jackson. At the age of nine, Haylie’s courageous fight against bone cancer inspired and educated many, especially in the Sartorette Elementary School community. Her courage and joy were virtues we should all aspire to. (Rocha)