



# CITY COUNCIL AGENDA

**APRIL 25, 2017**

## SYNOPSIS

CHAPPIE JONES  
SERGIO JIMENEZ  
RAUL PERALEZ  
LAN DIEP  
MAGDALENA CARRASCO  
VICE MAYOR

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS  
TAM NGUYEN  
SYLVIA ARENAS  
DONALD ROCHA  
JOHNNY KHAMIS

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 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=5322>. 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, Tower 14<sup>th</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 [City.Clerk@sanjoseca.gov](mailto:City.Clerk@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**  
9:32 a.m. - Closed Session, Call to Order in Committee Room W118, City Hall  
Absent Councilmembers: None  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
Absent Councilmembers: None  
  
6:00 p.m. - Cancelled
- **Invocation (District 4)**  
Swami Narayananda from Balaji Temple, recited a Hindu mantra for peace and prosperity.
- **Pledge of Allegiance**  
Mayor Liccardo led the Pledge of Allegiance.
- **Orders of the Day – *Heard after Ceremonial Items***  
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report – *Heard after Ceremonial Items***  
No report provided.

## 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a proclamation for “Arbor Day” to demonstrate support for environmental protection and sustainability through the planting of trees in the City of San José. (Arenas)  
**Councilmember Sylvia Arenas provided a proclamation to members of “Our City Forest” declaring “Arbor Day” in the City of San Jose.**
- 1.2 Presentation of a proclamation for El dia de los niños (Children’s Day), a celebration of children and reading that takes place every year on April 30 highlighting the importance of advocating literacy for children of all cultural backgrounds. (Carrasco)  
**Vice Mayor Magdalena Carrasco, Mayor Liccardo and Councilmember Dev Davis presented a proclamation to the recipient of “Consulate for the Day” from the Mexico Consulate proclaiming today “El dia de los niños” in the City of San Jose.**
- 1.3 Presentation of a proclamation to YWCA of Silicon Valley proclaiming the month of May as Sexual Assault Awareness Month in the City of San José to raise awareness towards ending sexual assault and violence against women throughout San José and Silicon Valley. (Mayor)  
**Mayor Sam Liccardo presented a proclamation to representatives from the YWCA of Silicon Valley declaring May as “Sexual Assault Awareness” Month in the City of San Jose.**

## 2. CONSENT CALENDAR

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- 2.1 **Approval of City Council Minutes.**  
None provided.
- 2.2 **Final Adoption of Ordinances.**

**Recommendation:** Final Adoption of Ordinances:

- (a) ORD. NO. 29899 – An ordinance of the City of San José rezoning certain real property of approximately 0.07-gross acre situated approximately at the northwest corner of Oakland Road and Berryessa Road (920 Oakland Road) from the LI Light Industrial Zoning District to the CP Commercial Pedestrian Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617). Director of Planning, Building and Code Enforcement recommends approval. Council District 3. (Planning, Building and Code Enforcement)  
**Ordinance No. 29899 was adopted.**

## 2. CONSENT CALENDAR

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

#### **Recommendation:**

(b) ORD. NO. 29900 – An ordinance of the City of San José rezoning certain real property of approximately 0.20 gross acre, situated on the north side of Fremont Street, approximately 167 feet westerly of the Alameda (1149 Fremont Street), from the A(PD) Planned Development Zoning District to the R-1-8 Single-Family Residence Zoning District. CEQA: Determination of Consistency with Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental EIR for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617). Director of Planning, Building and Code Enforcement recommends approval. Council District 6. (Planning, Building and Code Enforcement)

**Ordinance No. 29900 adopted.**

(c) ORD. NO. 29901 – An ordinance of the City of San José rezoning certain real property of approximately 1.25 gross acres situated on the northwest corner of North 7<sup>th</sup> Street and Empire Street (535 North 7<sup>th</sup> Street) from the Heavy Industrial Zoning District to the R-M(PD) Planned Development Zoning District. CEQA: Mitigated Negative Declaration for Seventh & Empire Residential Project (Resolution No. 78129). Planning Commission recommends approval (6-0-1, Vora absent). Council District 3. (Planning, Building and Code Enforcement)

**Ordinance No. 29901 adopted.**

(d) ORD. NO. 29902 – An ordinance of the City of San José amending Title 17 of the San José Municipal Code to add Part 11 to Chapter 17.23 regarding withdrawal of rent stabilized buildings from the rental market under the Ellis Act. CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy change that involves no changes in the physical environment. (Housing)

**Ordinance No. 29902 adopted.**

### 2.3 Approval of Council Committee Minutes.

#### **Recommendation:** Approval of Council Committee Minutes.

- (a) Public Safety, Finance and Strategic Support Committee Minutes of March 16, 2017. (Peralez)
  - (b) Transportation and Environment Committee Minutes of April 3, 2017. (Carrasco)
  - (c) Rules and Open Government Committee Minutes of April 5, 2017. (Mayor)
- CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities.

**Approved.**

### 2.4 Mayor and Council Excused Absence Requests. None provided.

## 2. CONSENT CALENDAR

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### 2.5 City Council Travel Reports.

None provided.

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

None provided.

### 2.7 Amendment to Agreement with Landrum & Brown, Inc. for Airport Airspace and Airfield Analysis Services.

**Recommendation:** Approve a First Amendment to the Consultant Agreement with Landrum & Brown, Inc. for Airport airspace and airfield analysis services, increasing maximum compensation from \$350,000 to \$550,000, and extending the term of the Agreement from June 30, 2017 to June 30, 2020. CEQA: Not a Project, File No. PP10-066(d), Agreements and Contracts, Consultant services for design, study, research, inspection, to other professional consulting services to determine the feasibility of a project with no commitment to future action. (Airport)

**Approved.**

### 2.8 Agreements with Cornerstone Earth Group, Golder Associates, and AEI Consultants for On-Call Environmental Consulting Support for Various City Projects.

**Recommendation:** Approval of Master Service Agreements with the following firms for on-call environmental consulting services for various City projects:

- (a) Cornerstone Earth Group from the date of execution through May 1, 2020 in an amount not to exceed \$500,000;
- (b) Golder Associates from the date of execution through May 1, 2020 in an amount not to exceed \$500,000; and
- (c) AEI Consultants from the date of execution through May 1, 2020 in an amount not to exceed \$500,000.

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

**Approved.**

### 2.9 Report on Request for Proposal for Cash and Investment Management Software Solution.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute an agreement with Emphasys Computer Solutions, Inc., dba Emphasys Software (Emeryville, CA) for the purchase of a Cash and Investment Management Software solution, including software license/subscription, related professional services, and maintenance and support for an initial five-year term through August 31, 2022 at a maximum compensation not to exceed \$326,097;

*(Item Continued on the Next Page)*

## 2. CONSENT CALENDAR

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### 2.10 Report on Request for Proposal for Cash and Investment Management Software Solution. (Cont'd)

- (b) Exercise one-year options to extend the term of the Agreement for ongoing software subscription and maintenance services after the initial term, at a rate of \$40,111 per year with price adjustments subject to City approval and capped at 3% per year, subject to the annual appropriation of funds; and
- (c) Approve a project contingency of \$50,000 to fund any unanticipated costs.  
CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts, Services that involve no physical changes to the environment. (Finance)  
**Resolution No. 78135 adopted.**

### 2.11 Amendment to the Agreement with Kubra America West, Inc. for Document Printing, Mailing, E-Presentation, E-Payment, and Remittance Services.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute the Fifth Amendment to the Agreement for Document Printing, Mailing, E-Presentation, E-Payment, and Remittance Services with Kubra America West, Inc. (Gardena, CA) to extend services for an additional twelve-month period for the term July 1, 2017 through June 30, 2018, for a not to exceed amount of \$450,000, subject to the appropriation of funds; and
- (b) Execute one additional one-year option to extend the term of the Agreement through June 30, 2019, subject to the annual appropriation of funds.  
CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Finance)  
**Resolution No. 78136 adopted.**

### 2.12 Actions Related to the Appropriation Ordinance Amendment in the Dental Insurance Fund.

**Recommendation:** Adopt the following 2016-2017 Appropriation Ordinance amendments in the Dental Insurance Fund:

- (a) Increase the Non-Personal/Equipment appropriation to the Human Resources Department in the amount of \$155,000; and
- (b) Decrease the Unrestricted Ending Fund Balance in the amount of \$155,000.  
CEQA: Not a Project, File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (Human Resources/City Manager)  
**Ordinance No. 27703 adopted.**

**2.12 Councilmember Jimenez Travel to Guadalajara, Jalisco, Mexico.**

**Recommendation:** Approve travel payments and authorize travel for Councilmember Jimenez to Guadalajara, Jalisco, Mexico on May 4, 2017 to May 8, 2017 to attend the Guadalajara study tour organized and led by 8 80 Cities, a global leader in the Open Streets movement. Source of Funds: The Knight Foundation for travel payments and hotel accommodations. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Jimenez)

**Approved.**

**2.13 Actions Related to Vice Mayor’s Travel to Guadalajara, Jalisco, Mexico.**

**Recommendation:**

(a) Approve travel by Vice Mayor Carrasco to Guadalajara, Jalisco, Mexico on May 3, 2017 to May 8, 2017 to attend the study tour organized by 8 80 Cities for Via RecreActiva. Source of Funds: The Knight Foundation Grant and District 5 Office Funds.

(b) Request for an excused absence for Vice Mayor Carrasco from the Joint Meeting of the Rules and Open Government Meeting on May 3, 2017.

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

**Approved.**

**2.14 Vice Mayor’s Staff Travel to Guadalajara, Jalisco, Mexico.**

**Recommendation:** Approve travel payments and authorize travel for Vice Mayor’s staff, Omar Torres, Council Assistant, to Guadalajara, Jalisco, Mexico on May 3, 2017 to May 8, 2017 to attend the Guadalajara study tour organized and led by 8 80 Cities, a global leader in the Open Streets movement. Source of Funds: The Knight Foundation and District 5 Office Funds. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Carrasco)

**Approved.**

### **3. STRATEGIC SUPPORT SERVICES**

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**3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).  
No report provided.**

**3.2 Labor Negotiations Update.**

**Recommendation:** Accept Labor Negotiations Update.

**No report provided.**



**3.3 Continuation of the Proclamation of the Existence of a Local Emergency and Discussion of Current Flood Recovery Efforts.**

**Recommendation:**

(a) Adopt a resolution continuing the proclamation of the existence of a local emergency as a result of flooding.

**Resolution No. 78137 adopted.**

(b) Discussion of current flood recovery efforts.

CEQA: Statutory Exempt, Section 15269(c), Specific actions necessary to prevent or mitigate an emergency. (City Manager)

**Discussion held.**

**3. STRATEGIC SUPPORT SERVICES (Cont'd)**

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**3.4 Ordinance Implementing Changes from the Alternative Pension Reform Framework Agreement and Measure F. DEFERRED**

**Recommendation:** Approve an ordinance amending various sections of Chapters 3.28 and 3.44 and adding a new Chapter 3.58 in Title 3 of the San José Municipal Code to implement revisions for the pension and retiree healthcare plans for members of the City of San José Federated Retirement Plan. CEQA: Not a Project; PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy. (City Manager)  
**Deferred to 5/2/17 per Rules Committee.**

**3.5 Renewal of the City Auditor's Contract.**

**Recommendation:** As recommended by the Rules and Open Government Committee on April 19, 2017, approve the reappointment of Sharon Erickson as City Auditor for a four-year term beginning July 1, 2017. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Mayor)  
[Rules Committee referral 4/19/17 – Item G.2.]

**Resolution No. 78141 adopted.**

**3.6 Broadband Deployment Advisory Group Appointments.**

**Recommendation:** As recommended by the Rules and Open Government Committee on April 19, 2017, adopt a resolution appointing Shireen Santosham, Chief Innovation Officer, and Dolan Beckel, Broadband Strategy Executive Fellow, to serve as the Mayor's alternates to his membership on Broadband Development Advisory Committee. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Mayor)  
[Rules Committee referral 4/19/17 – Item G.3.]

**Resolution No. 78138 adopted.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Extension of the Exclusive Negotiation Agreement with Insight Realty for Redevelopment of Parkside Hall (Proposed “Museum Place” Project).

**Recommendation:** Adopt a resolution authorizing the City Manager or his designee to negotiate and execute an amendment to the Exclusive Negotiation Agreement (ENA) with Insight Realty Company to extend the ENA six months to October 31, 2017, to complete a Disposition and Development Agreement related to Parkside Hall. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts, Services that involve no physical change to the environment. Council District 3. (Economic Development)

**Resolution No. 78139 adopted, including the joint memorandum, as amended, from Mayor Sam Liccardo, Vice Mayor Carrasco and Councilmembers Rocha and Peralez to approve the staff recommendation to extend the Exclusive Negotiations Agreement (ENA) with Insight Realty, with direction that the City Manager:**

**(1) Extend the ENA by 180 days, and return to Council in August 2017, with a Disposition and Development Agreement (DDA) or alternatively, a recommendation for other disposition of the parcels; and, (2) Comply with prior Council direction (from the October 6, 2015 approval of the ENA), regarding items 2, 3i, 3iv, and 3vi. (11-0.)**

**Also including adoption of Resolution No. 78142, to include a requirement that Insight Realty Company, at the time any proposed Disposition and Development Agreement for the Project is brought forward for City Council consideration, provide the City adequate assurances that the Developer has taken reasonable to steps to minimize or avoid any labor disputes or unrest which might occur during the construction of the proposed Museum Place Project or during operation of the proposed Hotel. (6-5. Noes: Jones, Carrasco, Nguyen, Khamis; Liccardo.)**

### 4.2 Report on the Draft Analysis of Impediments to Fair Housing.

**Recommendation:** As recommended by the Neighborhood Services and Education Committee on April 13, 2017, accept the draft Analysis of Impediments to Fair Housing Choice. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports. (Housing)

[Neighborhood Services and Education Committee referral 4/13/17 – Item (d)(2)]  
**Approved.**

## 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Public Hearing for Air Service Support Program.

**Recommendation:**

- (a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding application of the City’s Air Service Support Program, as authorized by the Federal Aviation Administration to Aeromexico and Alaska Airlines.
- (b) Adopt a resolution authorizing the City Manager or his designee to provide the City’s Air Service Support Program to new air carrier service as outlined in the table below:

<b>Airline Marker</b>	<b>Aeromexico Guadalajara</b>	<b>Alaska Tucson</b>	<b>Alaska Austin</b>
Airport	GDL	TUS	AUS
Frequency	6x/Week	1 Daily	1 Daily
Support Period	12 Months	12 Months	18 Months
Landing Fee Waivers	\$0	(\$73,830)	(\$110,744)
Marketing Funds	(\$100,000)	(\$25,000)	(\$50,000)

For each airline and corresponding route, landing fees are waived under the program for the qualifying periods and/or marketing funds are provided to promote the new services.

CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (Airport)

**Resolution No. 78140 adopted.**

### 6.2 Annual Pavement Maintenance Status Report & Funding Strategy Update.

**Recommendation:** As recommended by the Transportation and Environment Committee on April 3, 2017, accept the status report on San José’s current pavement conditions, maintenance funding needs, and annual funding strategy to improve Citywide payment conditions. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports that involves no approvals of any City Actions. (Transportation)

[Transportation and Environment Committee referral 4/3/17 – Item (d)(1)]

**Approved.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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### 8.1 Illegal Fireworks Enforcement Progress Report.

**Recommendation:** Accept the Illegal Fireworks Enforcement Progress Report. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports that involve no approvals of any City Actions. (Fire)  
**Approved.**

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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### 9.1 Approval of Purchase and Sale Agreement – 292 Stockton Avenue.

**Recommendation:** Successor Agency Board approve the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller, and Kade Development Inc. as buyer to allow the sale of 292 Stockton Avenue, for a purchase price of \$4,000,000. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 3. (Successor Agency)  
**Approved.**

### 9.2 Approval of Purchase and Sale Agreement – 201 South Second Street.

**Recommendation:** Successor Agency Board approve the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San Jose, as seller and Imwalle Properties Inc. as buyer to allow the sale of 201 South Second Street, for a purchase price of \$726,000. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 3. (Successor Agency)  
**Approved.**

### 9.3 Approval of Purchase and Sale Agreement – 280 Jackson Street.

**Recommendation:** Successor Agency Board approve the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San Jose, as seller and AFE Urban, Inc. as buyer to allow the sale of 280 Jackson Street, for a purchase price of \$2,800,000. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 3. (Successor Agency)  
**Approved.**

- **Open Forum**

Blair Beekman addressed height requirements for the “museum Place” project in regards to the shade issues.

- **Adjournment**

Mayor Sam Liccardo adjourned the meeting at 7:29 p.m.