



CITY COUNCIL AGENDA

MAY 2, 2017

AMENDED AGENDA

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 14th 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 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
 - Open Session, Labor Negotiations Update (See Item 3.2)
 - Adjourn to Closed Session in Council Chambers Conference Room, W133
 - See Separate Agenda
 - 1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 5)**
Amy Goymerac, Opera Cultura

- **Pledge of Allegiance**

- **Orders of the Day** — *To be heard after Ceremonial Items*

* 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** — *To be heard after Ceremonial Items*

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring the month of May as “Building Safety Month” in the City of San José. (Khamis)
- 1.2 Presentation of a commendation to Hilbert Morales recognizing his many years of service to San José. (Nguyen/Diep)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

- 2.1 **Approval of City Council Minutes.**
- 2.2 **Final Adoption of Ordinances.**
- 2.3 **Approval of Council Committee Minutes.**

Recommendation: Approval of Council Committee Minutes.

(a) Rules and Open Government Committee Minutes of April 12, 2017. (Mayor)
CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities.

- 2.4 **Mayor and Council Excused Absence Requests.**

Recommendation: Request for an excused absence for Mayor Liccardo from the Joint Meeting of the Rules and Open Government Committee on May 10, 2017 due to Authorized City Business. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Mayor)

- 2.5 **City Council Travel Reports.**
- 2.6 **Report from the Council Liaison to the Retirement Boards.**
- 2.7 **Summary Vacation of a Public Service Easement at the Almaden Ranch Retail Center, Located at 5018 Almaden Expressway.**

Recommendation: Adopt a resolution:

(a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a 1,515 square foot portion of a public service easement (“Subject Portion”) at the Almaden Ranch Retail Center, 5018 Almaden Expressway;

(Item continued on the next page)

2. CONSENT CALENDAR

2.7 Summary Vacation of a Public Service Easement at the Almaden Ranch Retail Center, Located at 5018 Almaden Expressway. (Cont'd.)

Recommendation:

- (b) Summarily vacating the Subject Portion which has been superseded by relocation; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Almaden Ranch Retail Center Environmental Impact Report (Resolution No. 76168). Council District 9. (Public Works)

2.8 Summary Vacation of Right-of-Way Along South Seventh Street and South of East Alma Avenue.

Recommendation: Adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of 16,422 square feet of right-of-way along South Seventh Street, south of East Alma Avenue (“Subject Portion”) with the reservation of public service easements (“PSE”) over certain portions of the area being vacated;
- (b) Summarily vacating the Subject Portion, which is excess right-of-way not required for street purposes with the reservation of the PSEs; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Exempt, Permit No. 16-105736SV, CEQA Guidelines Section 15305, Minor Alteration in Land Use Limitations. Council District 7. (Public Works)

2.9 Councilmember Arenas Travel to Guadalajara, Jalisco, Mexico.

- * **Recommendation:** Approve travel payments and authorize travel for Councilmember Arenas to Guadalajara, Jalisco, Mexico on May 3, 2017 to May 8, 2017 to attend the Guadalajara study tour organized by 80 cities for Via RecreActiva. Source of Funds: The Knight Foundation and District 8 Office Funds. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Arenas)

2.10 Mayor’s Staff Travel to New York, NY.

- * **Recommendation:** Approve travel payments and authorize travel for Mayor’s staff, Khanh Russo, Director of Strategic Partnerships, to New York, NY from May 8, 2017 to May 10, 2017 for the Wellbeing Project. Source of Funds: Bloomberg Philanthropies. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Mayor)

2. CONSENT CALENDAR

2.11 FanimeCon Flag Raising Ceremony and Reception.

* **Recommendation:** As recommended by the Rules and Open Government Committee on April 26, 2017:

- (a) Approve the FanimeCon Flag Raising Ceremony and Reception scheduled on Thursday, May 25, 2017, as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Peralez)
[Rules Committee referral 4/26/17 – Item G.1.a.]

2.12 District 2 Dumpster Day.

* **Recommendation:** As recommended by the Rules and Open Government Committee on April 26, 2017:

- (a) Approve the Dumpster Day scheduled on Saturday, April 29, 2017, as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Jimenez)
[Rules Committee referral 4/26/17 – Item G.1.b.]

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

3.3 Ordinance Implementing Changes from the Alternative Pension Reform Framework Agreement and Measure F.

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 from 4/25/17 – Item 3.4)

3. STRATEGIC SUPPORT SERVICES

3.4 SB 649 (Hueso) – Wireless Telecommunications Facilities.

- * **Recommendation:** As recommended by the Rules and Open Government Committee on April 26, 2017, adopt a position of oppose for SB 649 (Hueso) – Wireless Telecommunications Facilities. CEQA: Not a Project; PP10-068, General Procedure & Policy Making. (City Manager)
[Rules Committee referral 4/26/17 – Item G.2.]

3.5 General Plan Hearing Procedural Changes.

- * **Recommendation:** As recommended by the Rules and Open Government Committee on April 26, 2017, adopt a resolution amending Section 2 of Resolution No. 78063 to combine the General Plan Hearing and Land Use categories on Council agendas into a single category entitled “Land Use”. CEQA: Not a Project; PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy. (City Attorney)
[Rules Committee referral 4/26/17 – Item G.3.]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Issuance of Tax-Exempt and Taxable Multifamily Housing Revenue Notes and Tax-Exempt Bonds, The Loan of Note and Bond Proceeds for the Villa De Guadalupe Apartments.

Recommendation: Adopt a resolution:

- (a) Authorizing the issuance of:
 - (1) a tax-exempt multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (Villa de Guadalupe Apartments), Series 2017A-1 (the “Series 2017A-1 Tax-Exempt Note”) in a principal amount of approximately \$31,090,000;
 - (2) a taxable multifamily housing revenue note designated “City of San José Multifamily Housing Revenue Note (Villa de Guadalupe Apartments), Series 2017A-2 (the “Series 2017A-2 Taxable Note” and, with the Series 2017A-1 Tax-Exempt Note, the “Series 2017A Notes”) in a principal amount of approximately \$7,410,000; and

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Issuance of Tax-Exempt and Taxable Multifamily Housing Revenue Notes and Tax-Exempt Bonds, The Loan of Note and Bond Proceeds for the Villa De Guadalupe Apartments. (Cont'd.)

Recommendation:

- (a) (3) a tax-exempt multi-family housing revenue bonds designated as City of San José Junior Multifamily Housing Revenue Bonds (Villa de Guadalupe Apartments), Series 2017B (the “Series 2017B Junior Bonds” and, with the Series 2017A Notes, the “Series 2017 Obligations”) in a principal amount of approximately \$3,404,327;
- (b) Approving a loan of Series 2017A Obligation proceeds to Burnham VDG Venture LP, a California limited partnership created by Standard Property Company, a California corporation, to finance the acquisition and rehabilitation of the Villa de Guadalupe Apartments located at 2151 Plaza De Guadalupe, in San José (the “Property”);
- (c) Approving in substantially final form the Funding Loan Agreement, Borrower Loan Agreement, Junior Indenture of Trust, Junior Loan Agreement, Junior Bond Purchase Agreement, Regulatory Agreement and Declaration of Restrictive Covenants and Junior Bond Purchase Agreement (the “Series 2017 Obligation Documents”); and
- (d) Authorizing and directing the City Manager, Director of Finance and Director of Housing, or their designees, to execute and, deliver the Series 2017 Obligation Documents and related documents as necessary.

CEQA: Exempt, File No. PP17-028, CEQA Guidelines Section 15301, Existing Facilities. Council District 5. (Housing/Finance)
(Deferred from 4/18/17 – Item 4.1)

4.2 Report on Bids and Award of Contract for the 8354-Cast Iron Replacement FY 16-17 Package II.

Recommendation: Report on bids and award of contract for the 8354-Cast Iron Replacement FY 16-17 Package II to the low bidder, Casey Construction, Inc., in the amount of \$2,006,551 and approve a contingency in the amount of \$200,655. CEQA: Exempt, File No. PP17-031, CEQA Guidelines Sections 15301, Existing Facilities. Council Districts 3 and 5. (Public Works)

4.3 Actions Related to the Formation of Community Facilities District No. 16.

Recommendation:

- (a) Accept the landowner petitions requesting the institution of proceedings for the establishment of a community facilities district.
- (b) Approve an Agreement with iStar San Jose, LLC to fund the City’s costs in investigating the feasibility of a community facilities district for the maintenance of park, stormwater, landscape and related improvements within the Great Oaks Mixed Use Project area and conducting formation proceedings.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Actions Related to the Formation of Community Facilities District No. 16. (Cont'd.)

Recommendation:

- (c) Adopt a resolution of intention to:
 - (1) Form Community Facilities District No. 16 (Raleigh - Coronado);
 - (2) Levy a special tax on land within Community Facilities District No. 16;
 - (3) Set a Public Hearing for June 6, 2017 at 1:30 p.m. regarding the district formation; and
 - (4) Hold an election immediately following the close of public hearing.
- (d) Approve an ordinance amending Chapter 14.27 of Title 14 of the San José Municipal Code to add a new Section 14.27.180 to establish the Community Facilities Maintenance District Funds.
- (e) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the Community Facilities District No. 16 (Raleigh - Coronado) Fund, effective on the date on which the ordinance establishing the Community Facilities Maintenance District No. 16 Fund becomes effective:
 - (1) Establish an appropriation for Community Facilities District No. 16 Feasibility Project to the Public Works Department in the amount of \$20,000; and
 - (2) Establish an estimate for Developer Contributions in the amount of \$20,000.

CEQA: Great Oaks Mixed Use Project EIR (Resolution No 77219), File No. PDC12-028. Council District 2. (Public Works/City Manager)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the 8381 - 2017 Street Sealing Project.

Recommendation:

- (a) Approve award of a construction contract for the 8381 - 2017 Street Sealing Project, to the low bidder, Graham Contractors, Inc., in the amount of \$6,698,400.
- (b) Approve a five percent contingency in the amount of \$334,920.

CEQA: Exempt, File No. PP14-069, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

6. TRANSPORTATION & AVIATION SERVICES

6.2 Actions Related to the 8382 – 2017 Arterial Resurfacing Project.

Recommendation:

- (a) Approve award of a construction contract for the 8382 – 2017 Arterial Resurfacing Project, to the low bidder, MCK Services, Inc. in the amount of \$14,085,938.
- (b) Approve a 10% contingency in the amount of \$1,408,594.
CEQA: Exempt, File No. PP14-069, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- 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

- Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10371	1745 Dobbin Drive	3	Pulte Home Company	9/50	MFA	Approval

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. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council.
- 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.