

# CITY COUNCIL AGENDA

**JUNE 16, 2015**

## SYNOPSIS

CHAPPIE JONES

ASH KALRA

RAUL PERALEZ

MARJORIE MATTHEWS

MAGDALENA CARRASCO

DISTRICT 1

DISTRICT 2

DISTRICT 3

DISTRICT 4

DISTRICT 5

SAM LICCARDO MAYOR

PIERLUIGI OLIVERIO

TAM NGUYEN

ROSE HERRERA VICE MAYOR

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 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

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On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:07 a.m. - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: Khamis, Nguyen. (Excused)**  
  
1:31 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: Khamis, Nguyen. (Excused).**
- **Invocation (District 6)**  
Reverend Maly Hughes, St. Francis Episcopal Church offered the Invocation.
- **Pledge of Allegiance**  
Mayor Sam Liccardo led the Pledge of Allegiance.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved, with Item 2.13 deferred to August 4, 2015.

- **Closed Session Report**  
**City Attorney Doyle disclosed the following Closed Session actions of June 16, 2015:**

- A. Public Employee/Public Employee Recruitment/Appointment Pursuant to Government Code Section 54957:**

**Department or Agency:** Public Works  
**Title:** Public Works Director Barry Eng

**Department or Agency:** Parks, Recreation and Neighborhood Services  
**Title:** Parks, Recreation and Neighborhood Services Director Angel Rios, Jr.

**Council Vote:Ayes:** Carrasco, Herrera, Jones, Kalra, Matthews, Oliverio, Peralez, Rocha; Liccardo.

**Noes:** None.

**Abstain:** None.

**Not Present:** Khamis, Nguyen. (Excused)

## **1. CEREMONIAL ITEMS**

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- 1.1** Presentation of a commendation recognizing Rebuilding Together Silicon Valley for their contributions to countless families throughout the City of San Jose. (Carrasco)  
(Rules Committee referral 6/10/15)  
**Mayor Sam Liccardo and Council Member Magdalena Carrasco recognized and commended Rebuilding Together Silicon Valley.**
- 1.2** Presentation of a commendation to Fresco Supermarket for their excellent customer service in the East San José communities and their continuous community support of District 8’s Annual Senior Health Fair and Walk. (Herrera)  
(Rules Committee referral 6/10/15)  
**Dropped.**
- 1.3** Commendation for Velma Million, aka "the Lady of the Lake," for her long time advocacy of Lake Cunningham Regional Park and concern for preserving this open space recreation gem for the residents of San Jose. (Herrera)  
(Rules Committee referral 6/10/15)  
**Dropped.**
- 1.4** Commendation for PG&E recognizing the start of an energy watch partnership with the City of San José known as “Step-Up & Power Down Day.” (Mayor)  
(Rules Committee referral 6/10/15)  
**Mayor Sam Liccardo recognized and commended Pacific Gas and Electric Company.**

## 2. CONSENT CALENDAR

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### 2.1 Approval of Minutes.

There were none.

### 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29578 – Rezoning certain real property of approximately 0.64 gross acre situated at the southwest corner of Saratoga Avenue and Williams Road (1005 Saratoga Avenue), from the CP- Commercial Pedestrian Zoning District to the CP(PD) Planned Development zoning District. CEQA: Negative Declaration, Resolution No. 77364. (Planning, Building and Code Enforcement) PDC14-009/PD14-039/ABC14-008

**Ordinance No. 29578 adopted.**

- (b) ORD. NO. 29579 – Amending Chapter 10.90 of Title 14 of the San José Municipal Code in order to acknowledge the inclusion of the Flea Market Site and mitigation measures related to the Flea Market Site in the US-101/Oakland/Mabury Transportation Development Policy. CEQA: Addendum to the Final Environmental Impact Report for the San José Flea Market General Plan Amendment and Planned Development Rezoning Project (Resolution No. 73956) and to the King & Dobbin Transit Village and US-101/Oakland/Mabury Transportation Development Policy Environmental Impact Report (Resolution No. 74195.1). (Planning, Building and Code Enforcement/Transportation)

**Ordinance No. 29579 adopted.**

### 2.3 Approval of Council Committee Reports.

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

- (a) Rules and Open Government Committee Report of May 20, 2015. (Mayor)  
(b) Public Safety, Finance, and Strategic Support Committee Report of May 21, 2015. (Oliverio)

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

**Approved.**

### 2.4 Mayor and Council Excused Absence Requests.

There were none.

### 2.5 City Council Travel Reports.

There were none.

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

There were none.

## 2. CONSENT CALENDAR

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### 2.7 Amendment to the Agreement with County of Santa Clara for Household Hazardous Waste Collection Program.

**Recommendation:** Approve the Second Amendment to the Sublease Agreement between the City of San José and the County of Santa Clara for the use of City Property for the Household Hazardous Waste Collection Program. CEQA: Mitigated Negative Declaration for the San Jose Environmental Innovation Center, File No. PP09-138. Council District 3. (Environmental Services)

(Deferred from 5/19/15 – Item 2.12 and from 6/2/15 – Item 2.7)

**Approved.**

### 2.8 Amendment to the Agreement with Jacobs Engineering Group, Inc. for Airport Capital Improvement Projects.

**Recommendation:** Approve a Third Amendment to the Master Agreement with Jacobs Engineering Group, Inc. (formerly Carter & Burgess, Inc.) for continuing program support services on Airport capital improvement projects to extend the term from June 30, 2015 through June 30, 2016, with no increase in total compensation. CEQA: File No. PP15-042, Final Environmental Impact Report for the San Jose International Airport Master Plan: Resolution Nos. 67380 and 71451. (Airport)

**Approved.**

### 2.9 Federal Aviation Administration Funding Grant Applications for Airport Improvement Program Projects.

**Recommendation:** Adopt a resolution authorizing the City Manager to apply for, execute, and accept upon receipt, grants from the Federal Aviation Administration in a total amount not to exceed \$8,000,000 for certain Airport Improvement Program projects at the Norman Y. Mineta San José International Airport. CEQA: File No. PP15-053, Final Environmental Impact Report for the San Jose International Airport Master Plan: Resolution Nos. 67380. (Airport)

**Resolution No. 77389 adopted.**

### 2.10 Change to City of San Jose Traffic Bail Schedule.

**Recommendation:** Approve a recommended change to the City of San José Traffic Bail Schedule to add an infraction prohibiting bicycle riding on sidewalks in any designated area, and direct the City Attorney to submit the recommended change in the Traffic Bail Schedule to the Superior Court Bail Committee. CEQA: Not a Project, File No. PP10-067(a), Increase to Fees, Rates, and Fares. (City Attorney)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.11 Actions Related to the Agreement with CreaTV for Public and Education Access Channel Management.

**Recommendation:** Approve the Second Amendment of the current contract between the City of San José and the San José Community Media Access Corporation (CreaTV) to extend the term by six months, with no increase to the total compensation, in order to provide additional time for completing negotiations for a revised long-term contract for Public and Educational Access cable programming services for the City of San José. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Manager)

**The memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Members Peralez and Jones, dated June 12, 2015, was approved, accepting the Staff recommendations with the following direction:**

- (1) **Return in August with a proposal for a multi-year contract with CreaTV.**
- (2) **Explore operational funding for CreaTV.**
- (3) **Explore partnering with CreaTV for the operation of the City government channel.**

### 2.12 Contract Change Order No. 2 for 6835 – Handrail Replacement – Phase V Project.

**Recommendation:** Approve a contract change order with Rodan Builders Inc. for a credit to the project of \$109,124 for the 6835 – Handrail Replacement – Phase V Project at the San José-Santa Clara Regional Wastewater Facility, and extending the project completion date from August 12, 2014 to August 31, 2015 (257 additional working days). CEQA: Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP11-028. (Environmental Services/Public Works)

**Approved.**

### 2.13 Agreements with MuniServices LLC, for Revenue Enhancement Services.

**Recommendation:** Adopt resolutions:

- (a) Authorizing the Director of Finance to negotiate and execute the following agreements with MuniServices LLC, a Delaware Limited Liability Company (“MuniServices”) to provide:
  - (1) Sales and Use Tax revenue enhancement services and data analysis for the term of July 1, 2015 through June 30, 2018 at a maximum annual compensation not to exceed \$412,000, with two one-year options to extend through June 30, 2020, at the same rate of compensation for each additional optional year subject to the City Council’s annual appropriation of funds.
  - (2) Telephone Line Tax, Utility Users Tax and Franchise Fee compliance services for the term of July 1, 2015 through June 30, 2018 at a maximum annual compensation not to exceed \$70,000, with two one-year options to extend through June 30, 2020, at the same rate of compensation for each additional optional year subject to the City Council’s annual appropriation of funds.

## 2. CONSENT CALENDAR

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### 2.13 Agreements with MuniServices LLC, for Revenue Enhancement Services. (Cont'd.)

- (b) Authorizing MuniServices to examine all Sales and Use Tax records of the California State Board of Equalization for tax collection purposes and other governmental functions of the City of San José.

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

**Deferred to August 4, 2015 per Orders of the Day.**

### 2.14 Purchase Order with Schindler Elevator Corporation for Airport Elevator Retrofit.

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

- (a) Execute a Purchase Order with Schindler Elevator Corporation (San Leandro, CA) to retrofit four existing elevators at the Norman Y. Mineta San José International Airport for the term June 23, 2015 through June 22, 2017, in an amount not to exceed \$1,371,724.
- (b) Approve a 5% contingency for a not-to-exceed amount of \$68,586 to execute change orders for any unforeseen changes or requirements that may arise prior to the completion of services.

CEQA: Exempt, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

**Resolution No. 77390 adopted.**

### 2.15 Amendment to the Agreement with Dr. Howard Michaels for Emergency Medical Services.

**Recommendation:** Approve the First Amendment to the Agreement with Dr. Howard Michaels to provide Medical Director Services within the Fire Department's Emergency Medical Services program. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Fire)

**Approved.**

### 2.16 Actions Related to the Agreement with the Rotary Club for the Rotary Playgarden.

**Recommendation:**

- (a) Approve the First Amendment to the Agreement for Funding and Construction of Recreational Improvements at the Guadalupe River Park and Gardens by the Rotary Club of San Jose, Inc.

**Approved.**

- (b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

- (1) Decrease the Future PDO/PIO Reserve by \$135,000.
- (2) Increase the Guadalupe River Park Rotary Play Garden appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$135,000.

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

**Ordinance No. 29584 adopted.**



## 2. CONSENT CALENDAR

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### 2.17 Amendment to the Agreement with David J. Powers & Associates for Environmental Services.

**Recommendation:** Approve the Second Amendment to the Master Agreement with David J. Powers & Associates, extending the term from June 30, 2015 to June 30, 2017 for a continuation of ongoing environmental consultant services supporting various City projects, at no additional cost to the City. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Public Works)

**Approved.**

### 2.18 Actions Related to Council Member Tam Nguyen's Travel to Beijing, China.

**Recommendation:**

(a) Retroactively approve travel by Council Member Nguyen to Beijing, China from June 15– 21, 2015 to represent the City of San José on the Inaugural Flight of the new, direct Boeing 787 Dreamliner Air Service between San José Mineta International Airport and Beijing Capital International Airport in the People's Republic of China. Source of Funds: District 7 Travel Fund.

(b) Request for an excused absence for Council Member Nguyen from the Closed Session and the Regular Meeting of the City Council on June 16, 2015.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Nguyen) (Rules Committee referral 6/10/15)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.19 Planned Development Permit and Determination of Public Convenience or Necessity for the Real Property Located at the Southwest Corner of Saratoga Avenue and Williams Road.

**Recommendation:** Consideration of adoption of a resolution approving a Planned Development Permit and Determination of a Public Convenience or Necessity to allow the demolition of an existing gas station and the construction of a new gas station with a 3,200 square foot convenience store with the off-sale of alcohol on a 0.64 gross acre site located at the southwest corner of Saratoga Avenue and Williams Road. CEQA: Negative Declaration, Resolution No. 77364. (Planning, Building and Code Enforcement) (Rules Committee referral 6/10/15)

**Resolution No. 77364 adopted. (Tentatively adopted on June 2, 2015.)**

## 2. CONSENT CALENDAR

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### 2.20 Annual Renewal Resolution for the Workforce Innovation and Opportunity Act.

**Recommendation:** Adopt an annual renewal resolution authorizing the City Manager or his designee to negotiate and execute agreements relating to the Workforce Innovation and Opportunity Act (formerly Workforce Investment Act) Program and projects:

- (a) All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors and partners providing services to the Workforce Innovation and Opportunity Act Program, including, but not limited to, novations or assignments, vendor training contracts, case management contracts, consultant contracts, memorandums of understanding required with Required and Additional Partners for the use of One-Stop facilities, and cities and the unincorporated area of Santa Clara County whose residents receive services from work2future for the period July 1, 2015 to June 30, 2016 in accordance with procurement procedures and requirements mandated by the State and Federal governments for Workforce Innovation and Opportunity Act grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Board, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (b) All amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (c) All grant applications, grant agreements, sub-grant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for the period from July 1, 2015 to June 30, 2016, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (d) All Eligible Training Provider List (ETPL) agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2015 to June 30, 2017, subject to annual appropriation of funds by the work2future Board.
- (e) All agreements specified in (a) above with an end term beyond the fiscal year in which the contract begins (beyond June 30, 2016), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement, but not beyond the end of the following fiscal year (not beyond June 30, 2017).
- (f) All agreements specified in (a) above that do not involve a disbursement of funds (no-fund agreement) beyond the fiscal year in which the agreement begins (beyond June 30, 2016), but not beyond the end of the following fiscal year (not beyond June 30, 2017).

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Economic Development)  
(Rules Committee referral 6/10/15)

**Resolution No. 77391 adopted.**

## 2. CONSENT CALENDAR

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### 2.21 Actions Related to the California High Speed Rail Authority Grant.

**Recommendation:** Adopt a resolution authorizing the City Manager or his designee to submit a grant application to the California High Speed Rail Authority (CHSRA) and to negotiate and execute all documents necessary to accept the grant from the CHSRA to provide the City up to \$600,000 with a \$200,000 local match, which wholly includes previously completed in-kind work, to further development in the Diridon Station Plan Area. CEQA: Diridon Station Area Plan Final Program Environmental Impact Report, Resolution No. 77096 . Council Districts 3 and 6. (Economic Development)

(Rules Committee referral 6/10/15)

**Resolution No. 77392 adopted.**

### 2.22 Amendment to the Agreement with GreenWaste Recovery, Inc. for Solid Waste Services.

**Recommendation:** Approve the First Amendment to the Agreement between the City of San José and GreenWaste Recovery, Inc. for Solid Waste Services to clarify the rate for processing and recycling any single-family dwelling garbage in 2015-2016, and to remove a 15-year commitment requirement for processing any additional residential solid waste for the remaining term of the agreement. CEQA: Negative Declaration, File No. PP10-055. (Environmental Services)

(Rules Committee referral 6/10/15)

**Approved.**

### 2.23 Actions Related to the Design-Build Construction Contract for Photovoltaic Panels and Solar Structures at the Environmental Innovation Center.

**Recommendation:** Adopt a resolution authorizing the Director of Public Works to:

- (a) Award the design-build construction contract for the Photovoltaic Panels and Solar Structures at the Environmental Innovation Center to the lowest responsive and responsible bidder in an amount not to exceed \$2,931,134.
- (b) Approve a contingency up to 15% of the contract amount not to exceed \$439,670.
- (c) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive and responsible bidder, and to reject all bids and re-bid the project.
- (d) Execute change orders in excess of \$100,000 within the contingency amount.

CEQA: Negative Declaration for the San Jose Environmental Innovation Center, File No. PP09-138. Council District 3. (Environmental Services/Public Works)

(Rules Committee referral 6/10/15)

**Resolution No. 77393 adopted.**

## 2. CONSENT CALENDAR

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### 2.24 Set a Public Hearing for the 2015-2016 Annual Residential Solid Waste Collection Service Charges.

**Recommendation:** Adopt a resolution to set a Public Hearing for Tuesday, August 4, 2015, at 1:30 p.m. to approve the placement of the Fiscal Year 2015-2016 annual residential Solid Waste Collection Service Charges on the Fiscal Year 2015-2016 Santa Clara County Secured Property Tax Roll and to direct the City Clerk to publish notice of the time and place of the Public Hearing. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (Finance)  
(Rules Committee referral 6/10/15)

**Resolution No. 77394 adopted.**

### 2.25 Set a Public Hearing for the 2015-2016 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessment FY 2015-2016 Santa Clara County Secured Property Tax Bill.

**Recommendation:** Adopt a resolution:

- (a) To set a Public Hearing for Tuesday, August 4, 2015, at 1:30 p.m. to place the 2015-2016 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessment on the Fiscal Year 2015-2016 Santa Clara County Secured Property Tax Roll, based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Charge report of the Director of Finance and to direct the City Clerk to publish notice of the time and place of the Public Hearing; and
- (b) Allowing the Director of Finance to file the 2015-2016 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports with the City Clerk on or before July 15, 2015 instead of July 5, 2015.

CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (Finance)

(Rules Committee referral 6/10/15)

**Resolution No. 77395 adopted.**

### 2.26 Report on Bids and Award of Contract for the 7218 – Husted Avenue Sanitary Sewer Improvement – Phase II Project.

**Recommendation:** Report on bids and award of contract for the 7218 – Husted Avenue Sanitary Sewer Improvement – Phase II (ALM-7A) Project to the low bidder, Bay Pacific Pipelines, Inc., in the amount of \$2,162,920 and approve a contingency in the amount of \$216,292. CEQA: Exempt, File No. PP12-076, dated September 17, 2012. Council District 9. (Public Works)

(Rules Committee referral 6/10/15)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.27 Report on Bids and Award of Contract for the 6725 - Monterey-Riverside Relief Sanitary Sewer Rebid Project.

**Recommendation:** Report on bids and award of contract for the 6725 - Monterey-Riverside Relief Sanitary Sewer Rebid project to the low bidder, Mountain Cascade, Inc., in the amount of \$6,269,000, and approve a contingency in the amount of \$626,900. CEQA: Exempt, File Nos. PP12-076 and PP12-039. (Public Works)  
(Rules Committee referral 6/10/15)

**Approved.**

### 2.28 Report on Bids and Award of Contract for the 7233 – 11th Street Sanitary Sewer Replacement Project.

**Recommendation:** Report on bids and award of contract for the 7233- 11th Street Sanitary Sewer Replacement Project to the low bidder, Ranger Pipelines Incorporated, in the amount of \$1,616,935 and approve a contingency in the amount of \$323,387. CEQA: Exempt, File No. PP13-076. Council District: 3. (Public Works)  
(Rules Committee referral 6/10/15)

**Approved.**

### 2.29 Agreement with Wildlife Center of Silicon Valley for Care and Treatment of Wildlife.

**Recommendation:** Adopt a resolution authorizing the City Manager to execute an agreement with the Wildlife Center of Silicon Valley for the care and treatment of wildlife taken to the Wildlife Center from July 1, 2015 through an initial term ending June 30, 2018 with two one-year options to extend the term through June 30, 2020, for a total maximum compensation of \$472,100. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Public Works)  
(Rules Committee referral 6/10/15)

**Resolution No. 77396 adopted.**

### 2.30 Agreement with the City of Milpitas for Animal Care and Control Services.

**Recommendation:** Adopt a resolution authorizing the City Manager to execute an agreement with the City of Milpitas for animal care and control services for a term beginning July 1, 2015 through June 30, 2018, for a total compensation of \$1,109,297, subject to the appropriation of funds. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Public Works)  
(Rules Committee referral 6/10/15)

**Resolution No. 77397 adopted.**

## 2. CONSENT CALENDAR

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### 2.31 Maintenance Agreement with State of California – Department of Transportation for the Stevens Creek Boulevard at I-880 Project.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute the Maintenance Agreement between the State of California - Department of Transportation and the City of San José for that portion of Stevens Creek Boulevard over I-880 between Monroe Street to Di Salvo Avenue. CEQA: Improvements at SR17/I-280/I-880 Interchange and I-880/Stevens Creek Boulevard Interchange Final (Caltrans) EIR Adopted by Council 8/21/2012 under Resolution No. 76398. Council District 6. (Transportation)  
(Rules Committee referral 6/10/15)  
**Resolution No. 77398 adopted.**

### 2.32 District 1 Korean Flag Raising.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 10, 2015:

- (a) Approve the District 1 Korean Flag Raising as a City Council sponsored Special Event and approve the expenditures of funds.
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Jones)  
[Rules Committee referral 6/10/15 – Item G(1)(a)]  
**Approved.**

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the City Manager, Norberto Dueñas (Verbal Report). No Report.

### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.  
**Heard at 9:07 a.m.**  
**No Report.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Council Priority Setting Session.

**Recommendation:**

- (a) Approve new items for the Council Priority list.
- (b) Rank items on Council Priority list.

CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (City Manager)

**Deferred to June 23, 2015 per Rules and Open Government Committee.**

#### 3.4 Actions Related to the Agreement with Silicon Valley Regional Interoperability Authority for the Silicon Valley Regional Communication System.

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to:
  - (1) Negotiate and execute a Memorandum of Understanding with the Silicon Valley Regional Interoperability Authority (SVRIA) for the SVRIA's build out of the remaining infrastructure for the Silicon Valley Regional Communication System (SVRCS) at a cost to the City not to exceed \$7,637,159.
  - (2) Negotiate and execute a side letter Agreement with the SVRIA to prepay San José's 2015-2016 payment of \$2,545,720 plus \$584,280 in fiscal year 2014-2015.

**Resolution No. 77399 adopted.**

- (b) Adopt the following Appropriation Ordinance amendments in the General Fund:
  - (1) Establish a Capital appropriation to the City Manager's Office for the Silicon Valley Regional Communications System – Infrastructure Payment project in the amount of \$3,130,000.
  - (2) Decrease the Silicon Valley Regional Communications System Reserve by \$3,130,000.

CEQA: Not a Project, File No. PP10-066(g), Memorandum of Understanding. (City Manager)  
**Ordinance No. 29585 adopted.**

#### 3.5 Approval of Various Actions for Fiscal Year 2014-2015.

**Recommendation:** Adopt 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund attachments to this memorandum. CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager)

**Ordinance No. 29586 adopted.**

**Resolution No. 77400 adopted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 Resolution in Support of a Constitutional Amendment Opposing Corporate Personhood.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 27, 2015, discuss and consider adoption of a resolution calling for an amendment to the Constitution of the United States declaring that only human beings have Constitutional rights. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Kalra) [Rules Committee referral 5/27/15 – Item G(3)]

**The memorandum from Council Member Ash Kalra, dated June 15, 2015, was approved, adopting a resolution calling for an amendment to the United States Constitution.**

**Resolution No. 77401 adopted.**

**Noes: Oliverio.**

#### 3.7 Actions Related to the Amendment to the Resolution to Increase Recycle Plus Rates.

**Recommendation:** Adopt a resolution to supersede Resolution No. 76971 and to amend the Recycle Plus rates effective July 1, 2015, as follows:

- (a) Increase rates for single-family households by up to five percent.
- (b) Increase rates for multi-family households by five percent.
- (c) Increase the rates for large item collection services by 1.33 percent.
- (d) Increase the rates for subscription yard trimmings cart services by 1.49 percent.

CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates & Fares. (Environmental Services)

(Deferred from 6/9/15 – Item 3.5)

**The memorandum from Mayor Sam Liccardo and Vice Mayor Rose Herrera, dated June 12, 2015, was approved, accepting the Staff policy alternative, outlined in the Staff supplemental memorandum, increasing rates for single-family households four percent effective July 1, 2015 in order to launch San José's first Citywide free single-family large item collection program.**

**Resolution No. 77402 adopted.**



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

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### **4.1 Actions Related to the Attraction of a Flexible Hybrid Electronics Manufacturing Innovation Institute.**

#### **Recommendation:**

- (a) Conduct a Public Hearing regarding an economic subsidy in connection with a Capital Equipment Assistance Agreement with Bestronics Inc., pursuant to California Government Code Section 53083.

#### **The Public Hearing was Held.**

- (b) Adopt a resolution authorizing the City Manager or his designee to execute the Capital Equipment Assistance Agreement with Bestronics Inc., in which the City will provide an amount not to exceed \$400,000 for the acquisition of clean room equipment for manufacturing and research and development to be located at the proposed Flexible Hybrid Electronics Manufacturing Innovation Institute in San José.

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

#### **Resolution No. 77403 adopted.**

### **4.2 Acquisition of the Plaza Hotel from Successor Agency to the Redevelopment Agency for Housing the Homeless.**

**Recommendation:** Adopt a resolution directing the Interim Director of Housing to pursue steps necessary to acquire the Plaza Hotel located in San José at 96 South Almaden Boulevard (“Plaza Hotel”) from the Successor Agency to the Redevelopment Agency of the City of San José (SARA), for housing the homeless, and return to City Council to obtain authorization to acquire. CEQA: Not a Project, File No. PP10-069(a) Staff Report. (Housing)

(Deferred from 6/9/15 – Item 4.2)

**Deferred to June 23, 2015 per Rules and Open Government Committee.**

### **4.3 Actions Related to the Rental Rights and Referrals Program.**

#### **Recommendation:**

- (a) Refer the following items for consideration at the City Council Priority Setting Session on June 23, 2015:
  - (1) Explore updating the City’s Rental Rights and Referrals Program and the Rental Dispute Mediation and Arbitration Ordinance including, but not limited to: Reducing the allowable rent increase; modifying the allowed debt-service pass-through; exploring a just cause evictions ordinance (an ordinance limiting the grounds for residential eviction); consider related items as discussed in this memorandum; and evaluate the staffing needed to monitor and enforce the Ordinance.
  - (2) Explore an ordinance prohibiting income source discrimination.

*(Item Continued on the Next Page)*

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

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### **4.3 Actions Related to the Rental Rights and Referrals Program. (Cont'd.)**

- (b) Accept the staff report on current work plan items to responding to the need for affordable housing.

CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making.  
(Housing)

*Heard Last.*

**Staff recommendations were accepted.**

**The Rental Rights and Referrals Program was referred to the City Council Priority Setting Session on June 23, 2015.**

**Noes: Rocha.**

### **4.4 Actions Related to the Revolving Loan Fund Program.**

**Recommendation:** Adopt a resolution:

- (a) Authorizing the Director of Finance to write-off loan balances totaling \$194,958 for ten loans made to small business owners administered by the Revolving Loan Fund Program funded through a combination of federal funds from the Economic Development Administration (EDA) and Community Development Block Grant funds.
- (b) Authorizing the Interim Director of Housing to terminate the City's Participation in, and Administration of, the Economic Adjustment Assistance Grant and Close the EDA Revolving Loan Program.
- (c) Collectively take such other actions as necessary to close and terminate such programs.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Housing/Finance)

**Resolution No. 77404 adopted.**

### **4.5 Development Agreement between the Coleman Airport Partners, LLC, and the City of San José Related to the Real Property Located on the west side of Coleman Avenue, approximately 820 feet south of Brokaw Road and north of Newhall Drive.**

**Recommendation:** Consideration of an ordinance approving a Development Agreement between the Coleman Airport Partners, LLC, and the City of San Jose relative to the development of an industrial/commercial project with (a) up to 1.514 million square feet of general office uses, 300 hotel rooms, and 63,700 square feet of retail uses; or (b) up to 1.695 million square feet of office/research and development or light industrial uses on an approximately 45.4 gross acre site, located on the west side of Coleman Avenue, approximately 820 feet south of Brokaw Road and north of Newhall Drive. CEQA: Addendum to the FMC/Coleman Avenue Planned Development Rezoning Environmental Impact Report (Resolution No. 71716). (Planning, Building, and Code Enforcement)  
DA15-001 – Council District 3

**Deferred to August 4, 2015 Per Administration.**

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

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### **4.6 Planned Development Rezoning and Permit for the Real Property Located on the North Side of The Alameda Approximately 315 Feet Westerly of Stockton Avenue.**

**Recommendation:**

- (a) Consideration of an ordinance rezoning the real property located on the north side of The Alameda approximately 315 feet westerly of Stockton Avenue from the A(PD) Planned Development Zoning District, which allowed 140 dwelling units and 22,651 square feet of commercial to a new A(PD) Planned Development Zoning District, which will allow 168 dwelling units and 22,696 square feet of commercial, on a 1.04 gross acre site. This change in unit count is a result of decreasing the size of two (2) bedroom units and increasing the number of one (1) bedroom and studio units. PDC15-003

**Ordinance No. 29587 passed for publication. (Second hearing and final adoption on June 23, 2015.)**

- (b) Consideration of a Planned Development Permit to allow the demolition of an existing building and the construction of a 168 multi-family attached residence building and 22,696 square feet of commercial space. PD15-003

**Continued to June 23, 2015.**

- (c) Consideration of a Planned Development Tentative Map to consolidate four (4) parcels into one (1) lot. PT15-005

**Dropped. To Be Renoticed.**

CEQA: Addendum to the Mitigated Negative Declaration for the 785-807 The Alameda Project (File No. PDC13-007), Resolution No. 76762, as addended. Council District 6. (Planning, Building, and Code Enforcement)

### **4.7 Street Naming of an Existing Private Driveway to Blach Place.**

**Recommendation:** Adopt a resolution to name as Blach Place an existing private driveway located between 2010 and 2030 Fortune Drive in the IP Industrial Park Zoning District (Fortune Drive Investors, LLC, Owner). CEQA: Exempt, CEQA Guidelines Section 15301(c) (Existing Facilities). (Planning, Building, and Code Enforcement) ST14-007 – District 4

**Resolution No. 77405 adopted.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.8 Street Naming of Four New Public Streets: Earthquakes Way, Champions Drive, Champions Way, and Aviation Avenue.

**Recommendation:** Adopt a resolution to name four new public streets: Earthquakes Way, Champions Drive, Champions Way and Aviation Avenue (western extension), located along the west side of Coleman Avenue, generally between Newhall Drive and Brokaw Road, in the A(PD) Planned Development Zoning District (Earthquakes Stadium, LLC, Owner). CEQA: Exempt, CEQA Guidelines Section 15301(c) (Existing Facilities). (Planning, Building, and Code Enforcement)

ST14-008 – District 3

**Resolution No. 77406 adopted.**

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Actions Related to the Tamien Park Master Plan.

**Recommendation:**

- (a) Adopt a resolution adopting the Mitigated Negative Declaration for the Tamien Park Master Plan (File No. PP14-057) and related Mitigation Monitoring and Reporting Program in accordance with the California Environmental Quality Act.

**Resolution No. 77407 adopted.**

- (b) Approve the Tamien Park Master Plan regarding the future development of 3.5 acres as a park near the Tamien Transit Station (APN 434-13-041).

CEQA: Mitigated Negative Declaration to be considered for adoption. Council District 3. (Parks, Recreation and Neighborhood Services)

**Approved.**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Actions Related to the Construction Contract for the 7659 – 2014 OBAG Resurfacing Pavement Project.

**Recommendation:** Adopt a resolution authorizing the Director of Public Works to:

- (a) Award the construction contract for the 7659 - 2014 OBAG Resurfacing Pavement Project, Federal Project No. STPL 5005 (134) in an amount not to exceed \$13,145,000 to the lowest responsive and responsible bidder.
- (b) Decide any timely bid protest(s), and make the City's final determination as to the lowest responsive bidder that is responsible, or to reject all bids and re-bid the project.

*(Action Continued on the Next Page)*

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Actions Related to the Construction Contract for the 7659 – 2014 OBAG Resurfacing Pavement Project. (Cont'd.)

- (c) Approve a contingency equal to ten percent of the contract award amount not to exceed \$1,314,500.

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

**Resolution No. 77408 adopted.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Audit of Curbside Recycling.

**Recommendation:** As recommended by the Transportation and Environment Committee on June 1, 2015, accept the Audit Report on Curbside Recycling. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (City Auditor) [Transportation and Environment Committee referral 6/1/15 – Item D(4)]

**Deferred to August 4, 2015 per Administration.**

### 7.2 Actions Related to the Commercial Solid Waste and Recyclables Collection Franchise Agreement with GW Debris Services.

**Recommendation:**

- (a) Conduct a Public Hearing on the application of GreenWaste Recovery Inc., dba GW Debris Services LLC for Commercial Solid Waste and Recyclables Collection Franchise for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris.
- (b) Approve an ordinance granting the franchise.
- (c) Approve the Commercial Solid Waste and Recyclables Collection Franchise Agreement for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris for a term from July 1, 2015 to June 30, 2016, with the option of three one-year extensions.

CEQA: Exempt, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment, File No. PP08-228. (Environmental Services)

**Deferred to August 4, 2015 per Administration. To Be Renoticed.**

## **8. PUBLIC SAFETY SERVICES**

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

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- **Open Forum**
  - (1) **Blair Beekman reiterated his concerns and opposition to the UAS Drone Program.**
  - (2) **Brian Darby commented on mobile home issues and urged Council to consider an ordinance.**
  
- **Adjournment**

**The Council of the City of San José was adjourned at 6:13 p.m.**