

CITY COUNCIL AGENDA

MARCH 26, 2013

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

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

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or 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, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

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

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

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

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

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

- **Call to Order and Roll Call**
9:10 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 3)**
Grupo Folklórico Yolotli Guerrerense Mission presented the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of Day and the Amended Agenda were approved, with Ceremonial Item 1.4 added and Item 4.5 dropped, to be renoticed.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to San José Police Sergeant Frederick Kotto for his courageous actions in responding to a robbery on BART while off-duty. (City Manager) **Mayor Reed, City Manager Debra Figone and Acting Chief of Police Larry Esquivel recognized and commended San José Police Sergeant Frederick Kotto.**
- 1.2 Presentation of a proclamation declaring April 1, 2013 as “Assyrian New Year” in the City of San José. (Khamis) **Mayor Reed and Council Member Khamis recognized April 1, 2013 as “Assyrian New Year” in San José.**
- 1.3 Presentation of a commendation to Gay Patin Brasher for dedicating her past 47 years to educating children. (Khamis) **Mayor Reed and Council Member Khamis recognized and commended Gay Patin Brasher for her outstanding dedication.**
- 1.4 Presentation of a proclamation recognized Lord Mayor O Muiri and the Delegation from Dublin for “Irish Week” in the City of San José. (Mayor/Liccardo) (Orders of the Day) **Mayor Reed and Council Member Liccardo presented poems of local San José poet laureates to Lord Mayor O Muiri and the Dublin Delegation. Lord Mayor O Muiri presented a piece of “twin shaped” bog oak from Midlands, Ireland to Mayor Reed signifying the “Sister City” relationship.**

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.
- 2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29223 – Amending several sections of Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code to amend the definition of a safety or directional sign, to provide for signage at service stations pursuant to California Business and Professions Code Section 13531 and to allow such signs to be programmable electronic signs, to clarify that only signs that are not programmable electronic signs may be exempt from the permit requirements set forth in Section 23.02.1310, to provide for safety or directional signs for public parking garages and allow such signs to be programmable electronic signs, to allow flat-mounted signs to be placed no higher than 60 feet above grade on buildings over 140 feet in height in the Downtown Sign Zone that contain wholly nonresidential uses, and to make other clarifying, ministerial, technical, typographical or other nonsubstantive changes to said chapters of Title 23.

Ordinance No. 29223 adopted.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of October 3, 2012. (Mayor)
- (b) Rules and Open Government Committee Report of October 10, 2012. (Mayor)
- (c) Rules and Open Government Committee Report of October 17, 2012. (Mayor)
- (d) Rules and Open Government Committee Report of October 24, 2012. (Mayor)
- (e) Rules and Open Government Committee Report of October 31, 2012. (Mayor)
- (f) Transportation and Environment Committee Report of March 4, 2013. (Liccardo)
- (g) Rules and Open Government Committee Report of March 6, 2013. (Mayor)
- (h) Rules and Open Government Committee Report of January 23, 2013. (Mayor)

Renumbered to Item 3.6. See Item 3.6 for action.

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

Council Member Constant provided details of his trip to the National League of California Cities and the Silicon Valley Leadership Group's Washington, D.C. Advocacy Trip he attended with Mayor Reed and Council Member Liccardo.

Mayor Reed and Council Member Liccardo offered highlights of the Silicon Valley Leadership Group's Washington, D.C. Advocacy Trip where they met with U.S. Senate and House leaders, as well as key administration officials.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2.7 Agreement with Michael Gritzuk, P.E. for Executive Program Advisor Services for the San José/Santa Clara Water Pollution Control Plant Capital Improvement Program.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute an agreement with Michael Gritzuk, P.E. to provide executive program advisor services for the San José/Santa Clara Water Pollution Control Plant Capital Improvement Program from the date of execution to June 30, 2014 in an amount not to exceed \$345,000, and to provide for up to four one-year options to extend the term through June 30, 2018, subject to appropriation of funds; and
- (b) Execute amendments as required to adjust the compensation consistent with negotiated rates for each option term, subject to the appropriation of funds.

CEQA: Not a Project, File No.PP10-066(a), Agreements and contracts for professional services. (Environmental Services/Public Works)

Resolution No. 76578 adopted.

2. CONSENT CALENDAR

2.8 San José/Santa Clara Water Pollution Control Plant – Name Change.

Recommendation: As recommended by the Transportation and Environment Committee on March 4, 2013, accept the staff report, and:

- (a) Approve identifying the San José/Santa Clara Water Pollution Control Plant (Plant) as the San José – Santa Clara Regional Wastewater Facility in future communications and public outreach regarding this facility.
- (b) Approve a corresponding logo for the Plant’s proposed new name, San José – Santa Clara Regional Wastewater Facility, for use in future communications and public outreach.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Environmental Services) [Transportation and Environment Committee referral 3/4/13 – Item C(1)]

Accepted.

2.9 Setting a Public Hearing for the Cost of Sidewalk Repairs.

Recommendation: Adopt a resolution setting a public hearing on Tuesday, May 14, 2013, at 1:30 p.m. for the approval of the report from the Director of Finance for the cost of sidewalk repairs. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Finance)

Resolution No. 76579 adopted.

2.10 Agreement with Harris Blade Rental, Inc. for Water Pollution Control Plant Equipment.

Recommendation: Authorize the City Manager to amend Open Purchase Order 47025 with Harris Blade Rental, Inc. (Livermore, CA) to increase compensation by \$60,000, for a revised not-to-exceed total amount of \$300,000, for the term ending March 31, 2013. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for Purchase of Supplies. (Finance)

Approved.

2.11 Agreement with AmeriNational Community Services, Inc. for Single Family Loan Portfolio.

Recommendation: Approve the Fourth Amendment to the Agreement with AmeriNational Community Services, Inc., increasing the amount of the agreement by \$50,000, from \$250,000 to \$300,000, and extending the term from June 30, 2013 to September 30, 2013. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Housing)

Approved.

2. CONSENT CALENDAR

2.12 SB 391 (DeSaulnier) -- The California Homes and Jobs Act of 2013.

Recommendation: Approve a support position for SB 391 (DeSaulnier) – the California Homes and Jobs Act of 2013. CEQA: Not a Project, File No. PP10-069, Administrative activities. (Housing)

Support Position Approved.

Noes: Constant, Khamis, Oliverio.

2.13 AB 1229 (Atkins) -- Land Use: Zoning Regulations.

Recommendation: Approve a support position for AB 1229 (Atkins) – Land use: zoning regulations. CEQA: Not a Project, File No. PP10-069, Administrative activities. (Housing)

Deferred to April 9, 2013 per Administration.

2.14 Amendments to the City Pay Plan for Various Classifications.

Recommendation: Adopt a resolution to:

(a) Amend the City of San José Pay Plan effective March 26, 2013, to change the salary ranges for the following classifications to align the minimum hourly rate with the San José Minimum Wage Ordinance:

(1) Temporary Employee U PT (9985/9987)

(2) Temporary Employee U FT/PT Non-management (9986/9983)

(3) Student Intern U PT (1638)

(b) Authorize the City Manager to adjust the minimum hourly rate for these classifications to correspond with annual adjustments of the San José Minimum Wage for future years.

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

Resolution No. 76580 adopted.

2.15 District 10 HP Grant to Andres Castillero Middle School Foundation.

Recommendation: As recommended by the Rules and Open Government Committee on March 13, 2013, approve a grant of \$500.00 to Andres Castillero Middle School Education Foundation, an IRS-recognized 501(c)(3) public charity in good standing with the IRS and the California Secretary of State, to be paid from the budgeted District 10 HP Pavilion at San José allocation, which is funded by the Arena Community Fund Citywide appropriation. CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical change to the environment. (Khamis)

[Rules Committee referral 3/13/13 – Item G(4)]

Approved.

2. CONSENT CALENDAR

2.16 District 5 E-Waste Recycling Event.

Recommendation: As recommended by the Rules and Open Government Committee on March 20, 2013:

- (a) Approve the District 5 E-Waste Recycling Event as a City Council sponsored Special Event.
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

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

[Rules Committee referral 3/20/13 – Item G(2)]

Approved.

2.17 Elections Commission Request for Comments on Title 12 Amendments.

Recommendation: As recommended by the Rules and Open Government Committee on March 20, 2013, grant an exemption to the application of Council Policy 0-36 (City Council/Commission Code of Conduct) for the limited purpose of allowing the Mayor and Council Members to provide written comments to the Elections Commission on potential amendments to Title 12 of the San José Municipal Code, as requested by the Elections Commission. CEQA: Not a Project; File No. PP10-069, Administrative Activities. (City Clerk)

Approved.

2.18 Actions Related to Mayor Reed’s Travel to Washington, D.C.

Recommendation:

- (a) Approve travel by Mayor Reed to Washington, D.C. on March 19 - 24, 2013 to participate in the Silicon Valley Leadership Group’s Washington, D.C. Advocacy Trip and meet with U.S. Senate and House leaders, as well as key administration officials. Source of Funds: Mayor’s Office Budget. (Mayor)
- (b) Request for an excused absence for Mayor Reed from the Regular City Council Meeting on March 19, 2013, and the Regular Meeting of the Rules and Open Government Committee on March 20, 2013 due to Authorized City Business: Silicon Valley Leadership Group Washington, D.C. Advocacy Trip. (Mayor)

Approved.

2.19 Council Member Chu’s Travel to Pasadena, CA.

Recommendation: Approve travel by Council Member Chu to Pasadena, CA on April 4, 2013 to attend the League of California Cities’ regularly scheduled Housing, Community & Economic Development Policy Committee Meeting. Source of Funds: Mayor & Council Travel Fund. (Chu)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

City Manager Debra Figone reported that Director of Housing Leslye Corsiglia received the 2013 YWCA of Silicon Valley Tribute to Women and Industry Award.

City Manager Debra Figone pointed out that the City has earned the 2013 award for excellence in local government from the Alliance for Innovation.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

Heard at 9:00 a.m.

No Report.

3.3 Approval of the FY 2013-2014 Mayor's March Budget Message.

Recommendation: Approve the FY 2013-2014 Mayor's March Budget Message. (Mayor) The FY 2013-2014 Mayor's March Budget Message was approved, including:

- (1) The memorandum from Council Members Chu and Kalra, dated March 22, 2013, was approved, with the following amendment: the City Manager was directed to allocate \$60,000 in one time funding to support the San José Parks Foundation.**
- (2) City Manager was directed to work with Chief McDonald to analyze and report back to Council in late summer related to the memorandum from Council Member Chu, dated March 22, 2013, to provide an update regarding the cost and feasibility of updating the hardware and software used by the Fire Department.**
- (3) City Manager's Office was directed to analyze and report back to Council regarding the memorandum from Council Member Khamis, dated March 22, 2013, regarding evaluating the potential for incorporating a self-funded financial incentive element into the City's e-Ideas Employee Suggestion Program or any similar program that may take the place of the e-Idea Program.**
- (4) Staff was directed to return through the budget process with Manager's Budget Addendums (MBA) as described in the memorandum from Council Member Rocha, dated March 25, 2013, (1) Eco Pass; (2) South San José Police Substation; (3) Downtown College Prep (DCP) and (4) the Senior Nutrition Program.**
- (5) In connection with increasing the Marijuana business tax, Staff was directed to agendize a public meeting, a public hearing and to provide public notice of both as set forth in the Brown Act.**
- (6) City Manager was directed to consider during the budget process: continuing the study of crossing guards, gang prevention and intervention funding, including Safe Summer Initiative as an essential City service and analyze essential service reserve as a potential way to enhance or increase these services, particularly crossing guards.**

3. STRATEGIC SUPPORT SERVICES

3.4 Report on Request for Proposal for Citywide Security Guard Services.

Recommendation:

- (a) Consider the appeal by National Security Industries and Services, Inc. regarding the Report on Request for Proposals for Citywide Security Guard Services and adopt a resolution setting forth the decision of the City Council.

**Resolution No. 76581 adopted to deny the appeal.
Noes: Khamis. Absent: Constant.**

- (b) Report on Request for Proposal for Citywide Security Guard Services and adopt a resolution authorizing the City Manager to:

- (1) Execute agreements with First Alarm & Patrol, Inc. (San José, CA) and National Security Industries & Services (San José, CA) for Security Guard Services for an initial five year term ending March 31, 2018, and maximum compensation for these agreements not to exceed \$3,089,160 for the period April 1, 2013 through March 31, 2014 as follows:

<u>Department</u>	<u>Vendor</u>	<u>Maximum Compensation (year 1)</u>
Aviation/Airport	First Alarm	\$2,002,750
ESD/Water Pollution Control Plant	First Alarm	395,905
Office of Economic Development/Work2Future	National	160,598
Public Works	First Alarm	51,554
Transportation	First Alarm	<u>478,353</u>
Total		\$3,089,160

- (2) Negotiate and execute an agreement with Cypress Private Security (San José, CA) for Security Guard Services for Parks, Recreation and Neighborhood Services for an initial five year term ending March 31, 2018, and maximum compensation for the agreement not to exceed \$120,704 for the period April 1, 2013 through March 31, 2014.
 - (3) In the event agreement cannot be reached with Cypress Private Security:
 - (a) Negotiate and execute an agreement with the next ranked proposer(s) for services to Parks, Recreation and Neighborhood Services for an initial five year term ending March 31, 2018, in a total amount based on rates consistent with the proposal; and
 - (b) Issue a Purchase Order with similar terms and scope of services as the current agreement for services to the Parks, Recreation and Neighborhood Services with the incumbent vendor First Alarm for a term through the execution of a new agreement.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Report on Request for Proposal for Citywide Security Guard Services. (Cont'd.)

Recommendation:

- (b) (4) For all agreements, execute amendments and change orders as required to add or delete facilities, or change service levels due to seasonal changes or budget constraints, subject to the appropriation of funds.
- (5) For all agreements, execute up to five one-year options to extend the term of the agreements, subject to the appropriation of funds.
- (6) For all agreements, adjust the maximum compensation annually consistent with the terms of the agreements not to exceed 3% or the percentage adjustment to the City's Living Wage, whichever is greater, subject to the appropriation of funds.

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

Resolution No. 76582 adopted.

The supplemental memorandum from Director of Finance Julia H. Cooper, dated March 21, 2013 was approved. Staff was directed to return to Council in 90 days for final approval of any modifications to the Living Wage Ordinance.

3.5 Agreement with Mitchell Corporation for Workers' Compensation Cost Containment Services.

Recommendation: Approve an amendment to extend the term of an agreement with Mitchell Corporation to provide workers' compensation cost containment services and increase compensation at a cost not to exceed \$1,500,000, during the period July 1, 2012 to June 30, 2013. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Human Resources)

Approved.

3.6 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of October 3, 2012. (Mayor)
- (b) Rules and Open Government Committee Report of October 10, 2012. (Mayor)
- (c) Rules and Open Government Committee Report of October 17, 2012. (Mayor)
- (d) Rules and Open Government Committee Report of October 24, 2012. (Mayor)
- (e) Rules and Open Government Committee Report of October 31, 2012. (Mayor)

Deferred to April 9, 2013.

- (g) Rules and Open Government Committee Report of March 6, 2013. (Mayor)
Dropped. To Be Renoticed.

- (f) Transportation and Environment Committee Report of March 4, 2013. (Liccardo)
Approved.

3. STRATEGIC SUPPORT SERVICES

3.6 Approval of Council Committee Reports. (Cont'd.)

Recommendation:

- (h) Rules and Open Government Committee Report of January 23, 2013. (Mayor)
[Deferred from 3/19/13 – Item 2.3(b)]

Renumbered from Item 2.3.

The memorandum from Council Members Liccardo, Rocha and Campos, dated March 22, 2013, was approved, with Item (G)(3), Council to consider a resolution amendment of the United States Constitution in response to the Supreme Court's decision in Citizens United versus Federal Elections Commission, from the January 23, 2013, Rules and Open Government Committee Report, to be agendized on the April 9, 2013 City Council Meeting .

Noes: Khamis, Oliverio.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Agreements for the Development of Samsung's Research and Development Center.

Recommendation: Adopt a resolution authoring the City Manager to execute the following agreements:

- (a) An Incentive Agreement between the City of San José and Samsung Semiconductor, Inc. outlining the City and State incentives to be provided to Samsung in coordination with the development of the proposed Research and Development (R&D) Center in North San José;
- (b) A Capital Equipment and Assistance Agreement with Samsung Semiconductor, Inc., in which the City will provide an amount not to exceed \$500,000 for the acquisition of production and assembly equipment to be installed at Samsung Semiconductor's new R&D facility in San José; and
- (c) Utility Users Tax Reimbursement Agreement with Samsung Semiconductor, Inc., that will provide funding in an amount up to 50% of the City's 5% utility tax paid by Samsung on an annual basis for ten years for a cumulative reimbursement not to exceed to \$2.6 million.

CEQA: EIR Resolution No. 72768 and Addendum thereto, dated March 25, 2013.

Council District 4. (Economic Development)

(Deferred from 3/19/13 – Item 4.1, et al, and 02/26/13 – Item 4.2)

Resolution No. 76583 adopted.

The memorandum from Mayor Reed and Council Members Chu, Herrera and Rocha, dated March 22, 2013, was approved, with the City Manager authorized to execute an Incentive Agreement, a Capital Equipment and Assistant Agreement and a Utility Users Tax Reimbursement Agreement with Samsung Semiconductor, Inc., as outlined in the supplemental Staff report dated March 15, 2013.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Administrative Hearing and Consideration of an Appeal of the Planning Commission's Decision to Approve a Conditional Use Permit to Allow the Expansion of an Existing Cemetery Site.

Recommendation: Conduct an Administrative Hearing and consider an Appeal of the Planning Commission's decision to approve a Conditional Use Permit to allow the expansion of an existing cemetery site in the R-1-8 Residential Zoning District, on two parcels consisting of 0.20 and 0.18 gross acres, located on the east side of Alexander Avenue, approximately 260 feet southerly of Madden Avenue (60 and 80 Alexander Avenue) (Roman Catholic Bishop of San José, Owner). CEQA: Exempt.

CP12-038 – District 5. (Planning, Building and Code Enforcement)

The Administrative Hearing was held.

Resolution No. 76584 adopted to approve a Conditional Use Permit.

4.3 Development Agreement with Barry Swenson Builder.

Recommendation: Consideration of an ordinance to approve a Development Agreement with Barry Swenson Builder to develop up to 394 single family attached residential units and 20,000 square feet of ground floor commercial retail space consistent with a previously approved Planned Development Rezoning (File No. PDC05-114) which allows up to 460 residential units and 20,000 square feet of ground floor retail commercial space at/on the Southwest corner of North First Street and Century Center (1733 N First St) in the North San José Area Development Policy area subject to performance by Barry Swenson Builder for payment of contributions, commencement of construction, and subsequent occupancy per deadlines of performance included in the agreement (Schmidt F James Et Al, Owner). CEQA: North San José Area Development Policy Update, EIR Resolution No. 72768 and Addendum thereto.

DA13-001 – District 4. (Planning, Building and Code Enforcement)

Deferred to April 9, 2013 per Administration.

4.4 Report on the Implementation of the San José 2007-14 Housing Element.

Recommendation: Accept the Calendar Year 2012 Annual Progress Report on the Implementation of the San José 2007-14 Housing Element. CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Housing/Planning, Building and Code Enforcement)

Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Actions Related to the San Carlos Senior Apartments Project.

Recommendation:

- (a) Adopt a resolution:
 - (1) Approving the final structure of City financial assistance, with no additional City funding, for the 95-unit San Carlos Senior Apartments Project (Senior Project or Project) located at 1523-1533 West San Carlos Street, as follows:
 - (a) A construction/permanent loan in the aggregate amount of \$6,208,420, reflecting the amount equal to the Senior Project's original conditional grant of \$4,775,000, refinance of the existing loan of \$536,238 for construction of infrastructure for the Project, and a capitalized payment in lieu of interest in the amount of \$897,182.
 - (b) A construction/permanent loan of \$2,973,834, reflecting the assignment of the outstanding principal balance of the infrastructure loan from the adjacent San Carlos Townhomes project (Townhomes Project).
 - (2) Authorizing the Director of Housing to negotiate and execute all legal documents to effectuate the transaction, including loans and an option to purchase.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Low and Moderate Income Housing Asset Fund:
 - (1) Increase the revenue estimate for Earned Revenue by \$5,700,000.
 - (2) Increase the Housing Loans and Grants appropriation by \$4,775,000.
 - (3) Increase the Ending Fund Balance by \$925,000.

CEQA: Mitigated Negative Declaration; File No. PD04-103. Council District 6.
(Housing/City Manager's Office)

Dropped, to be renoticed, per Orders of the Day.

4.6 Report on a Nexus Study for Determining the Feasibility of a Housing Impact Fee, Land Conversion Fee or Other Mechanism.

Recommendation:

- (a) Direct the Housing Department and the City Attorney's Office to draft and release a Request for Qualification (RFQ) to identify a qualified consultant to complete a nexus study to examine Housing Impact Fees, to support the Citywide Inclusionary Housing Ordinance, and to identify other tools that capture value imparted by City land use decisions, including a foregone density fee discussed in this memorandum.
- (b) Authorize the Director of Housing and the City Attorney to select, and enter into an agreement with, a qualified firm or individual based on the results of the RFQ.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 Report on a Nexus Study for Determining the Feasibility of a Housing Impact Fee, Land Conversion Fee or Other Mechanism. (Cont'd.)

Recommendation:

- (c) Direct the Housing Department to return to the City Council upon completion of the Nexus Study to present:
 - (1) Key findings/recommendations of the nexus study.
 - (2) A recommended work plan for implementing an affordable rental housing impact fee, if applicable.
 - (3) Other potential mechanisms to fund affordable housing.

CEQA: Not a Project, File No. PP10-069(a), Staff report. (Housing)

Deferred to April 9, 2013 per Administration.

5. NEIGHBORHOOD SERVICES

5.1 Grant Applications to the State of California for the Three Creeks Trail Pedestrian Bridge Development.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager or designee to:
 - (1) Submit two grant applications to the State of California – Natural Resources Agency for an amount up to \$1,230,000 as part of the Roberti-Z'berg-Harris (Prop 40) grant program for the Three Creeks Trail Pedestrian Bridge development project with no local match required.
 - (2) Make the required assurances to comply with the project applications, deadlines to complete the project, grant program requirements, and other assurances required by the State of California as explained in the staff memorandum.
 - (3) Accept any grants award(s) and negotiate and execute any documents to effectuate the grant(s), including documents that increase the amount of the grant(s) awarded or increase the local match of funds required from the City for the project, subject to the appropriation of funds.

Resolution No. 76585 adopted.

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.1 Grant Applications to the State of California for the Three Creeks Trail Pedestrian Bridge Development. (Cont'd.)

Recommendation:

- (b) Adopt the following Appropriation Ordinance Amendments in the Subdivision Park Trust Fund (Fund 375):
- (1) Increase the Trail: Three Creeks Interim Improvements & Trestle Bridge appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,188,000.
 - (2) Decrease the Reserve: Future PDO/PIO Projects appropriation in the amount of \$503,000.
 - (3) Decrease the Reserve: Trail: Three Creeks appropriation in the amount of \$685,000.

CEQA: Resolution No. 65459, File No. PP03-05-175. Council District 6. (Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 29228 adopted.

Staff was directed to preserve the older wood to create benches.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to Taxi Permits at the Airport.

Recommendation:

- (a) Approve an ordinance amending Chapter 6.64 of Title 6 of the San José Municipal Code to amend Section 6.64.130 and add a new Section 6.64.465 to create exceptions for out of town taxi businesses and taxi drivers whose principal place of business is outside of the City and who only do business in the City at the airport from obtaining an additional license under Title 6 if properly permitted under Title 25 and another jurisdiction. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy. (Airport/Police)

The memorandum from Mayor Reed and Council Member Liccardo, dated March 22, 2013, was approved, the Staff Alternative #2 was approved, which allows only drop-off activities by non-Police Licensed companies.

The City Auditor was directed to return with an analysis and breakdown of fees to the Transportation and Environment Committee Meeting on June 3, 2013, with the Committee to recommend a referral to the full City Council for consideration and action in mid June.

Ordinance No. 29229 passed for publication, as amended.

Noes: Kalra.

(Item continued on the next page)

6 TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to Taxi Permits at the Airport. (Cont'd.)

Recommendation:

- (b) Adopt a resolution:
 - (1) Establishing a Trip Fee structure for Ground Transportation Permitted operators, including taxicab companies who are exempt from obtaining a Police Permit;
 - (2) Re-adopting all other Airport Fees, Rates and Charges; and
 - (3) Repealing Resolution No. 76438.

CEQA: Not a Project, File No. PP10-067(a), Adjustment to rates, fares, tolls, and charges. (Airport)

Resolution No. 76587 adopted.

Noes: Kalra.

- (c) Approve an ordinance amending Sections 6.64.440, 6.64.620, and 6.64.630 of Chapter 6.44 of Title 6 and Section 25.08.750 of Chapter 25.08 of Title 25 of the San José Municipal Code related to taxicab and airport permits to remove outdated language, clarify requirements, and to ensure consistency with other permit provisions in the Code. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy. (City Attorney's Office)

Ordinance No. 29230 passed for publication.

Noes: Kalra.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Actions Related to Amending Title 15 and Title 20 of the San José Municipal Code Regarding Water Efficient Landscape Standards and Regulations.

Recommendation: Consideration of an ordinance of the City of San José amending Section 15.10.290 of Chapter 15.10 of Title 15 (Public Utilities), Chapter 15.11 of Title 15 in its entirety, and Section 20.100.440 of Chapter 20.100 of Title 20 (The Zoning Ordinance) of the San José Municipal Code, all to modify the Water Efficient Landscape Standards for New and Rehabilitated Landscaping and to establish Water Efficient Landscape Regulations pursuant to State Law and to make other technical, formatting, or other nonsubstantive changes with those Chapters of Title 15 and Title 20. CEQA: Final Program Environmental Impact Report (EIR) for the envision San José 2040 General Plan, EIR Resolution No. 76041 (File No. PP12-100). (Planning, Building and Code Enforcement)

Deferred to April 16, 2013 per Administration.

8. PUBLIC SAFETY SERVICES

8.1 Agreement with South Bay Regional Public Safety Training Consortium for Police Recruit Academy Training.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a First Amendment to the Agreement with South Bay Regional Public Safety Training Consortium related to providing Police Recruit Academy Training to the San José Police Department for the period of September 1, 2012, to October 31, 2013, in an amount not to exceed \$435,420; and
- (b) Execute four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$2,177,100.

CEQA: Not a Project, File No. PP10-066(a), Agreements and contracts for professional services. (Police)

Resolution No. 76586 adopted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

- 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>
10150	North side of River Oaks Parkway, 200 feet east of Research Place	4	River Oaks San Jose Group, LLC	1 Lot / 438 Units	MFA	Approval

- Open Forum

There was no testimony from the floor.

- Adjournment

The Council of the City of San José was adjourned at 6:43 p.m.