



CITY COUNCIL AGENDA

JUNE 4, 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. 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/cityclerk. 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**
9:03 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.
1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 6)**
Reverend Rebecca Irelan of Willow Glen Methodist Church, presented the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance accompanied by third-grade students from Easterbrook Elementary School.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Evergreen High School students' participation in the Odyssey of the Mind program and world finals. (Herrera)
Mayor Reed and Council Member Herrera commended Evergreen High School students' for their participation in the Odyssey of the Mind program and world finals.
- 1.2 Presentation of a commendation to Ida Jew Academies for increasing their Academic Performance Index score. (Herrera)
Mayor Reed and Council Members Herrera and Campos commended Ida Jew Academies for increasing their Academic Performance Index score.
- 1.3 Presentation of a proclamation declaring June 10th as Dia de Portugal, de Camões e das Comunidades Portuguesas in the City of San José. (Liccardo)
Mayor Reed and Council Members Campos and Liccardo recognized June 10th as Dia de Portugal, de Camões e das Comunidades Portuguesas in the City of San José.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of September 11, 2012.
- (b) Regular Minutes of September 18, 2012.
- (c) Study Session Minutes of September 18, 2012 on Police Response to Recent Crimes and Gang Activity.
- (d) Regular Minutes of September 25, 2012.
- (e) Regular Minutes of October 2, 2012.
- (f) Joint City/County Meeting Minutes of October 5, 2012.
- (g) Special Meeting Minutes of October 9, 2012 on Prioritization of Policies, Ordinances and Setting Study Sessions.
- (h) Regular Minutes of October 16, 2012.
- (i) Regular Minutes of October 23, 2012.
- (j) Study Session Minutes of October 29, 2012 on Homeless Encampments.
- (k) Regular Minutes of October 30, 2012.

Approved.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29252 – Adopting salaries and other compensation for the Mayor and Councilmembers pursuant to City Charter Section 407.

Ordinance No. 29252 adopted.

- (b) ORD. NO. 29253 – Amending Sections 6.54.110, 6.54.260, and 6.54.265 and adding Section 6.54.320 of Chapter 6.54 of Title 6 of the San José Municipal Code to modify the conditions of for fixed location peddlers and authorize the City Manager to promulgate regulations on behalf of all fixed location peddlers.

Ordinance No. 29253 adopted.

- (c) ORD. NO. 29254 – Amending Title 20 of the San José Municipal Code (The Zoning Ordinance) to amend: Section 20.30.100 of Chapter 20.30 (Residential Zoning Districts) to allow outdoor vending of fresh fruits and vegetables on school, library, community center, and religious assembly sites in residential zoning districts; Sections 20.40.100 and 20.40.520 of Chapter 20.40 (Commercial Zoning Districts) to allow outdoor vending of fresh fruits and vegetables in commercial zoning districts; Section 20.50.100 of Chapter 20.50 (Industrial Zoning Districts) to allow outdoor vending of fresh fruits and vegetables in industrial zoning districts; Section 20.70.100 of Chapter 20.70 (Downtown Zoning Districts) to allow outdoor vending of fresh fruits and vegetables, and to allow banquet facilities as ground-floor space uses, in downtown zoning districts; Sections 20.75.200 and 20.75.320 of Chapter 20.75 (Pedestrian Oriented Zoning Districts) to allow Certified Farmers’ Markets, neighborhood agriculture and outdoor vending of fresh fruits and vegetables in pedestrian oriented zoning districts; Sections 20.80.810 and 20.80.820 of Chapter 20.80 (Specific Use Regulations, Outdoor Vending Facilities) to allow outdoor vending of fresh fruits and vegetables and other products in conformance with specific regulations without an administrative permit; and to renumber Sections 20.200.400 (Flag Lot) and 20.200.410 (Fixed Based Host) of Chapter 20.200 (Definitions) without substantive amendment; all to further implement the design for a healthful community major strategy, the vibrant neighborhoods goals and policies, the economic development goals and policies, and the land use goals and policies set forth within the Envision San José 2040 General Plan and to make other technical, formatting or other nonsubstantive changes within those sections of Title 20.

Ordinance No. 29254 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 May 1, 2013. (Mayor)
- (b) Transportation and Environment Committee Report of May 6, 2013. (Liccardo)
- (c) Rules and Open Government Committee Report of May 8, 2013. (Mayor)
- (d) Public Safety, Finance, and Strategic Support Committee Report of May 16, 2013. (Constant)
- (e) Community and Economic Development Committee Report of May 20, 2013. (Herrera)

Approved.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

Council Member Rocha reported on his attendance at the Silicon Valley Leadership Group's Annual Advocacy event in Sacramento.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Setting Public Hearings on the Business Improvement Districts.

Recommendation:

- (a) Preliminary approval of the report as filed by the Hotel Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2013-2014, and set June 18, 2013 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. (Economic Development)
Resolution No. 76645 adopted.
- (b) Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2013-2014, and set June 18, 2013 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048. Council District 3. (Economic Development)
Resolution No. 76646 adopted.

2. CONSENT CALENDAR

2.7 Setting Public Hearings on the Business Improvement Districts (Cont'd.)

- (c) Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council; and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2013-2014, reduce the district boundaries and set June 18, 2013 at 1:30 p.m. as the date and time for the public hearing on the foregoing matters. CEQA: Exempt, File No. PP03-165. Council District 3. (Economic Development)
Resolution No. 76647 adopted.

2.8 Actions Related to the Santa Clara Valley Transportation Authority Agreement for Public Art Enhancements.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to ratify and approve an agreement with Santa Clara Valley Transportation Authority (VTA), retroactive from March 20, 2013 to August 31, 2015, to receive funding in the amount of \$255,000 for the management of public art enhancements as part of VTA's Santa Clara – Alum Rock Bus Rapid Transit Project (BRT).
Resolution No. 76648 adopted.

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Increase the City-Wide Cultural Affairs Special Project appropriation in the amount of \$90,000; and
 - (2) Increase the estimate for Revenue from Local Agencies by \$90,000.

CEQA: Exempt, File No. PP11-017. (Economic Development/City Manager's Office)
Ordinance No. 29257 adopted.
Resolution No. 76649 adopted.

2.9 Agreement with Silicon Valley Community Foundation for Community Energy Champions Grant Program.

Recommendation: Approve an Agreement with the Silicon Valley Community Foundation in an amount not to exceed \$300,000, for a term of July 1, 2013 to December 31, 2014, for the purpose of implementing the Community Energy Championship Grant program. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)

Approved.

2. CONSENT CALENDAR

2.10 Actions Related to Agreements with San José Conservation Corps.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Second Amendment to the Agreement with the San José Conservation Corps for the Event Recycling and Creek Cleanup and Riparian Work, and the Fourth Amendment to the Agreement with the San José Conservation Corps for Basic Park Support, to increase the hourly salary rate from \$22.00 to \$24.50, retroactive to March 11, 2013. CEQA: Strong Neighborhoods EIR Resolution No. 71045, File No. PP13-050. (Environmental Services/Parks, Recreation and Neighborhood Services)

Resolution No. 76650 adopted.

Noes: Khamis.

2.11 Initiate Proceedings for the Annexation of Snell No. 30.

Recommendation: Adopt a resolution initiating proceedings and setting a public hearing on June 18, 2013 at 1:30 p.m. for Council consideration of the reorganization of territory designated as Snell No. 30, which involves the annexation to the City of San José of approximately 258.94 gross acres of land generally bounded by Branham Lane to the north, Barron Park Drive to the west, Chynoweth Avenue to the south, and Snell Avenue to the east and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: Envision San José 2040 General Plan Final Program EIR Resolution No. 76041. Council District 10. (Planning, Building and Code Enforcement)

Resolution No. 76651 adopted.

2.12 City Attorney's Travel to St. Louis, Missouri.

Recommendation: Authorize travel for City Attorney Richard Doyle to St. Louis, Missouri on June 14-15, 2013 to attend an International Municipal Lawyers Association (IMLA) Big Cities meeting. Source of Funds: City Attorney's Office Non Personal Services Appropriation. CEQA: Not a Project; File No. PP10-069, Administrative Activities. (City Attorney's Office)

Authorized.

2.13 Actions Related to Various Funds in the Municipal Code.

Recommendation:

- (a) Approve an Ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to take effect retroactively on June 30, 2013 to add new Parts in order to establish the following funds:
- (1) San José Arena Capital Fund;
 - (2) Contingent Lien District Fund;

(Item Continued on the next page)

2. CONSENT CALENDAR

2.13 Actions Related to Various Funds in the Municipal Code. (Cont'd.)

Recommendation:

- (a) (3) Federal Grant Fund;
- (4) Improvement District Fund;
- (5) Multi-Source Housing Fund;
- (6) Public Works Program Support Fund;
- (7) San José Arena Enhancement Fund;
- (8) San José/Santa Clara Treatment Plant Fund; and
- (9) Supplemental Law Enforcement Services Fund.

Ordinance No. 29258 passed for publication.

- (b) Approve an Ordinance repealing various Parts of Chapter 4.80 of Title 4 and amending Section 17.02.300 of Chapter 17.02 of Title 17 of the San José Municipal Code as referenced below to take effect retroactively on June 30, 2013 to eliminate funds which have been previously closed out or are scheduled to be closed out in Fiscal Year 2012-2013:
 - (1) 1975 Rincon De Los Esteros Tax Allocation Bond Fund (Part 18; Sections 4.80.900 to 4.80.920);
 - (2) Comprehensive Employment and Training Act Fund (Part 6; Sections 4.80.250 to 4.80.270);
 - (3) Economic Development Enhancement Fund (Part 9; Sections 4.80.440 to 4.80.460);
 - (4) Emergency Communication System Support Fund (Part 51; Sections 4.80.3400 to 4.80.3410);
 - (5) Emergency Employment Act Fund (Part 10; Sections 4.80.500 to 4.80.520);
 - (6) Federal Local Law Enforcement Block Grant Fund (Part 50; Sections 4.80.3300 to 4.80.3330);
 - (7) Microfilm Book Fund (Part 15; Sections 4.80.750 to 4.80.760);
 - (8) Model Cities Planning and Program Fund (Part 16; Sections 4.80.800 to 4.80.820);
 - (9) Municipal Health Services Program Fund (Part 32; Sections 4.80.1750 to 4.80.1770);
 - (10) Public Improvement Fund (Part 21; Sections 4.80.1150 to 4.80.1160);
 - (11) Public Works Employment Act Fund (Part 22; Sections 4.80.1200 to 4.80.1250);
 - (12) Redevelopment Capital Projects Fund (Part 23; Sections 4.80.1300 to 4.80.1320);
 - (13) Repair and Demolition Fund (Section 17.02.300);
 - (14) Revenue Sharing Trust Fund (Part 24; Sections 4.80.1350 to 4.80.1370);
 - (15) Services for Redevelopment Capital Projects Fund (Part 48; Sections 4.80.3100 to 4.80.3140);

(Item Continued on the next page)

2. CONSENT CALENDAR

2.13 Actions Related to Various Funds in the Municipal Code. (Cont'd.)

Recommendation:

- (b) (16) Special Assessment Revolving Fund (Part 26; Sections 4.80.1450 to 4.80.1460);
- (17) Special Aviation Fund (Part 27; Sections 4.80.1500 to 4.80.1520);
- (18) William F. Prusch Jr. Trust Fund (Part 30; Sections 4.80.1650 to 4.80.1670); and
- (19) Workers' Compensation Fund (Part 31; Sections 4.80.1700 to 4.80.1720).

CEQA: Not a Project, File No. PP10-068, Municipal Code or Policy change that involves no changes in the physical environment. (City Manager's Office)

Ordinance No. 29259 passed for publication.

2.14 District 1 Korean Flag Raising Event.

Recommendation: As recommended by the Rules and Open Government Committee on May 22, 2013:

- (a) Approve the District 1 Korean Flag Raising as a City Council sponsored Special Event as rescheduled to August 15, 2013; and
- (b) Approve and accept donations from various individuals, business, or community groups to support the event.

CEQA: Not a Project. (Constant)

[Rules Committee referral 5/22/13 – Item G(2)]

Approved.

2.15 Actions Related to Councilmember Constant's Travel to Washington, D.C.

Recommendation:

- (a) Approve travel by Councilmember Constant to Washington, D.C. on June 26 – 29, 2013 to preside as Chair of the National League of Cities' (NLC) Public Safety & Crime Prevention Committee, and serve as the voting delegate at the NLC Annual Business Meeting. Source of Funds: Mayor & Council Travel Fund & Office Budget. (Constant)
- (b) Request for an excused absence for Councilmember Constant from the Regular Meeting of the Rules and Open Government Committee on June 26, 2013 due to Authorized City Business: presiding as Chair of the National League of Cities' (NLC) Public Safety & Crime Prevention Committee at the 2013 NLC Summer Policy Forum. (Constant)

(Rules Committee referral 5/29/13)

Approved.

2. CONSENT CALENDAR

2.16 San José Jazz Festival Flag Raising.

Recommendation:

- (a) Approve the San José Jazz Festival Flag Raising as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Liccardo)
(Rules Committee referral 5/29/13)

Approved.

2.17 National Night Out.

Recommendation: As recommended by the Rules and Open Government Committee on May 29, 2013:

- (a) Approve the National Night Out as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, business, or community groups to support the event.

CEQA: Not a Project. (City Clerk)
[Rules Committee referral 5/29/13 – Item G(3)]

Approved.

2.18 AB 416 (Gordon): California Air Resources Board: Local Emission Reduction Program.

Recommendation: As recommended by the Rules and Open Government Committee on May 29, 2013, approve a support position for AB 416 (Gordon): California Air Resources Board: Local Emission Reduction Program. (Environmental Services)
[Rules Committee referral 5/29/13 – Item G(4)]

Position of support approved.

2.19 AB 637 (Atkins, Principal Co-author – Torres): Housing Assistance.

Recommendation: As recommended by the Rules and Open Government Committee on May 29, 2013, approve a support position for AB 637 (Atkins, Principal Co-author – Torres): Housing Assistance. (Housing)

[Rules Committee referral 5/29/13 – Item G(5)]

Position of support approved.

2. CONSENT CALENDAR

2.20 AB 1051 (Bocanegra): Sustainable Communities for All Program, Housing.

Recommendation: As recommended by the Rules and Open Government Committee on May 29, 2013, approve a support position for AB 1051 (Bocanegra): Sustainable Communities for All Program, Housing. (Housing/Parks, Recreation and Neighborhood Services)

[Rules Committee referral 5/29/13 – Item G(6)]

Position of support approved.

2.21 AB 574 (Lowenthal): California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: Sustainable Communities Strategies.

Recommendation: As recommended by the Rules and Open Government Committee on May 29, 2013, approve a support position for AB 574 (Lowenthal): California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: Sustainable Communities Strategies. (Transportation)

[Rules Committee referral 5/29/13 – Item G(7)]

Position of support approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report) None provided.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.
Accepted.

3.3 Ordinance Clarifying Police and Fire Health Trust Funds.

Recommendation: Approve an ordinance amending Section 3.54.020.20 of Chapter 3.54 and Section 3.56.020.20 of Chapter 3.56 of Title 3 of the San José Municipal Code to clarify that the Police and Fire Health Trust Funds may be subtrusts of one trust pursuant to Section 115 of the Internal Revenue Code. CEQA: Not a Project; File No. PP10-068(b), Municipal Code or Policy change that involves no changes in the physical environment. (City Attorney's Office)

Ordinance No. 29260 passed for publication.

3. STRATEGIC SUPPORT SERVICES

3.4 Ordinance Related to Grounds for Declaring a Public Nuisance.

Recommendation: Approve an ordinance amending Section 1.13.050 of Chapter 1.13 of Title 1 of the San José Municipal Code to clarify the definition of “public nuisance” to include nonpayment of certain City business taxes and transient occupancy (hotel) taxes. CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Attorney's Office)

Ordinance No. 29261 passed for publication.

3.5 Ordinance Increasing the Marijuana Business Tax Rate.

Recommendation: Adopt an ordinance amending Section 4.66.250 of Chapter 4.66 of Title 4 of the San José Municipal Code to increase the Marijuana Business Tax rate from 7% of gross receipts to 10% of gross receipts, effective on July 1, 2013. CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Attorney's Office)

Ordinance No. 29262 adopted.

Noes: Kalra

3.6 Civil Service Commission Interviews.

Recommendation:

- (a) Interview applicants for appointment to the Civil Service Commission
- (b) Appoint one (1) member to the Civil Service Commission.
- (c) If no appointment is made, direct the City Clerk to continue recruitment efforts and bring additional applicants forward for consideration.

(City Clerk)

Michael Wilcoxon was appointed to the Civil Service Commission for a term ending 11/30/14.

3.7 Adoption of a Statement of Policy and City Council Questions for the Prospective Director of Aviation for the Airport Department.

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Aviation for the Airport Department as described in the staff memorandum, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

Adopted.

3. STRATEGIC SUPPORT SERVICES

3.8 Implementation of Changes to Retiree Healthcare and Four-Tier Insurance Premium Rates for Executive Management and Professional Employees (Unit 99).

Recommendation:

- (a) Adopt a resolution:
- (1) Implementing changes to the established retiree healthcare funding provisions for Executive Management and Professional Employees (Unit 99) who are in the Federated City Employees' Retirement System, effective June 23, 2013;
 - (2) Implementing a provision that new employees hired into Unit 99, who elect to join Tier 2, would be ineligible to receive retiree healthcare benefits;
 - (3) Implementing four-tier health and dental insurance coverage premium rates for employees in Unit 99, effective January 1, 2014.

Resolution No. 76652 adopted

Abstain: Constant.

- (b) Direct the Administration to bring forward a recommendation for establishing a Retiree Healthcare Reserve in the General Fund as part of the 2012-2013 Annual Report for the one-time savings generated from the recommendations related to the changes to the retiree healthcare funding provisions for Unit 99 for 2013-2014.

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

Approved.

Abstain: Constant.

3.9 Amendments to the Living Wage Policy.

Recommendation: Adopt a resolution approving revisions to the City's Living Wage Policy, Council Policy 3-3, to require contractors to provide a minimum number of days of compensated time off to workers providing labor or service to the City pursuant to procurements initiated on or after June 5, 2013, and to amendments of existing agreements requiring City Council approval. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (Public Works)

Resolution No. 76653 adopted.

Noes: Constant, Khamis, Oliverio.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Implementation of Envision San José 2040 General Plan Regarding Urban Villages.

Recommendation: As recommended by the Community and Economic Development Committee on May 20, 2013, accept the progress report on the implementation of the Urban Village component of the Envision San José 2040 General Plan, provide comments on the proposed approach for additional implementation, and provide additional direction on the proposed approach. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Planning, Building, and Code Enforcement/Economic Development)

[Community and Economic Development Committee referral 5/20/13 – Item D(2)]

Accepted, with direction for staff to return to Council in September 2013 with models of an Urban Village in two or three of the City’s highest priority Urban Village Plan areas that show a conceptual layout of office, residential and commercial development and information regarding infrastructure improvements, amenities and best available cost estimates.

4.2 Housing Impact Fee Nexus Study.

Recommendation: Direct the Housing Department to conduct a nexus study analyzing the impact that residential development has on the need for affordable housing in San José and to return to the City Council with recommendations. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Housing)

(Deferred from 3/26/13 – Item 4.6 and 4/9/13 – Item 4.2)

The staff’s recommendation to conduct a nexus study was approved, with acceptance of Vice Mayor Nguyen and Council Member Rocha’s memorandum dated May 31, 2013, and Council Member Kalra and Campos’ memorandum dated May 31, 2013. Additionally, when a consultant has been selected, staff is directed to provide an informational memorandum outlining the scope of work.

Noes: Khamis, Oliverio.

4.3 Rezoning the Real Property Located on the West Side of Bundy Avenue.

Recommendation: Conduct a Public Hearing and consider an ordinance rezoning the real property located on the west side of Bundy Avenue, approximately 200 feet northerly of Adra Avenue (425 Bundy Avenue) from the R-M Multi-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District to allow for the development of up to four (4) single-family detached residences on a 0.29 gross acre site (Chitgar Kourosch, Owner). CEQA: Mitigated Negative Declaration Resolution to be considered for adoption. Planning Commission recommends approval (6-0-1).

PDC12-014 – District 1. (Planning, Building, and Code Enforcement)

Public Hearing held

Ordinance No. 29263 passed for publication.

Resolution No. 76654 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 ADMINISTRATIVE HEARING and Consideration of an APPEAL of the Planning Director's Environmental Determination of Categorical Exemption for a Special Use Permit.

Recommendation: Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Director's environmental determination of Categorical Exemption for a Special Use Permit (File No. SP12-033) to allow a Recycling Transfer Facility on a 3.83 gross acre site in the HI Heavy Industrial Zoning District, located at the northerly terminus of Yard Court (1255 Yard Court) (TSMMLLC, Owner; Eco Box, Applicant).

SP12-033 – District 4. (Planning, Building, and Code Enforcement)

Administrative hearing held.

Resolution No. 76655 adopted.

Noes: Chu

4.5 Rezoning the Real Property Located on the West Side Meridian Avenue.

Recommendation: Conduct a Public Hearing and consider an ordinance rezoning the real property located on the west side of Meridian Avenue, 130 feet northerly of Curci Drive (979 Meridian Avenue), from the A Agricultural Zoning District to the CP Commercial Pedestrian Zoning District to allow medical office use on a 0.37 gross acre site (Green Valley Enterprises, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR Resolution No. 76041.

C13-003 – District 6 (Planning, Building, and Code Enforcement)

Public Hearing held.

Ordinance No. 29264 passed for publication.

4.6 Unattended Collection Containers Ordinance.

Recommendation: Conduct a Public Hearing and consider an ordinance of the City of San José amending Title 20 of the San José Municipal Code (the Zoning Ordinance) to: amend Sections 20.80.1110, 20.80.1130, and 20.80.1150 of Chapter 20.80 (Specific Use Regulations, Recycling Facilities) to amend regulations for Reverse Vending Machines and Unattended Collection Containers in Small Collection Facilities; amend Sections 20.100.1240 and 20.100.1250 of Chapter 20.100 (Administration and Permits) to amend requirements for Display and Terms of Administrative Permits; add Section 20.80.1115 to Chapter 20.80 to establish a maximum number of allowable Administrative Permits for Unattended Collection Containers City-wide; and add Sections 20.200.877 and

(Item Continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 Unattended Collection Containers Ordinance (Cont'd.)

20.200.1303 of Chapter 20.200 (Definitions) to add definitions for “Permittee” and “Unattended Collection Container”; and establish a retroactive effective date of May 7, 2013 for the applicability of Section 20.80.1115; all to further implement the Measurable Sustainability/Environmental Stewardship Major Strategy, the Measurable Environmental Sustainability Goals and Policies, and the Land Use Goals and Policies set forth within the Envision San Jose 2040 General Plan and to make other technical, formatting or other nonsubstantive changes within those sections of Title 20. CEQA: Envision San José 2040 General Plan Final Program EIR Resolution No. 76041, File No.

Public Hearing held.

Ordinance No. 29265 passed for publication, with direction to limit to one application box per site.

5. NEIGHBORHOOD SERVICES

5.1 Report on the San José Bringing Everyone’s Strengths Together (BEST) and Mayor’s Gang Prevention Task Force (MGPTF) Programs.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on May 16, 2013:

- (a) Accept the Evaluation Report for FY 2011-2012 San José Bringing Everyone’s Strengths Together (BEST) and the Mayor’s Gang Prevention Task Force (MGPTF); **Accepted.**
- (b) Approve the Resource Allocation Plan for San José BEST and Safe Summer Initiative Grant (SSIG) Programs for FY 2013-2014; **Approved.**
- (c) Adopt a resolution:
 - (1) Authorizing the Parks, Recreation and Neighborhood Services (PRNS) Director to utilize San José Municipal Code 4.12.235 Unique Services Purchases to negotiate and execute agreements with unique service providers for amounts not to exceed \$250,000, via the BEST Program Emergency Fund in the 2013-2016 triennial period in the event of an emergency or a spike in a particular type of criminal activity amongst the MGPTF Target Population; and
 - (2) Authorizing the Parks, Recreation and Neighborhood Services Director to negotiate and execute all grant agreements, amendments and extensions for the 2013 Safe Summer Initiative Grants consistent with the FY 2012-2013 Adopted Budget.

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

[Public Safety, Finance, and Strategic Support Committee referral 5/16/13 – Item D(4)]
Resolution No. 76656 adopted.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Agreement with the Clear Channel Airport Advertising Concession.

Recommendation: Adopt a resolution authorizing the City Manager to exercise the City's option to extend the Advertising Concession Agreement between the City of San José and Clear Channel Outdoor, Inc. d/b/a Clear Channel Airports on the same terms and conditions for three years from July 1, 2014 through June 30, 2017. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

(Deferred from 4/30/13 – Item 6.1)

Deferred to 6/18/13 per Administration.

6.2 Status Report Deferred Maintenance and Infrastructure Backlog.

Recommendation: As recommended by the Transportation and Environment Committee on May 6, 2013, accept the status report on the City's Deferred Maintenance and Infrastructure Backlog. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Public Works)

[Transportation and Environment Committee referral 5/6/13 – Item D(2)]

Accepted.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

None provided.

- **Open Forum**

None provided.

- **Adjournment**

The Council of the City of San José adjourned at 7:44 p.m.