



CITY COUNCIL AGENDA

AUGUST 13, 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.

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

- **Call to Order and Roll Call**
9:02 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 7)**
Monsignor Francisco Rios, Our Lady of Refuge presented the Invocation.
- **Pledge of Allegiance**
Mayor Reed, accompanied by Boy Scout Troops 262 and 282, led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, and Item 3.12 was heard concurrently with Items 3.6 – 3.9.

- **Closed Session Report**
City Attorney Doyle disclosed the following Closed Session actions of August 13, 2013:

A. Authority to Pursue Appellate Review in a Litigation Case:

Case Name: City of San José v. Vinod Sharma and County of Santa Clara

Adverse Party of Parties: Vinod Sharma, County of Santa Clara

Substance of Litigation: Appeal

Council Vote: Ayes: Campos, Chu, Constant, Herrera, Kalra, Khamis, Liccardo, Nguyen, Oliverio, Rocha; Reed.

Noes: None.

Abstain: None.

Not Present: None.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring August 15, 2013 as, "South Korean Independence Day," in the City of San José. (Constant)
Mayor Reed and Council Member Constant recognized August 15, 2013 as "South Korean Independence Day".
- 1.2 Presentation of a commendation to Downtown Streets Team for their work in exceeding the Clean Creeks, Healthy Communities program outcomes, collecting over 4,000 cubic yards of trash and debris out of the Coyote Creek watershed and housing over 50 formerly homeless community members through the program. (Liccardo)
Mayor Reed and Council Member Liccardo recognized and commended the Downtown Streets Team.

2. CONSENT CALENDAR

2.1 **Approval of Minutes.**

Recommendation: Approval of minutes.

- (a) Regular Minutes of February 5, 2013
- (b) Regular Minutes of February 11, 2013 on 2013-2014 Budget Planning
- (c) Regular Minutes of February 12, 2013
- (d) Joint City/San José Financing Authority Minutes of February 12, 2013
- (e) Regular Minutes of February 26, 2013

Approved.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29277 – To amend Chapter 9.08 of Title 9 of the San José Municipal Code to updated the receiving station use permit regulations; and to amend Parts 2 and 3 of Chapter 15.14 of Title 15 of the San José Municipal Code to add new definitions, modify permitting and reporting requirements for certain industrial dischargers, and make other technical and conforming changes to the sewer use regulations.

Ordinance No. 29277 adopted.

- (b) ORD. NO. 29278 – Rezoning certain real property situated on the west side of North 2nd Street, 150-feet south of East Hedding Street (879 N. 2nd Street) from the R-M Multi-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District on a 0.16 gross acre site. C13-014

Ordinance No. 29278 adopted.

Recommendation: Final adoption of ordinances:

- (c) ORD. NO. 29279 – Prezoning certain real property situated at the southwest corner of West San Carlos Street and Leigh Avenue, from County of Santa Clara to CP Commercial Pedestrian Zoning District. C13-010

Ordinance No. 29279 adopted.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of May 15, 2013. (Mayor)
[Deferred from 6/18/13 – Item 2.3(a)]
- (b) Rules and Open Government Committee Report of May 22, 2013. (Mayor)
[Deferred from 6/18/13 – Item 2.3(b)]
- (c) Rules and Open Government Committee Report of May 29, 2013. (Mayor)
- (d) Transportation and Environment Committee of June 3, 2013. (Liccardo)
- (e) Rules and Open Government Committee Report of June 5, 2013. (Mayor)
- (f) Neighborhood Services and Education Committee Report of June 13, 2013.
(Nguyen)
- (g) Public Safety, Finance, and Strategic Support Committee Report of June 20, 2013. (Constant)
- (h) Ad Hoc Committee on Economic Competitiveness Report of May 6, 2013.
(Mayor)

Approved.

2.4 Mayor and Council Excused Absence Requests. No Report.

2.5 City Council Travel Reports. No Report.

2. CONSENT CALENDAR

**2.6 Report from the Council Liaison to the Retirement Boards.
No Report.**

2.7 Amendment of Legal Services Agreements Among the City, the Retirement Boards and Reed Smith LLP.

Recommendation: Adopt a resolution authorizing the City Attorney to execute:

- (a) The Second Amendment to the Agreement among the Board of Administration for the Federated City Employees' Retirement System, the City of San José, and Reed Smith LLP for legal services to increase the maximum compensation by \$250,000 for an amount not to exceed \$750,000; and
- (b) The Second Amendment to the Agreement among the Board of Administration for the San José Police and Fire Department Retirement Plan, the City of San José, and Reed Smith LLP for legal services to increase the maximum compensation by \$250,000 for an amount not to exceed \$750,000.

CEQA: File No. PP10(e), Services that involve no physical changes to the environment. (City Attorney's Office)

Resolution No. 76743 adopted.

2.8 Agreement with Cornerstone Earth Group for Underground Storage Tank Sites.

Recommendation: Approve the First Amendment to the Master Agreement with Cornerstone Earth Group for Environmental Services to increase the total compensation by \$50,000 for a maximum not to exceed amount of \$300,000. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. Council District 3. (Environmental Services)

Approved.

2.9 Fiscal Year 2013-14 Property Tax Levy for General Obligation Bonds.

Recommendation: Adopt a resolution establishing the FY 2013-14 property tax levy on all taxable property within the City of San José for the purpose of funding the City's general obligation bonded indebtedness and pay the related administration fee to the County. CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance)

Resolution No.76744 adopted.

2.10 Agreement with EHC Lifebuilders for the Downtown Homeless Outreach and Engagement Program.

Recommendation: Approve a Continuation of the Housing Trust Fund Grant Agreement with EHC LifeBuilders for the continued implementation of the San José Downtown Homeless Outreach and Engagement Program through FY 2013-14 in an amount not to exceed \$347,000, for a total two-year contract amount not to exceed \$607,000. CEQA: Not a Project, File No. PP10-066(e), Agreements/Contracts for services that involve no physical changes to the environment. Council District 3. (Housing)

Approved.

2. CONSENT CALENDAR

2.11 Amendments to the City Pay Plan to Create the Community Service Officer I/II Classification.

Recommendation: Adopt a resolution amending the City Pay Plan effective August 13, 2013, to create the Community Service Officer I/II (6131/6132) classification. CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

Resolution No. 76745 adopted.

2.12 Agreements for Peak Staffing Services for Development Projects.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to the agreements with Bureau Veritas North America, California Code Check, Inc., CSG Consultants, Inc., Interwest Consulting Group, Inc., TRB & Associates, Inc., and West Coast Code Consultants, and a First Amendment to the agreements with Metropolitan Planning Group and Pacific Municipal Consultants, all for peak staffing temporary personnel services for review of private development projects, to increase the total compensation for each agreement by \$250,000, from \$250,000 to an amount not to exceed \$500,000. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Planning, Building and Code Enforcement)

Resolution No. 76746 adopted.

2.13 Agreement with Caltrans for the U.S. 101/Mabury Interchange Project.

Recommendation: Approve the Cooperative Agreement with the California Department of Transportation for the development of project approval and environmental documentation associated with the U.S. 101/Mabury Interchange project. CEQA: Statutorily Exempt, File No. PP10-066(d), CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council Districts 3 and 4. (Transportation)

Approved.

2.14 Report on Key 2013 Legislative Items.

Recommendation: As referred by the Neighborhood Services and Education Committee on June 13, 2013, accept the staff report on pending 2013 State legislation in the Neighborhood Services and Education City Service Area. (City Manager's Office) [Neighborhood Services and Education Committee referral 6/13/13 – Item D(8)]

Accepted.

2.15 Council Member Constant's Travel to Washington, D.C.

Recommendation: Approve travel by Council Member Constant to Washington, D.C. on July 31 – August 3, 2013 to attend the University of Michigan Retirement Research Center's 2013 Retirement Research Consortium Annual Meeting. Source of Funds: Police & Fire Retirement, Federated City Employees Retirement, and/or District 1 Office Budget as needed. (Constant)

Approved.

2. CONSENT CALENDAR

2.16 Council Member Kalra's Travel to Chicago, IL.

Recommendation: Approve travel by Council Member Kalra to Chicago, IL on June 25-28, 2013 to attend the Air and Waste Management Associations' 106th Annual Conference as Chair of the Bay Area Air Quality Management District (BAAQMD).
Source of Funds: BAAQMD. (Kalra)
(Rules Committee referral 8/7/13)

Approved.

2.17 Library and Early Education Commission Nomination.

Recommendation: As recommended by the Rules and Open Government Committee on August 7, 2013, appoint Anthony Phan to the Library and Early Education Commission to term ending June 30, 2017.

CEQA: Not a Project. (City Clerk)

[Rules Committee referral 8/7/13 – Item F(1)(a)]

Approved.

2.18 Shakespeare in the Park.

Recommendation: As recommended by the Rules and Open Government Committee on August 7, 2013:

- (a) Approve Shakespeare in the Park 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. (Oliverio)

[Rules Committee referral 8/7/13 – Item G(2)]

Approved.

2.19 Semana Jalisco "Jalisco Magico" Events.

Recommendation: As recommended by the Rules and Open Government Committee on August 7, 2013:

- (a) Approve Semana Jalisco 2013 "Jalisco Magico" events 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. (Campos)

[Rules Committee referral 8/7/13 – Item G(3)]

Approved.

2. CONSENT CALENDAR

2.20 Immigration Fraud Awareness.

Recommendation: As recommended by the Rules and Open Government Committee on August 7, 2013:

- (a) Approve the District 5 Immigration Fraud Awareness Event 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. (Campos)

[Rules Committee referral 8/7/13 – G(4)]

Approved.

2.21 2013 League of California Cities Voting Delegate and Alternate Voting Delegate at the Annual Business Meeting.

Recommendation: As recommended by the Rules and Open Government Committee on August 7, 2013, approve the proposed designation of Council Member Rose Herrera as the voting delegate, and Council Member Pete Constant, as the alternate voting delegate at the September 20, Annual Business Meeting for the League of California Cities (LOCC). (City Manager)

[Rules Committee referral 8/7/13 – G(7)]

Approved.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone announced that Library Director Jill Bourne has started and that Ruben Torres was currently Acting Fire Chief. City Manager Figone also noted that the Measure B trial was in July with the final submission to the Judge to be October 10, 2013; and the Comprehensive Annual Financial Report will be forthcoming.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

Heard at 9:02 a.m.

Accepted.

3. STRATEGIC SUPPORT SERVICES

3.3 Ordinances Amending the Municipal Code Relating to Administration of Surplus Property and Fire Hydrant Procurement and Installation Process.

Recommendation:

- (a) Approve an ordinance amending Section 4.16.020 of Chapter 4.16 of Title 4 of the San José Municipal Code to designate the Director of Public Works or such other director designated by the City Manager to administer the disposition of unclaimed and surplus property.
- (b) Approve an ordinance amending Section 15.08.820 of Chapter 15.08 of Title 15 of the San José Municipal Code to specify that private developers are to obtain fire hydrants by following the City of San José Fire Hydrant Specifications and Order Information instructions outlined in the Public Works Department Fire Hydrant Procurement and Installation Process for Private Development Projects and amending Section 19.32.070 of Chapter 19.32 of Title 19 of the San José Municipal Code related to the installation of fire hydrants by private developers to make clarifying changes.
- (c) Adopt the following 2012-2013 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Decrease the Estimate for Other Revenue in the amount of \$65,000;
 - (2) Eliminate the city-wide appropriation to the Finance Department for Fire Hydrant Sales in the amount of \$65,000.

CEQA: Not a Project, File No. PP 10-066(e), Services that involve no physical changes to the environment. (Finance/City Manager's Office)
(Deferred from 6/18/13 – Item 3.11)

Deferred to September 10, 2013 per Administration.

3.4 Resolution Regarding Retiree Health Care Trusts for IRS Ruling Request.

Recommendation: Adopt resolutions providing certain representations to the United States Internal Revenue Service regarding the employee contributions for the Retiree Healthcare Trusts for the Police and Fire Department Retirement Plan and the Federated City Employees Retirement Plan. CEQA: Not a Project; File No. PP10-069(a), City Organizational and Administrative Activities. (City Attorney's Office)

Resolution No. 76747 adopted.

Resolution No. 76748 adopted.

3. STRATEGIC SUPPORT SERVICES

3.5 Ordinance Implementing Changes to Federated Tier 2 Retiree Health Care Benefits.

Recommendation: Approve an ordinance amending various sections of Chapters 3.38 and 3.49 of Title 3 of the San José Municipal Code to implement changes to retiree healthcare benefits in the Tier 2 pension plan for new employees in the Federated City Employees Retirement Plan. 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)

Deferred to August 20, 2013.

3.6 Terms of an Agreement with the Municipal Employees' Federation, AFSCME, Local 101.

Recommendation: Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the Municipal Employees' Federation, AFSCME, Local 101 (MEF), and authorize the City Manager to execute an agreement with a term of July 1, 2013 to June 30, 2014. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

Resolution No. 76749 adopted.

3.7 Terms of an Agreement with the Confidential Employees' Organization, AFSCME, Local 101.

Recommendation: Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the Confidential Employees' Organization, AFSCME, Local 101 (CEO), and authorize the City Manager to execute an agreement with a term of July 1, 2013 to June 30, 2014. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

Resolution No. 76750 adopted.

3.8 Terms of an Agreement with the Association of Maintenance Supervisory Personnel, IFPTE, Local 21.

Recommendation: Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP), and authorize the City Manager to execute an agreement with a term of July 1, 2013 to June 30, 2014. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

Resolution No. 76751 adopted.

3. STRATEGIC SUPPORT SERVICES

3.9 Terms of an Agreement with the City Association of Management Personnel, IFPTE, Local 21.

Recommendation: Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the City Association of Management Personnel, IFPTE, Local 21 (CAMP), and authorize the City Manager to execute an agreement with a term of July 1, 2013 to June 30, 2014. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

Resolution No. 76752 adopted.

3.10 Sewer Service and Use Charges and Storm Sewer Service Charges for 2013-2014.

Recommendation: Conduct a public hearing on the Sewer Service and Use Charges and Storm Sewer Service Charges report filed by the Director of Finance with the City Clerk's Office; and adopt a resolution to confirm the approval of the annual report for Fiscal Year 2013-2014 of the Director of Finance on Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges, and the placement of charges as set forth therein on the 2013-2014 tax roll, with such modifications as the City Council may make based on public hearing testimony. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (Finance)

The Public Hearing was held.

Resolution No. 76754 adopted.

3.11 Fee Schedule for City Generated Zone Towing for Tow Services Agreements.

Recommendation: Conduct a public hearing and adopt a resolution setting a new Fee Schedule for the City of San José's Tow Services Agreements to become effective August 13, 2013, as follows:

- (a) Basic Tow Service: \$200.00 per tow
- (b) Service Call:
 - (1) Class "A" regular duty tow trucks \$200.00 per hour
 - (2) Class "A" regular duty tow trucks \$50.00 per quarter hour
 - (3) Class "B" medium duty tow trucks \$87.50 per quarter hour
 - (4) Class "C" and "D" heavy duty tow trucks \$117.50 per quarter hour
- (c) Extraordinary Service Tows:
 - (1) Class "A" regular duty tow trucks \$100.00 per hour
 - (2) Class "B" medium duty tow trucks \$350.00 per hour
 - (3) Class "C" and "D" heavy duty tow trucks \$470.00 per hour
- (d) After Hours Gate Fee (one hour after close of San José Police Department desk hours until 7:00 a.m.): \$85.00
- (e) Vehicle Storage Fee:
 - (1) \$85.00 per day, per space outside
 - (2) \$95.00 per day per space indoors

(Item continued on next page)

3. STRATEGIC SUPPORT SERVICES

3.11 Fee Schedule for City Generated Zone Towing for Tow Services Agreements. (Cont'd.)

- (f) Contractual Rates of Compensation to the City of San José:
- (1) \$80.00 per tow
 - (2) \$8.00 per dispatch

CEQA: Not a Project, File No. PP10-067(a), Adjustment to Fees and Charges. (Planning, Building and Code Enforcement)

Deferred to August 27, 2013 per Administration.

3.12 Terms of an Agreement with the Association of Legal Professionals of San José (ALP).

Recommendation: Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the Association of Legal Professionals of San José (ALP), and authorizing the City Manager to execute an agreement with a term of July 1, 2013 through June 30, 2014. CEQA: Not a Project, File No. PP10-069(b), Personnel-Related Decisions. (City Manager's Office)
(Rules Committee referral 8/7/13)

Resolution No. 76753 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Building and Structure Construction Tax and Commercial-Residential-Mobilehome Park Building Tax for Downtown Commercial or Industrial Structure.

Recommendation: Approve an ordinance amending Chapter 4.46 and 4.47 of Title 4 of the San José Municipal Code to include a 50% reduction of Building and Structure Construction Tax and the Commercial-Residential-Mobilehome Park Building Tax for any new Downtown Commercial or Industrial Structure within the Downtown regardless of height if the project receives building permits before December 31, 2014. CEQA: Final EIR, Downtown Strategy, Resolution No. 72767. (Economic Development)

Ordinance No. 29280 passed for publication.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Airport Building Height Ordinance on Airport Property.

Recommendation: Conduct a public hearing and consider an ordinance amending Title 20 of the San José Municipal Code (the Zoning Ordinance) by amending Section 20.85.020 of Chapter 20.85 to change the maximum allowable Building Height on the Norman Y. Mineta San José International Airport property within the jurisdiction of the City of San José that is bounded by US Highway 101, State Route 87, Coleman Avenue, the jurisdictional boundaries of the City of Santa Clara and Interstate Freeway 880, and that is designated Public/Quasi-Public on the Envision San José 2040 General Plan Land Use/Transportation Diagram, so that the maximum allowable Building Height on the subject property would be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration (FAA), to further implement the height and economic development goals and policies set forth within the Envision San José 2040 General Plan, and to make other technical, non-substantive, or formatting changes within those sections of Title 20. CEQA: Envision San José 2040 General Plan Final PEIR, Resolution No. 76041, and Airport Master Plan Update Final EIR, Resolution Nos. 67380 and 71451. (Planning, Building, and Code Enforcement)

The Public Hearing was Held.

Ordinance No. 29281 passed for publication.

4.3 Administrative Hearings and Consideration of Appeals of an Environmental Determination and a Land Use Decision.

Recommendation:

- (a) Conduct an Administrative Hearing and consider an Appeal of the Environmental Determination of Consistency with a previously adopted Mitigated Negative Declaration prepared for Site Development Permit File No. H12-022 for an approved Vesting Tentative Map Permit to subdivide one parcel into one lot for condominium purposes to allow for the development of 312 residential units with 6,000 square feet of ground-floor commercial uses on a 0.97 gross acre site in the DC Downtown Core Zoning District, located on the southside of Santa Clara Street between Market Street and San Pedro Street (1 S. Market Street) (Essex OSM REIT, LLC, owner).

The Administrative Hearings were Held.

Resolution No. 76755 adopted, denying the appeal.

Noes: Campos, Kalra.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Administrative Hearings and Consideration of Appeals of an Environmental Determination and a Land Use Decision. (Cont'd.)

- (b) Conduct an Administrative Hearing and consider an Appeal of the Planning Director's decision to approve a Vesting Tentative Map to subdivide one parcel into one lot for condominium purposes to allow for the development of 312 residential units with 6,000 square feet of ground-floor commercial uses on a 0.97 gross acre site in the DC Downtown Core Zoning District, located on the southside of Santa Clara Street between Market Street and San Pedro Street (1 S. Market Street) (Essex OSM REIT, LLC, owner).

CEQA: Mitigated Negative Declaration prepared for Site Development Permit File No. H12-022. (Planning, Building, and Code Enforcement)

T13-025 – District 3

Resolution No. 76756 adopted, denying the appeal.

Noes: Campos, Kalra.

4.4 Agreements with CH2M HILL Engineers, Inc., Mark Thomas & Company, Inc. and GHD, Inc. for City Trails.

Recommendation: Approve the master agreements with CH2M HILL Engineers, Inc., Mark Thomas & Company, Inc. and GHD, Inc. for engineering design services from the date of execution through June 30, 2018, in an amount not to exceed \$2,000,000 for each agreement.

CEQA: Not a Project, File No. PP10-066(d), Consultant Services. (Public Works)

Approved.

4.5 Report on the San José Environmental Innovation Center Project.

Recommendation: Accept the staff report on the San José Environmental Innovation Center Project. CEQA: Negative Declaration for the renovation of the SJEIC was adopted on December 1, 2009, File No. PP09-138. (Public Works)

Accepted.

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the Sycamore Terrace Project.

Recommendation: Hold a public hearing and adopt a resolution:

- (a) Accepting the summary of costs and findings of the Summary 33433 Report pursuant to Health and Safety Code Section 33433 for the conveyance and disposition of the property located at the Northeast corner of Almaden Expressway and Coleman Road under the terms and conditions of the proposed Disposition and Development Agreement (“DDA”).
- (b) Approving a DDA between the City of San José and Sycamore Grove Terrace LLP, or its designated affiliate, enabling the development of Sycamore Terrace, a 27-unit for-sale housing development, and authorizing the Director of Housing to negotiate, execute, and record, if applicable, all documents reasonably necessary to effectuate the terms of the DDA.

CEQA: Mitigated Negative Declaration, File No. PD90-061. Council District 10. (Housing)
(Deferred from 6/11/13 – Item 5.1)

Deferred to August 27, 2013 per Administration.

5.2 Status Report on Grant and Bond Funded Recreation Capital Projects.

Recommendation: As recommended by the Neighborhood Services and Education Committee on June 13, 2013, accept the semi-annual report on the status of grant and bond-funded park, trail, and recreational facility projects and approve the site ranking criteria for the bond funded softball complex. (Parks, Recreation & Neighborhood Services)
[Neighborhood Services and Education Committee referral 6/13/13 – Item D(7)]

Accepted.

5.3 Audit of Graffiti Abatement.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on June 20, 2013, accept the Audit of Graffiti Abatement. (City Auditor)
[Public Safety, Finance, and Strategic Support Committee referral 6/20/13 – Item D(7)]

Deferred to August 20, 2013.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Audit of Taxi Service and Regulation in San José.

Recommendation: As recommended by the Transportation and Environment Committee on June 3, 2013, accept the Audit of Taxi Service and Regulation in San José. (City Auditor)
[Transportation and Environment Committee referral 6/3/13 – Item D(7)]

Dropped; Referred to the Airport Competitiveness Committee.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 San José Municipal Water System's 2013 Public Health Goals Report on Water Quality.

Recommendation:

- (a) Hold a public hearing for the purpose of accepting and responding to public comment regarding the San José Municipal Water System's 2013 Public Health Goals Report on water quality as required by the California Health and Safety Code.
- (b) Approve the San José Municipal Water System's 2013 Public Health Goals Report and direct staff to file the report with the California Department of Public Health.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of City actions. Council Districts 2, 7 and 8. (Environmental Services)

The Public Hearing was Held.

Approved.

7.2 Agreement with AECOM Technical Services, Inc. for Storm Sewer System.

Recommendation: Approve the Master Agreement with AECOM Technical Services, Inc., for consultant services for citywide storm sewer master planning from the date of execution to June 30, 2017, in an amount not to exceed \$2,800,000. CEQA: Exempt, File No. PP10-066(d), CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Public Works)

Approved.

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

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

Note: This is a courtesy notice and no Council action was taken.

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 Map:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10181	Southeast corner of Olin Road and Santana Row	6	FRIT San José Town and Country Village, LLC	1 Lot/249 Units	SFA	Approval

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10186	Easterly of Charlotte Dr. and Charlotte Commons Park between Raleigh Rd. and Hwy 85	2	Lennar Homes of CA	341 Lots/301 Units	SFD/SFA
10199	Northerly of the intersection of Springbrook Ave. and Canyon Ridge Dr.	8	Tim Lewis Communities	13 Lots/12 Units	SFD

- **Open Forum**

- (1) **Ross Signorino expressed concern about graffiti and recommended solutions to eliminate it.**
- (2) **Linda Kincaid and Richard Calhoun, advocates against elder abuse, spoke about elder civil rights violations and abuses of power in Santa Clara County.**
- (3) **David Wall opined about issues related to Applegate Johnson, Inc.**
- (4) **Mark Trout voiced his own opinions on societal issues.**
- (5) **Tim Gildersleeve expressed concerns about pension reform.**

- **Adjournment**

The Council of the City of San José was adjourned at 5:43 p.m.

**JOINT CITY OF SAN JOSE CITY COUNCIL/
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/
SAN JOSE DIRIDON DEVELOPMENT AUTHORITY AGENDA**

5:29 P.M.

TUESDAY, AUGUST 13, 2013

CHAMBERS

- 1. Call to Order and Roll Call**
Absent Council Members: None.
- 2. Actions Related to the Transfer to the Successor Agency to the Redevelopment Agency of the City of San José Certain Real Property and Other Assets Identified by the California State Controller.**

Recommendation: It is recommended that:

- (a) The San José Diridon Development Authority Board adopt a resolution authorizing the Executive Director to take such actions as necessary to transfer to the Successor Agency to the Redevelopment Agency of the City of San José, the real property at 645 Park Avenue as identified by the California State Controller in the Asset Transfer Review dated March 2013, which property was previously transferred to the San José Diridon Development Authority in March, 2011 by the former San José Redevelopment Agency, provided that this property remains subject to that certain Option Agreement dated November 8, 2011, between the San José Diridon Development Authority and the Athletics Investment Group, LLC, and shall be transferred to the Successor Agency subject to the terms and provisions of the Option Agreement.

San José Diridon Development Authority Resolution No. 112.1 adopted.

- (b) The Successor Agency Board adopt a resolution accepting the property at 645 Park Avenue from the San José Diridon Development Authority.
(Diridon Authority/Successor Agency)

Successor Agency Resolution No. 7022 adopted.

- 3. Open Forum**
None.
- 4. Adjourn the Joint City Council/Successor Agency to the Redevelopment Agency/
San José Diridon Development Authority.**
Mayor Reed adjourned the meeting at 5:31 p.m.