



# CITY COUNCIL AGENDA

**JUNE 17, 2014**

## **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 Successor Agency to the Redevelopment Agency. 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 <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

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

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**
  - 8:38 a.m.** - Closed Session, Call to Order in Council Chambers  
Open Session, Labor Negotiations Update (See Item 3.2)  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
**Absent Council Members: All Present.**
  - 1:46 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: All Present.**
- **Invocation (District 6)**  
Rabbi Levine, Congregation Am Echad, San José Orthodox Jewish Synagogue offered the Invocation.
- **Pledge of Allegiance**  
Mayor Reed led the Pledge of Allegiance.

- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved, with public testimony heard on Item 4.13.
- **Closed Session Report**  
No Report.

## **1. CEREMONIAL ITEMS**

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- 1.1** Presentation of a commendation to Doug Miller, a teacher at Evergreen Valley High School, who received the East Side Union High School District Education Foundation’s 2013 STEAM Grant to further advance students’ interest in STEAM related subjects. (Herrera)  
**Mayor Reed and Council Member Herrera recognized and commended Doug Miller who received the East Side Union High School District Education Foundation’s 2013 STEAM Grant.**
- 1.2** Presentation of a proclamation recognizing June 27 – 29, 2014 as Radio Amateur Civil Emergency Service (R.A.C.E.S.) Field Day in the City of San José. (Mayor)  
**Mayor Reed recognized June 27, 2014 through June 19, 2014 as “Radio Amateur Civil Emergency Service Field Day” in the City of San José.**
- 1.3** Presentation of a commendation to Erika Hull for her work in aiding the less fortunate and inspiring youth leaders. (Constant)  
**Mayor Reed and Council Member Constant recognized and commended Erika Hull for her exemplary work.**

## **2. CONSENT CALENDAR**

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### **2.1 Approval of Minutes.**

**Recommendation:** Approval of minutes.

- (a) Regular Minutes of March 4, 2014.
- (b) Regular Minutes of March 11, 2014.
- (c) Study Session of March 17, 2014 on 2014-2015 Workforce Support and Development Strategy.
- (d) Regular Minutes of March 18, 2014.
- (e) Minutes of the Housing Authority of March 18, 2014.
- (f) Regular Minutes of March 25, 2014.

**Approved.**

## 2. CONSENT CALENDAR

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### 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29416 – Amending Chapter 1.08 of Title 1 of the San José Municipal Code by amending Section 1.08.010 to allow the City Attorney to charge offenses designated as misdemeanors under the municipal code as infractions and adding a new Section 1.08.060 to grant criminal citation authority to certain employees designated by the City Manager.

**Ordinance No. 29416 adopted.**

- (b) ORD. NO. 29419 – Amending Title 13 of the San José Municipal Code to add a new Chapter 13.14 relating to Community Special Events, to add Sections 13.44.011, 13.44.011.5, 13.44.014.5, 13.44.015, 13.44.072, 13.44.074 and 13.44.076 and amend Sections 13.44.070, 13.44.150 and 13.44.180 of Chapter 13.44 (Parks), and repealing Chapters 13.12 (Parade Regulations), 13.16 (Temporary Street Closures), and 13.22 (Paseos and Plazas) in their entirety and Section 13.44.080 of Chapter 13.44 (Parks), all in order to establish comprehensive regulations pertaining to outdoor special events on or at city streets, paseos, plazas and parks.

**Ordinance No. 29419 adopted.**

- (c) ORD. NO. 29420 – Repealing suspended Ordinance NO. 28958 except for those provisions of Title 20 of the San José Municipal Code related to zoning code verification certificates previously unsuspending by Ordinance NO. 29089, and amending Title 20 of the San José Municipal Code by amending Section 20.10.040 of Chapter 20.10, amending Section 20.40.100 of Chapter 20.40; amending Section 20.50.100 of Chapter 20.50, amending Section 20.70.100 of Chapter 20.70, adding a new Part 9.75 to Chapter 20.80, amending Part 13 of Chapter 20.100 to add Sections 20.100.1530, 20.100.1535 and 20.100.1540, all to establish land use regulations pertaining to medical marijuana collectives.

**Ordinance No. 29420 adopted.**

**Noes: Campos, Kalra, Rocha.**

- (d) ORD. NO. 29421 – Amending Title 6 of the San José Municipal Code to add a new Chapter 6.88 to establish regulations pertaining to medical marijuana collectives and to the individual cultivation and use of medical marijuana.

**Ordinance No. 29421 adopted.**

**Noes: Campos, Kalra, Rocha.**

- (e) ORD. NO. 29422 – Rezoning certain real property situated on the southwest corner of North 4th Street and East St. John Street on an approximately 0.44 gross-acre site from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District. C14-005

**Ordinance No. 29422 adopted.**

## 2. CONSENT CALENDAR

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### 2.2 Final Adoption of Ordinances. (Cont'd.)

#### Recommendation:

- (f) ORD. NO. 29423 – Rezoning certain real property of approximately 1.51 acres situated on the South terminus of Cadwallader Avenue from the A Agricultural Zoning District to the R-1-RR Rural Residential Residence Zoning District. C14-022  
**Ordinance No. 29423 adopted.**
- (g) ORD. NO. 29424 - Rezoning certain real property situated on the northeast corner of South White Road and Aborn Road (3290 South White Road) from the A(PD) Planned Development Zoning District to the CN Commercial Neighborhood Zoning District. C14-023  
**Ordinance No. 29424 adopted.**
- (h) ORD. NO. 29425 - Rezoning certain real property situated at the southwest corner of Ridder Park Drive and Schallenberger Road from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District. C14-025  
**Ordinance No. 29425 adopted.**
- (i) ORD. NO. 29426 – Rezoning certain real property situated on the west side of Almaden Expressway at the southern terminus of Brasilia Way to A(PD) Planned Development Zoning District. PDC12-018  
**Ordinance No. 29426 adopted.**
- (j) ORD. NO. 29427 – Rezoning certain real property situated at the west side of Lincoln Avenue, approximately 500 feet south of Auzerais Avenue, from the IP Industrial Park zoning District and the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. PDC13-046  
**Ordinance No. 29427 adopted.**
- (k) ORD. NO. 29428 – Rezoning certain real property situated on the northwest corner of Nortech Parkway and Disk Drive on an approximately 57 gross-acre site, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. PDC14-004  
**Ordinance No. 29428 adopted.**  
**Noes: Campos.**
- (l) ORD. NO. 29429 – Amending Title 4 of the San José Municipal Code to add a new Chapter 4.34 to specify the vote of the City Council required for the approval of lease financings.  
**Ordinance No. 29429 adopted.**

## 2. CONSENT CALENDAR

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### 2.3 Approval of Council Committee Reports.

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

- (a) Rules and Open Government Committee Report of May 28, 2014. (Mayor)
- (b) Rules and Open Government Committee Report of June 4, 2014. (Mayor)

**Approved.**

### 2.4 Mayor and Council Excused Absence Requests.

- (a) Request for an excused absence for Council Member Herrera from the Special Meeting on June 9, 2014 due to: Illness. (Herrera)  
(Rules Committee referral 6/11/14)

**Excused.**

### 2.5 City Council Travel Reports.

**There were none.**

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

**There were none.**

### 2.7 Legal Services Agreements with Hanson Bridgett LLP for Police and Fire Retirement Board and Federated Retirement Board.

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

- (a) The Third Amendment to the Agreement between the City of San José and Hanson Bridgett LLP for legal services for the Board of Administration for the Police and Fire Department Retirement Plan, to increase the maximum compensation by \$200,000 for an amount not to exceed \$700,000 and to extend the contract period until January 31, 2015.
- (b) The Third Amendment to the Agreement between the City of San José and Hanson Bridgett LLP for legal services for the Board of Administration for the Federated City Employees Retirement System to extend the contract period until February 15, 2015.

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

**Resolution No. 77043 adopted.**

## 2. CONSENT CALENDAR

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### 2.8 Amendment to Agreement with Meyers Nave for Legal Services Related to the Fiscal Reform Plan.

**Recommendation:**

- (a) Adopt a resolution authorizing the City Attorney to negotiate and execute a sixth amendment to the agreement with Meyers, Nave, Riback, Silver & Wilson (Meyers, Nave) for legal services in connection with employment, labor, and pension reform, modifying the scope of services, increasing the contract amount by \$300,000 for a total amount not to exceed \$3,050,000, subject to appropriation of funds as recommended below, and extending the term through December 31, 2015.

**Resolution No. 77044 adopted.**

**Noes: Campos, Kalra.**

- (b) Adopt the following Appropriation Ordinance amendments in the General Fund for Fiscal Year 2014-2015:
- (1) Increase the city-wide appropriation to the City Attorney's Office for Fiscal Reform Plan Outside Legal Counsel by the amount of \$600,000.
- (2) Decrease the Fiscal Reform Plan Implementation Earmarked Reserve by the amount of \$600,000.

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

**Ordinance No. 29433 adopted.**

**Noes: Campos, Kalra.**

### 2.9 Appointments to Boards and Commissions.

**Recommendation:**

- (a) (1) Determine that a change to the term end dates as follows is in the best interest of the Commissions to realign with the City Clerk's Office recruitment schedule to establish staggered term end dates and ensure continuity of membership on the Commissions:
- (a) Airport Commission: Realign the term end dates for the District 4 and 10 seats to 6/30/15.
- (b) Arts Commission: Realign the term end dates for the District 5, 7, 9 seats to 6/30/16.
- (c) Council Appointment Advisory Commission: Realign the term end date for the District 9 seat to 12/31/16.
- (d) Human Services Commission: Realign the term end date for the District 7 seat to 12/31/16.
- (e) Library and Early Education Commission: Realign the term end date for the District 3 seat to 6/30/17 and the District 4 seat to 6/30/15.
- (f) Senior Citizens Commission: Realign the term end dates of the Districts 1 and 9 seats to 6/30/17 and the Districts 4 and 10 seats to 6/30/15.

**Approved.**

## 2. CONSENT CALENDAR

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### 2.9 Appointments to Boards and Commissions. (Cont'd.)

#### Recommendation:

- (a) (2) Approve the following Board and Commission appointments:
- (a) Airport Commission:
    - (1) District 4: Appoint Arsia Azadgan (D4 residency) to a term expiring 6/30/15.
    - (2) District 10: Reappoint Matthew Domenici (D10 residency) to a term expiring 6/30/15.
  - (b) Arts Commission:
    - (1) District 2: Reappoint Ben Miyaji (D2 residency) to a term expiring 6/30/18.
    - (2) District 5: Appoint Albert Le (D4 residency) to a term expiring 6/30/16.
    - (3) District 7: Reappoint Ron Muriera (D7 residency) to a term expiring 6/30/16.
    - (4) District 9: Appoint Ramona Snyder (D1 residency) to a term expiring 6/30/16.
    - (5) District 10: Appoint Lynne H. Browne (D10 residency) to a term expiring 6/30/18.
  - (c) Council Appointment Advisory Commission:
    - (1) District 9: Appoint Mary Nacionales (D6 residency) to a term expiring 12/31/16.
  - (d) Human Services Commission:
    - (1) District 7: Reappoint Clarence Madrilejos (D4 residency) to a term expiring 12/31/16.
    - (2) District 10: Appoint Rodrigo Galindo Jr. (D3 residency) to an unexpired term ending 12/31/16.
  - (e) Library and Early Education Commission:
    - (1) District 3: Appoint Dan Newell (D3 residency) to a term expiring 6/30/17.
    - (2) District 4: Appoint Shailesh Dubale (D4 residency) to a term expiring 6/30/15.
  - (f) Senior Citizens Commission:
    - (1) District 1: Appoint Warren Gannon (D1 residency) to a term expiring 6/30/17.
    - (2) District 4: Appoint Anne Orozco Ramirez (D4 residency) to a term expiring 6/30/15.
    - (3) District 9: Appoint Nanci Robertson (D9 residency) to a term expiring 6/30/17.
    - (4) District 10: Reappoint Vincent Tarpey (D10 residency) to a term expiring 6/30/15.

**Approved.**

## 2. CONSENT CALENDAR

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### 2.9 Appointments to Boards and Commissions. (Cont'd.)

**Recommendation:**

(b) Approve the following appointments to the Special Eligibility Seats on the Library and Early Education Commission:

(1) Kate Russell to a term ending June 30, 2018.

(2) Sandra Jewett to a term ending June 30, 2018.

(City Clerk)

**Approved.**

### 2.10 Amendment to the Agreement with Fairbank, Maslin, Maullin, Metz and Associates, Inc. for Survey Services.

**Recommendation:** Approve a Fourth Amendment to the agreement with Fairbank, Maslin, Maullin, Metz & Associates, Inc. extending the term of the agreement by six months to December 31, 2014, modifying the scope of services, and increasing the compensation by \$65,000, for a total contract amount not to exceed \$768,000. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Manager)

**Approved.**

### 2.11 Terms of an Agreement with the International Brotherhood of Electrical Workers, Local 332 (IBEW) with a Term of July 1, 2014 through June 30, 2015.

**Recommendation:** Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the International Brotherhood of Electrical Workers, Local 332 (IBEW), and authorizing the City Manager to execute an agreement with a term of July 1, 2014 through June 30, 2015. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)

**Resolution No. 77045 adopted.**

### 2.12 City Manager's Travel to Aurora, Colorado.

**Recommendation:** Authorize travel for City Manager Ed Shikada to travel to Aurora, Colorado on July 24 – 26, 2014 to participate in the Large Cities Executive Forum. City Manager's Non Personal Services Appropriation. CEQA: Not a Project, File No. PP10-069, Administrative Activities. (City Manager)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.13 City Manager's Travel to New York, New York.

**Recommendation:**

- (a) Authorize travel for City Manager Ed Shikada to travel to New York, NY on September 16 – 19, 2014 to participate in the San José Silicon Valley Chamber of Commerce Study Mission.
- (b) Approve use of City funds for the City Manager, other City staff and Council Members, at the published Chamber of Commerce package rate.

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

### 2.14 Actions Related to the Agreement with Park N Travel and Coleman Airport Partners for the Airport West Property.

**Recommendation:**

- (a) Approve a Relocation Settlement Agreement with Tarek Consul, an Individual Doing Business as Park N Travel, on the City's Airport West Property.
- (b) Approve an Assignment and Assumption of the Park N Travel Lease Agreement to Earthquakes Soccer, LLC.
- (c) Approve the Fifth Amendments to the Option Agreements with Coleman Airport Partners for the Airport West Property located at 1125 Coleman Avenue.

**Approved.**

- (d) Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

- (1) Increase the Estimate for Revenue from the Use of Money/Property by \$67,023.
- (2) Increase the Non-Personal/Equipment appropriation to the Office of Economic Development by \$67,023.

CEQA: FMC/Coleman Avenue Planned Development Rezoning EIR, Resolution No. 71716, File No. PDC98-12-104. Council District 3. (Economic Development/City Manager)

**Ordinance No. 29434 adopted.**

**Resolution No. 77046 adopted.**

### 2.15 Item 2.15 Was Not Used.

### 2.16 Amendment to the Agreement with Mike Rawitser Golf Shop for the Operation of the Municipal Golf Course.

**Recommendation:** Approve the Fifth Amendment to the operating agreement for the operation of the San José Municipal Golf Course, between the City of San José and Mike Rawitser Golf Shop, a California Corporation, reducing the area of the golf course by approximately 26,618 square feet. CEQA: Exempt, File No. PP10-101. Council District 4. (Economic Development)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.17 Sale of City-Owned Property Located at Araujo Street North of Sierra Road.

**Recommendation:** Adopt a resolution:

- (a) Declaring approximately 26,618 square feet of City-owned property on Araujo Street, north of Sierra Road, being a portion of APN: 241-02-016, surplus to the needs of the City.
- (b) Approving an agreement between the City and Villa Developers and Investment, LLC for sale of the property in the amount of \$960,000.
- (c) Authorizing the City Manager or his designee to execute the sale agreement, the deed and all other documents necessary to complete the transaction.
- (d) Authorizing the payment of \$28,800 of the purchase price to the buyers' broker, Mark Braatz of BEI Commercial, through the sale escrow at closing.

CEQA: Exempt, File No. PP10-101. Council District 4. (Economic Development)

**Resolution No. 77047 adopted.**

### 2.18 Sale of City-Owned Property Located at 2525 Aborn Road.

**Recommendation:** Adopt a resolution:

- (a) Declaring approximately 20,245 square feet of City-owned property at 2525 Aborn Road, Assessor's Parcel Number (APN) 673-18-065, surplus to the needs of the City.
- (b) Approving an agreement between the City and Rajdeep Singh and Satvir Sohal as husband and wife for sale of property in the amount of \$710,777.
- (c) Authorizing the City Manager or his designee to execute the sale agreement, the deed and all other documents necessary to complete the transaction.
- (d) Ratifying any disclosures or certifications made by the City Manager or his designee regarding the property as required by law.
- (e) Authorizing the payment of \$7,108 of the purchase price to the buyers' broker, Jagdeep Saggi of Reliable Real Estate Services, through the sale escrow at closing.

CEQA: Exempt, File No. PP14-101. Council District 8. (Economic Development)

**Resolution No. 77048 adopted.**

### 2.19 Actions Related to the Purchase of Real Property Located at the Northeast Corner of Kerley Drive and East Rosemary Street.

**Recommendation:**

- (a) Approve the purchase agreement with Anita Chan, et al., in the maximum amount of \$2,042,200, for the purchase of land located at the northeast corner of Kerley Drive and East Rosemary, San José, CA, APN No. 235-05-010 for the future construction of Rincon South Park.

**Approved.**

## 2. CONSENT CALENDAR

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### 2.19 Actions Related to the Purchase of Real Property Located at the Northeast Corner of Kerley Drive and East Rosemary Street. (Cont'd.)

**Recommendation:**

- (b) Adopt a resolution authorizing the City Manager or his designee, to execute the purchase agreement and all other documents necessary to complete the transaction.

**Resolution No. 77049 adopted.**

- (c) Adopt the following 2013-2014 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

- (1) Decrease the Future PDO / PIO Projects Reserve by \$1,336,000.
- (2) Increase the Rincon South Area Park Land Acquisition appropriation to the Parks, Recreation and Neighborhood Services Department by \$1,336,000.

**Ordinance No. 29435 adopted.**

- (d) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #3:

- (1) Establish an estimate for Earned Revenue in the amount of \$450,000.
- (2) Establish the Rincon South Area Park Land Acquisition appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$450,000.
- (3) Increase the Council District 3 Public Art appropriation to the Office of Economic Development by \$20,000.
- (4) Decrease the Ending Fund Balance by \$20,000.

CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, File No. PP14-025. Council District 3. (Economic Development/Parks, Recreation and Neighborhood Services/City Manager)

**Ordinance No. 29436 adopted.**

**Resolution No. 77050 adopted.**

### 2.20 Report on Bids and Award of Contract for the 6833 – Filtration Building B2 and B3 Pipe and Valve Replacement.

**Recommendation:**

- (a) Award of a construction contract for the Filtration Building B2 and B3 Pipe and Valve Replacement to the low bidder, Anderson Pacific Engineering Construction Inc., in the amount of \$158,900.

- (b) Approve a contingency in the amount of \$31,780.

CEQA: Exempt, File No. PP13-039. (Environmental Services)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.21 Report on Bids and Award of Contract for the 7474 – RWF Street Treatment Phase III Project.

**Recommendation:**

(a) Award the construction contract for the 7474 - RWF Street Treatment Phase III project at the San José-Santa Clara Regional Wastewater Facility to the lowest bidder, O’Grady Paving, Inc., in the amount of \$388,859.

(b) Approve a 10% contingency in the amount of \$39,000.

CEQA: Exempt, File No. PP14-029. (Environmental Services)

**Approved.**

### 2.22 Report on Bids and Award of A Construction Contract for 7394 – Emergency Diesel Generator Package 2A Project.

**Recommendation:** Report on bids and award of a construction contract for 7394 – Emergency Diesel Generator Package 2A Project to the lowest responsive bidder, Anderson Pacific Engineering Construction, Inc., for the base bid in the amount of \$15,310,000, and approval of a ten percent contingency in the amount of \$1,531,000.

CEQA: Exempt, File No. PP13-049. (Environmental Services)

**Approved.**

### 2.23 Actions Related to the San Francisco Bay Area Integration Regional Water Management Plan.

**Recommendation:**

(a) Adopt a resolution approving the 2013 San Francisco Bay Area Integrated Regional Water Management Plan, a comprehensive, non-binding water plan that analyzes and prioritizes water supply, wastewater and recycled water, stormwater and flood protection, and watershed management and habitat protection and restoration needs and projects in the nine county Bay Area region. CEQA: Not a Project, File No. PP10-066(d), Feasibility and Planning Studies.

**Resolution No. 77051 adopted.**

(b) Adopt a resolution authorizing the City Manager to negotiate and execute a Local Project Sponsor Agreement with the Association of Bay Area Governments (ABAG) acting on behalf of the San Francisco Estuary Partnership to effectuate a \$2,000,000 grant with City matching funds of 12.5 % and up to \$7,500 for ABAG administrative costs for a total project cost of \$2,257,500 relating to the Green Street Demonstration Project for the term ending on or about August 2017, and all related documents necessary for the grant. CEQA: Exempt, File No. PP14-041.

**Resolution No. 77052 adopted.**

## 2. CONSENT CALENDAR

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### 2.23 Actions Related to the San Francisco Bay Area Integration Regional Water Management Plan. (Cont'd.)

**Recommendation:**

- (c) Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendment in the Storm Sewer Capital Fund:
- (1) Increase the Earned Revenue Estimate by \$42,000.
  - (2) Establish an appropriation to the Public Works Department for the San José Green Street Demonstration Project in the amount of \$195,000.
  - (3) Decrease the Ending Fund Balance in the amount of \$153,000.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance.

Council District 10. (Environmental Services/City Manager)

**Ordinance No. 29437 adopted.**

**Resolution No. 77053 adopted.**

### 2.24 Actions Related to the Cisco Donation of Habitat Mitigation Land.

**Recommendation:**

- (a) Approve an Agreement with Cisco Systems, Inc. for a donation and transfer of 21.4 acres of land in the Alviso area to the City of San José.
- (b) Direct the Environmental Services Department to conduct due diligence on the 21.4 acre parcel, including environmental site assessments as appropriate.
- (c) Direct the Director of the Environmental Services Department to seek external funding in order to maintain the transferred land as burrowing owl habitat adjacent to the owl habitat identified within the Plant Master Plan.

**Approved.**

- (d) Adopt a resolution authorizing the City Manager to negotiate and execute an Assignment and Assumption Agreement during the due diligence period to assume Cisco's obligations on the property, if appropriate.

**Resolution No. 77054 adopted.**

- (e) Subject to the due diligence findings and to satisfying the conditions precedent in the donation agreement, direct Real Estate to accept and record the deed associated with the property.

CEQA: Cisco Site 6 EIR, Resolution No. 69636. (Environmental Services/Economic Development)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.25 Set a Public Hearing for the 2014-2015 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessment FY 2014-2015 Santa Clara County Secured Property Tax Bill.

**Recommendation:** Adopt a resolution:

- (a) Setting a Public Hearing for Tuesday, August 5, 2014, at 1:30 p.m. to place the 2014-2015 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessment on the Fiscal Year 2014-2015 Santa Clara County Secured Property Tax bill, based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Charge report of the Director of Finance and to direct the City Clerk to publish notice of the time and place of the Public Hearing.
- (b) Allowing the Director of Finance to file the 2014-2015 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports with the City Clerk on or before July 15, 2014 instead of July 5, 2014.

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

**Resolution No. 77055 adopted.**

### 2.26 Predevelopment and Construction/Permanent Loan Commitment with Charities Housing Development Corporation for the Metropolitan Apartments North Phase (formally known as the Markham Terrace Apartments).

**Recommendation:** Adopt a resolution:

- (a) Approving a construction/permanent loan commitment of up to \$12,981,000 of Multi-Source Housing Fund money to 2112 Monterey Road Apartments, L.P., a legal entity related to Charities Housing Development Corporation (“Borrower”), for development of the North Phase of The Metropolitan Apartments (“Project”) located at 2112 Monterey Road (“the Site”).
- (b) Approving an increase of \$250,000 to the Borrower’s existing acquisition/predevelopment loan that is currently secured on the Site.
- (c) Authorizing the Director of Housing to negotiate and execute the necessary loan- and subdivision-related documents for the Project, including amendments, reconveyances, and consents.
- (d) Authorizing a Loan to Value amount in excess of 100%.

CEQA: Mitigated Negative Declaration, File Nos. GP08-07-04 and PDC09-015. Council District 7. (Housing)

**Resolution No. 77056 adopted.**

## 2. CONSENT CALENDAR

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### 2.27 Agreement with the Health Trust to Serve as the City's Rental Subsidy Program Administrator.

**Recommendation:**

- (a) Approve a Grant Agreement with The Health Trust in the amount of \$2,000,000 for the administration of the Tenant-Based Rental Assistance Program for FY 2014-2015; with 4 one-year options to extend, at the City's discretion and subject to future appropriation.
- (b) Approve a Grant Agreement with The Health Trust in the amount of \$1,300,000 for the administration of the Place-Based Rapid Re-Housing Program for FY 2014-2015, with 4 one-year options to extend, at the City's discretion and subject to future appropriation.

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

**Approved.**

### 2.28 Construction/Permanent Loan Commitment with First Community Housing for the Second Street Studio Apartments.

**Recommendation:** Adopt a resolution:

- (a) Approving a construction/permanent loan commitment of Low and Moderate Income Housing Asset Funds to Second Street Studios, L.P., a legal entity related to First Community Housing, of up to \$8,000,000 for the Second Street Studio Apartments ("Project") located at 1140 South Second Street;
- (b) Approving a \$500,000 predevelopment loan for the Project; and
- (c) Authorizing a Loan to Value amount in excess of 100%.

CEQA: Mitigated Negative Declaration, File No. PDC07-086. Council District 3. (Housing)

**Resolution No. 77057 adopted.**

### 2.29 Grant Commitment for Housing for Independent People Rehabilitation Project.

**Recommendation:** Adopt a resolution:

- (a) Approving a conditional grant commitment of tax-exempt bond proceeds to Housing for Independent People, a nonprofit public benefit corporation, up to \$1,800,000 to rehabilitate its existing affordable rental properties at 10 locations (1059 Roewill Drive, 3825 Barker Drive, 247-249 Muirfield Drive, 1231 Minnesota Avenue, 2551 Sesame Court, 1713 and 1731 Ross Circle, and 5629, 5668 and 5684 Hoffman Court) (collectively, "Project") to provide 31 apartments or rooms in single-family and multifamily dwellings for extremely low-income homeless individuals and families referred by the City for five years.
- (b) Authorizing the Project to be exempted from the City's prevailing wage policy because the rehabilitation will be conducted at scattered sites, each with eight or fewer units.

## 2. CONSENT CALENDAR

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### 2.29 Grant Commitment for Housing for Independent People Rehabilitation Project. (Cont'd.)

**Recommendation:**

- (c) Authorizing the Director of Housing, or designee, to set the specific business terms and negotiate and execute all documents necessary to implement the rehabilitation, Project-Based Rental Assistance and operating subsidy, including, but not limited to, applications, agreements, amendments, and payment requests which may be necessary in connection with the rehabilitation grant, rental assistance, and operating subsidy.

CEQA: Exempt, File No. PP13-108. (Housing)

**Resolution No. 77058 adopted.**

### 2.30 Actions Related to the Award of Contract for the Roundtable Drive Fire Restoration Project.

**Recommendation:**

- (a) Adopt a resolution authorizing the Director of Housing to:
- (1) Award a construction contract to the lowest responsive bidder in an amount not to exceed \$395,000, including a ten percent (10%) contingency, for the repair and restoration of the fire-damaged City-owned residential four-unit apartment building located at 110 Roundtable Drive (Roundtable).
  - (2) Negotiate any subsequent amendments or changes within the approved budget.
  - (3) Provide temporary housing assistance for residents displaced by the fire utilizing an existing allocation of Housing Trust Funds; and
  - (4) Hear and decide any timely bid protest(s), to make the final determination as to the lowest responsive bidder that is responsible, or reject all bids and re-bid the project.

**Resolution No. 77059 adopted.**

- (b) Adopt the following Fiscal Year 2014-2015 Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:
- (1) Increase the Non-Personal/Equipment appropriation to the Housing Department in the amount of \$395,000; and
  - (2) Decrease the Unrestricted Ending Fund Balance in the amount of \$395,000.

CEQA: Exempt, File No. PP14-048. Council District 2. (Housing/City Manager)

**Ordinance No. 29438 adopted.**

## 2. CONSENT CALENDAR

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### 2.31 Agreement with Life Insurance Company of North America for Accidental Death and Dismemberment Insurance.

**Recommendation:** Approve the Agreement for voluntary accidental death and dismemberment insurance and related services between the City and Life Insurance Company of North America, an affiliated Cigna Company, for the initial term of July 1, 2014 through June 30, 2015, including up to one one-year and one six-month extension options through December 31, 2016. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Human Resources)

**Approved.**

### 2.32 District 10 SAP Grant to Boy Scouts of America – Silicon Valley Monterey Bay Council.

**Recommendation:** As referred by the Rules and Open Government Committee on June 4, 2014, approve a grant of \$500 to the Boy Scouts of America – Silicon Valley Monterey Bay Council to be paid from the budgeted District 10 SAP Center at San José allocations, which is funded by the Arena Community Fund City-Wide appropriation. (Khamis)

**Approved.**

### 2.33 Actions Related to the Department of Parks, Recreation and Neighborhood Services 2014-2015 Agreements.

**Recommendation:** Adopt a resolution authorizing the following, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager:

- (a) Authorize the City Manager to negotiate and execute all agreements, amendments and extensions for the Department of Parks, Recreation and Neighborhood Services (PRNS) identified in the “Compensation Paid by the City of San José” (Attachment A) consistent with the 2014-2015 Adopted Budget.
- (b) Authorize the City Manager to negotiate and execute agreements and amendments to accept grant funds identified in the “Compensation Paid to the City of San José” (Attachment B).
- (c) Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2014-2015 agreements and amendments as identified in “Delegation on Contract Authority to PRNS Director” (Attachment C) consistent with Adopted Budget amounts for the following City programs:
  - (1) After School Education and Safety
  - (2) Bringing Everyone’s Strengths Together
  - (3) Community Center Reuse
  - (4) Evaluation Consultant Agreement(s) to assess PRNS programs/services
  - (5) Leisure Class Vendor Agreements

## 2. CONSENT CALENDAR

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### 2.33 Actions Related to the Department of Parks, Recreation and Neighborhood Services 2014-2015 Agreements. (Cont'd.)

#### Recommendation:

- (c) (6) Mayor's Gang Prevention Task Force grant revenue and related subcontractor agreements where applicable
- (7) Mayor's Gang Prevention Task Force Memorandums of Understanding
- (8) Recreation of City Kids
- (9) Revenue agreements with sponsors, grantors, and contributors
- (10) Safe Summer Initiative Grant
- (11) Santa Clara Family Health Plan for the Children's Health Initiative
- (12) Senior Education and Outreach Grants
- (13) Senior Health and Wellness Grants
- (14) Senior Transportation Services

CEQA: File No. PP10-066(e), Services that involve no changes to the environment. (Parks, Recreation and Neighborhood Services)

**Resolution No. 77060 adopted.**

### 2.34 Actions Related to the Agreement with New Home Company-HW San José, LLC for Residential Development Located at 1633 Old Oakland Road.

#### Recommendation:

- (a) Approve an Amended and Restated Turnkey Parkland Agreement between the City of San José and The New Home Company (TNHC-HW San José LLC) regarding Final Tract Map, Tract No. 10204 (Tentative Map PT12-044) for the establishment of a new park (Orchard Park) and improvements to the Coyote Creek Trail Reach 05-4 pursuant to the City's Parkland Dedication (San José Municipal Code Section 19.38);
- (b) Approve a 10-year Maintenance Agreement between the City of San José and The New Home Company (TNHC-HW San José LLC) for the maintenance of the new park and improvements to the Coyote Creek Trail Reach 05-4;
- (c) Approve the master plan for the proposed turnkey park (Orchard Park) to be constructed as part of the Amended and Restated Turnkey Parkland Agreement;
- (d) Approve reimbursement to developer of PDO in-lieu fees paid upon execution and recordation of the Amended and Restated Parkland Agreement; and

**Approved.**

- (e) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the Subdivision Park Trust Fund:
  - (1) Increase the estimate for Earned Revenue in the amount of \$1,295,594.
  - (2) Establish the Developer Refund appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,295,594.

CEQA: Fox Property General Plan Amendment EIR, Resolution No. 73578. Council District 3. (Parks, Recreation and Neighborhood Services/City Manager)

**Ordinance No. 29439 adopted.**

**Resolution No. 77061 adopted.**

## 2. CONSENT CALENDAR

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### 2.35 Additional Funding for the Gateway Storm Pump Station Rehabilitation Project.

**Recommendation:** Increase contingency funds for the Gateway Storm Pump Station Rehabilitation Project with Anderson Pacific Construction Engineering, Inc., from \$53,000 to \$67,000. CEQA: Exempt, File No. PP12-056. Council District 3. (Public Works)

**Approved.**

### 2.36 Maintenance District Annual Budget Reports for Fiscal Year 2014-2015.

**Recommendation:** Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2014-2015 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein. CEQA: Exempt, File No. PP13-057, Landscape Maintenance. Council Districts 2, 3, 4, and 8. (Public Works)

**Resolution No. 77062, Resolution No. 77063, Resolution No. 77064, Resolution No. 77065, Resolution No. 77066, Resolution No. 77067, Resolution No. 77068, Resolution No. 77069, Resolution No. 77070, Resolution No. 77071, Resolution No. 77072, Resolution No. 77073 and Resolution No. 77074 adopted.**

### 2.37 Actions Related to the Design and Construction of Photovoltaic Panels and Solar Structures at the San José Environmental Innovation Center.

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

- (a) Reject the bid received on May 15, 2014 for the Photovoltaic Panels and Solar Structures at the San José Environmental Innovation Center Project as non-responsive and authorize the Director to re-bid the Project.
- (b) Award the construction contract for the Photovoltaic Panels and Solar Structures at the San José Environmental Innovation Center Re-Bid Project to the lowest responsive and responsible bidder in an amount not to exceed \$2,728,000 and approve a contingency not to exceed available funding when added to the contract amount or up to 10%, whichever is lower.
- (c) Decide any timely bid protest(s), to make the City's final determination as to the lowest responsive bidder that is responsible, or to reject all bids and re-bid the project.
- (d) Execute change orders in excess of \$100,000 within the contingency amount.

CEQA: Negative Declaration for the installation of photovoltaic panels and parking lot structures at the EIC, adopted on December 1, 2009, File No. PP09-138. Council District 3. (Public Works)

**Resolution No. 77075 adopted.**

## 2. CONSENT CALENDAR

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### 2.38 Actions Related to the 6447 – Husted-Richland Sanitary Sewer Improvement Project.

**Recommendation:**

- (a) Adopt a resolution adopting the Mitigated Negative Declaration prepared for the Almaden-Coleman-Husted Sanitary Sewer Improvement Project (File No. PP11-091) and the Addendum to the Almaden-Coleman-Husted Sanitary Sewer Improvement Project Mitigated Negative Declaration (PP13-074), as having been completed in compliance with the California Environmental Quality Act (CEQA) reflecting the City’s independent judgment and analysis, and adopting a mitigation monitoring and reporting program.

**Resolution No. 77076 adopted.**

- (b) Report on bids and award of contract for the 6447 - Husted-Richland Sanitary Sewer Improvement Project to the low bidder, Mountain Cascade, Inc., in the amount of \$2,433,540, and approve a contingency in the amount of \$243,354. CEQA: Mitigated Negative Declaration, Resolution to be adopted with Item 2.38a, File No. PP11-091. Council Districts 6 and 9. (Public Works/Planning, Building and Code Enforcement)

**Approved.**

### 2.39 Actions Related to the 6403 – Almaden Expressway Sanitary Sewer Improvement Project.

**Recommendation:** Report on bids and award of contract for the 6403 - Almaden Expressway Sanitary Sewer Improvement Project to the low bidder, Mountain Cascade, Inc., in the amount of \$3,937,038 and approval of a contingency in the amount of \$393,704. CEQA: Mitigated Negative Declaration resolution to be adopted with Item 2.38(a), File No. PP11-091. Council District 10. (Public Works/Planning, Building and Code Enforcement)

**Approved.**

### 2.40 Actions Related to 6391 – Coleman Road Sanitary Sewer Improvement Project.

**Recommendation:** Report on bids and award of contract for the 6391 - Coleman Road Sanitary Sewer Improvement Project to the low bidder, JMB Construction, Inc., in the amount of \$5,647,269, and approval of a contingency in the amount of \$564,700. CEQA: Mitigated Negative Declaration resolution to be adopted with Item 2.38a, File No. PP11-091. Council District 10. (Public Works/Planning, Building and Code Enforcement)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.41 Actions Related to the Slurry Seal Project.

**Recommendation:**

- (a) Adopt a resolution authorizing the Director of Public Works to determine the lowest responsive and responsible bidder for the 7613 - 2014 Slurry Seal Project, to decide any timely bid protests including issues of bidder responsiveness or responsibility, and to either: (i) award the construction contract in an amount not to exceed the funds appropriated for the project or (ii) to reject all bids and re-bid the project.

**Resolution No. 77077 adopted.**

- (b) Approve a contingency equal to ten percent of the base contract award amount. CEQA: Exempt, File No. PP11-035. (Transportation)

**Approved.**

### 2.42 Report on Bids and Award of Contract for the 2014 Arterial Resurfacing Project.

**Recommendation:** Report on bids and award of a construction contract for the 2014 Arterial Resurfacing Project to the low bidder, Granite Construction Company, in the amount of \$3,957,700, and approval of a ten percent (10%) contingency in the amount of \$395,770. CEQA: Exempt, File No. PP11-035. (Transportation)

**Approved.**

### 2.43 Report on Bids and Award of Contract for the 7483 - 2014 ADA Accessibility Ramps Project.

**Recommendation:** Report on bids and award of a construction contract for the 7483-2014 ADA Accessibility Ramps Project to the low bidder Spenco Construction, Inc. in the amount of \$970,921 with a contingency of \$97,092. CEQA: Exempt, File No. PP13-051. (Transportation)

**Approved.**

### 2.44 Council Member Constant's Travels to Saint Paul, MN and Austin, TX.

**Recommendation:**

- (a) Approve travel by Council Member Constant to Saint Paul, MN on July 23 – 26, 2014 to serve as Chair of the National League of Cities' Public Safety and Crime Prevention Committee.
- (b) Approve travel by Council Member Constant to Austin, TX on November 18 – 23, 2014 to serve as Chair of the National League of Cities' Public Safety and Crime Prevention Committee.

Source of Funds: Mayor and Council Travel Fund. (Constant)  
(Rules Committee referral 6/11/14)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.45 Canadian Independence Day Flag Raising.

**Recommendation:**

- (a) Approve the Canadian Independence Day Flag Raising as a City Council sponsored Special Event.
- (b) Approve expending funds and accepting donation from various individuals, businesses and community groups to support this event.

CEQA: Not a Project. (Kalra)

(Rules Committee referral 6/11/14)

**Approved.**

### 2.46 Sister Cities International Flag Raising and Conference Opening Ceremony.

**Recommendation:**

- (a) Approve Sister Cities International Flag Raising and Conference Opening Ceremony as a City Council sponsored Special Event.
- (b) Approve expending funds and accepting donations from various individuals, businesses and community groups to support this event.

CEQA: Not a Project. (Kalra)

(Rules Committee referral 6/11/14)

**Approved.**

### 2.47 District 1 Leadership BBQ.

**Recommendation:**

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

CEQA: Not a Project. (Constant)

(Rules Committee referral 6/11/14)

**Approved.**

### 2.48 Terms of an Agreement with the Association of Building, Mechanical and Electrical Inspectors (ABMEI) with a Term of July 1, 2014 through June 30, 2015.

**Recommendation:** Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the Association of Building, Mechanical and Electrical Inspectors (ABMEI), and authorizing the City Manager to execute an agreement with a term of July 1, 2014 through June 30, 2015. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)

(Rules Committee referral 6/11/14)

**Resolution No. 7078 adopted.**

## 2. CONSENT CALENDAR

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### 2.49 Terms of an Agreement with the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP) with a Term of July 1, 2014 through June 30, 2015.

**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 authorizing the City Manager to execute an agreement with a term of July 1, 2014 through June 30, 2015. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)

(Rules Committee referral 6/11/14)

**Resolution No. 77079 adopted.**

### 2.50 Actions Related to the Parking and Access Easement Agreement for the Vintage Towers Apartments.

**Recommendation:** Adopt a resolution authorizing the Director of Housing to:

- (a) Approve an Amended and Restated Parking and Access Easement Agreement between CV Symphony SJSU, LLC, First United Methodist Church at San José, and First United Methodist Church Tower Properties, L.P. (“Revised Parking Easement”) for the Vintage Towers Apartments located on Santa Clara Street between Fifth Street and Sixth Street in San José.
- (b) Negotiate and execute a subordination agreement to subordinate the Deed of Trust, Assignment of Rents, Fixture Filing and Rider securing a City loan in the amount of \$2,275,000 for the Vintage Tower Apartments to the Revised Parking Easement.

CEQA: Downtown Strategy 2000 EIR, Resolution No. 72767, as addended by File No. H13-023. Council District 3. (Housing)

(Rules Committee referral 6/11/14)

**Resolution No. 77080 adopted.**

### 2.51 Actions Related to the Agreement with the County of Santa Clara for the 2013 Emergency Management Performance Grant (EMPG).

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the County of Santa Clara (County) to accept program funds from the County for 2013 Emergency Management Performance Grant (EMPG) funding for the Fire Department in the amount of \$139,000 and negotiate and execute additional amendments to the agreement and all related documents without further City Council action, other than the appropriation of funds.

**Resolution No. 77081 adopted.**

## 2. CONSENT CALENDAR

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### 2.51 Actions Related to the Agreement with the County of Santa Clara for the 2013 Emergency Management Performance Grant (EMPG). (Cont'd.)

**Recommendation:**

- (b) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Increase the Estimate for Earned Revenue from the Federal Government by \$139,000.
  - (2) Establish a city-wide appropriation to the Fire Department for the 2013 Emergency Management Performance Grant (EMPG) in the amount of \$139,000.

CEQA: Not a Project, File No. PP10-066(g), Agreement and Contracts. (Fire/City Manager)

(Rules Committee referral 6/11/14)

**Ordinance No. 29440 adopted.**

**Resolution No. 77082 adopted.**

### 2.52 Planned Development Permit to Allow Construction of Manufacturing Buildings at the Real Property Located on the Norwest Corner of Nortech Parkway and Disk Drive.

**Recommendation:** Consider a Planned Development Permit to allow the construction of three single-story manufacturing buildings totaling 563,760 square feet on a 35.57 gross acre site located on the northwest corner of Nortech Parkway and Disk Drive (25 Nortech Parkway), and adopt a resolution reflecting the Council's action. CEQA: Addendum to the Cisco Site 6 EIR, North San José Area Development Policy EIR, and the Envision San José 2040 General Plan EIR, File No. PDC14-004. (State Street Bank and Trust, Owner). (Planning, Building and Code Enforcement)

PD14-007 – District 4

[Continued from 6/10/14 – Item 11.6(b)]

**Renumbered From Item 4.9.**

**Resolution No. 77083 adopted.**

**Noes: Campos, Kalra, Nguyen, Rocha.**

### 2.53 VTA SR-85 Express Lanes Project.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 11, 2014:

- (a) Request a “support” position on the SR 85 Express Lanes Project as presented to the public in early 2014.
- (b) Direct staff to submit a letter of support to the Santa Clara Valley Transportation Authority for the SR 85 Express Lanes Project.

(Khamis/Rocha)

[Rules Committee referral 6/11/14 – Item G(2)]

**Approved.**

## 2. CONSENT CALENDAR

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### 2.54 Process to Fill an Unanticipated Vacancy on the Federated Retirement Board.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 11, 2014, direct the City Clerk to initiate the appointment process for the unanticipated, unscheduled vacancy for an employee member on the Board of Administration of the Federated Retirement System to appoint a new City employee to the end of the resigned member's term, November 30, 2017. (City Clerk)  
[Rules Committee referral 6/11/14 – Item G(5)]

**Approved.**

### 2.55 AB 1826 (Chesbro) – Solid Waste: Organic Waste.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 11, 2014, adopt a position of support for AB 1826. (Environmental Services)  
[Rules Committee referral 6/11/14 – Item G(8)]

**Position of Support adopted.**

### 2.56 AB 2145 (Bradford) – Electricity: Community Choice Aggregation.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 11, 2014, adopt a position of oppose for AB 2145 (Bradford). (Environmental Services)  
[Rules Committee referral 6/11/14 – Item G(9)]

**Position of Opposition adopted.**

### 2.57 SB 270 (Padilla) – Solid Waste: Single-Use Carryout Bags.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 11, 2014, adopt a position of support for SB 270 (Padilla). (Environmental Services)  
[Rules Committee referral 6/11/14 – Item G(10)]

**Position of Support adopted.**

**Noes: Khamis.**

### 2.58 AB 1147 (Bonilla, Gomez, Holden): Massage Therapy.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 11, 2014, adopt a position in support for AB 1147 (Bonilla et al) Massage Therapy. (Police)

[Rules Committee referral 6/11/14 – Item G(11)]

**Position of Support adopted.**

## 2. CONSENT CALENDAR

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### 2.59 Terms of an Agreement with the Association of Engineers and Architects, IFPTE, Local 21, Units 41/42 and Unit 43 (AEA) with a Term of July 1, 2014 through June 30, 2015.

**Recommendation:**

- (a) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation;

**Waived.**

- (b) Adopt a resolution:

- (1) To approve the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, IFPTE, Local 21 (AEA), Units 41/42, and authorizing the City Manager to execute an agreement with a term of July 1, 2014, through June 30, 2015.
- (2) To approve the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, IFPTE, Local 21, (AEA), Unit 43, and authorizing the City Manager to execute an agreement with a term of July 1, 2014, through June 30, 2015.

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

**Resolution No. 77084 adopted.**

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the City Manager, Edward Shikada (Verbal Report). No Report.

### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.

**Heard at 8:30 a.m.**

**No Report.**

*Note: Items 3.3, 3.4, 3.5 and 3.6 were heard before Consent Calendar.*

### 3.3 Approval of Various Actions for Fiscal Year 2013-2014.

**Recommendation:** Adopt 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Funds attachments to the Staff memorandum. CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager)

**Ordinance No. 29430 adopted.**

**Resolution No. 77036 adopted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Adoption of Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2014-2015 Budget, Resolution Establishing the Fiscal Year 2014-2015 Appropriation Limit.

**Recommendation:**

- (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2014-2015 and the Manager’s Final Budget Addendum.  
**Ordinance No. 29431 adopted, as amended: change Citywide appropriation for the “San José Reperatory Theatre” to operations and maintenance for the “Hammer Theatre Center”.**
  
- (b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2014-2015 and the Manager’s Final Budget Addendum.  
**Resolution No. 77037 adopted.**
  
- (c) Adopt a resolution taking the following actions with respect to the City’s 2014-2015 —Gann Limit:
  - (1) Elect the per capita income index as the inflation factor for 2014-2015 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor.
  - (2) Elect the City population growth index as the population factor for 2014-2015.
  - (3) Establish the Fiscal Year 2014-2015 Appropriation Limit at \$936,545,078 in compliance with Article XIII B of the State Constitution.CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager)  
**Resolution No. 77038 adopted.**

#### 3.5 Library Parcel Tax Rates Increase for Fiscal Year 2014-2015.

**Recommendation:** Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2014-2015 by 2.45% over the fiscal year 2013-2014 rates and approving the placement of the Library Parcel Tax on the fiscal year 2014-2015 Santa Clara County Property Tax Roll. CEQA: Statutory Exemption, File No. PP10-067(a), Rates, Tolls, Fares, and Charges. (Finance)  
**Resolution No. 77039 adopted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 Actions Related to the 2014 Tax and Revenue Anticipation Note.

**Recommendation:**

- (a) Adopt a resolution:
  - (1) Authorizing the issuance and sale of the City of San José 2014 Tax and Revenue Anticipation Note (the "2014 Note") in the not to exceed principal amount of \$100,000,000 to be sold through a private placement.
  - (2) Approving, in substantially final form, the Note Purchase Agreement and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreement and other related documents, as necessary, in connection with the issuance of the 2014 Note and authorizing other related actions in connection therewith.

**Resolution No. 77040 adopted.**

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for Fiscal Year 2014-2015:
  - (1) Increase the estimate for Other Revenue in the amount of \$100,000,000.
  - (2) Increase the Citywide TRANs Debt Service appropriation to the Finance Department in the amount of \$100,000,000.

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

**Ordinance No. 29432 adopted.**

**Resolution No. 77041 adopted.**

#### 3.7 Actions Related to the Agreement with Google Fiber for Future Installation of Google Fiber Network.

**Recommendation:**

- (a) Accept status report on the City's efforts to submit information requested by Google Fiber for its consideration of selecting San José for the future installation of a Google Fiber network.

**Accepted.**

- (b) Adopt a resolution approving the form of a master Network Hut License Agreement with Google Fiber for individual sites following City Council approval of such individual sites.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (City Manager) (Deferred from 4/29/14 – Item 3.4, et al., 6/3/14 – Item 3.3)

**Resolution No. 77085 adopted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.8 Actions Related to Potential Revenue Measures for the November 2014 Election.

**Recommendation:** Direct staff on polling and other actions related to the preparation for potential revenue measures for the November 2014 election. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (City Manager)

**The City Manager was authorized to negotiate with the consultants for two different independent polls on four subjects: the issues of a special tax for pavement, a general sales tax, marijuana and public safety. Fifty Thousand Dollars (\$50,000) was approved to be added to the contract budget, if necessary, to accomplish the additional work.**

**Noes: Chu, Liccardo, Nguyen, Oliverio.**

#### 3.9 Discussion and Direction Regarding Retirement Board Governance.

**Recommendation:** Discuss and direct to staff regarding retirement board governance and possible ballot measure for November 2014 election. CEQA: Not a Project, File No. PP10-069, City Organization and Administrative Activities. (City Manager)

**The Staff recommendations were approved, including the following clarifications to the ballot measure:**

- (1) **810D: removal of the last sentence: “require a cap on Administration expenses”.**
- (2) **810.1A: typographic error changing the word “offer” to “officer”.**
- (3) **810.1E: minor wording changes related to consideration of total compensation when recommending salary of the top officials in Retirement Services.**
- (4) **1001.1D2: issue related to the Council Salary Setting Commission recommending stipends for board members, the monthly stipend would apply to non City employee board members.**
- (5) **110112: remove the word “on any board”.**

**Noes: Campos, Rocha.**

#### 3.10 Public Hearing on Recording Liens on Properties for the Reimbursement of the Cost of Sidewalk Repairs for FY 2014-2015 Santa Clara County Secured Property Tax Bill.

**Recommendation:**

- (a) Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs;

**The Public Hearings was Held.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.10 Public Hearing on Recording Liens on Properties for the Reimbursement of the Cost of Sidewalk Repairs for FY 2014-2015 Santa Clara County Secured Property Tax Bill. (Cont'd.)

**Recommendation:**

- (b) Adopt a resolution to:
- (1) Confirm the approval of the Report from the Director of Finance for the Cost of Sidewalk Repairs ("Director's Report"), confirming the assessments contained in the Director's Report.
  - (2) Direct the recording of liens and the placement of charges as set forth therein on the 2014-2015 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs.

CEQA: Not a Project, File No PP10-067(a), Specific Funding Mechanism for Increase or Adjustment to Fees, Rates and Fares. (Finance)

**Resolution No. 77086 adopted.**

#### 3.11 Waiver of Revolving Door Restrictions.

**Recommendation:** As recommended by the Rules and Open Government Committee on May 21, 2014, deny a Waiver of the Revolving Door Restrictions for Council Member Campos' former Chief of Staff, Josué Garcia. (City Clerk)  
[Rules Committee referral 5/21/14 – Item G(4)]  
(Deferred from 6/10/14 – Item 3.8)

**The Waiver of the Revolving Door Restrictions was granted for Council Member Campos' former Chief of Staff Josué Garcia.**

**Noes: Constant, Khamis, Nguyen, Oliverio; Reed.**

#### 3.12 Motion for Reconsideration relating to Item 3.9 on 6-10-14 Council Agenda, and Appointment of One Member to the Planning Commission.

**Recommendation:**

- (a) Consider a request to reconsider the City Council's action on the second round of voting for one (1) member of the Planning Commission (Item 3.9 on the 6-10-14 Council Agenda).

**The request to reconsider the Council action failed.**

**(5-6. Noes: Constant, Herrera, Khamis, Liccardo, Nguyen; Reed.)**

- (b) If the request under part (a) is approved by Council:
- (1) Appoint one (1) member to the Planning Commission to a term expiring June 30, 2018.
  - (2) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

(Campos)

**No Council Action.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Public Hearings on Business Improvement District Reports for FY 2014-2015.

**Recommendation:**

- (a) Conduct a Public Hearing and adopt a resolution to approve the Downtown Business Improvement District budget report for fiscal year 2014-2015, as filed or as modified by the Council, to levy the Downtown BID assessments for 2014-2015, and to suspend collection of the Downtown BID assessments for businesses that qualify for the business tax financial hardship exemption under the City's general business tax ordinance. CEQA: Exempt, File No. PP08-048. Council District 3. (Economic Development)

**The Public Hearings were held.**

**Resolution No. 77087 adopted.**

**Recommendation:**

- (b) Conduct a Public Hearing and adopt a resolution to approve the Hotel Business Improvement District budget report for fiscal year 2014-2015, as filed or as modified by the Council, and to levy the Hotel BID increased assessments for 2014-2015. CEQA: Exempt, File No. PP08-048. (Economic Development)

**Resolution No. 77088 adopted.**

- (c) Conduct a Public Hearing and adopt a resolution to approve the Japantown Business Improvement District budget report for fiscal year 2014-15, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2014-15. CEQA: Exempt, File No. PP08-048. Council District 3. (Economic Development)

**Resolution No. 77089 adopted.**

### 4.2 Rezoning the Real Property Located on the Northwest Corner of North Market Street and West Saint James Street.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the northwest corner of North Market Street and West Saint James Street (201 N. Market Street) from the DC Downtown Core Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 0.45 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José). CEQA: Envision San José 2040 General Plan FEIR (Resolution No. 76041). (Planning, Building and Code Enforcement)

C14-011 – District 3

**Dropped. To Be Renoticed.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.3 Rezoning the Real Property Located on the Northeast Corner of South First Street and East Williams Street.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the northeast corner of South First Street and East Williams Street (490 South First Street) from the DC Downtown Core Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 0.44 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José). CEQA: San José General Plan FEIR (Resolution No. 76041). (Planning, Building and Code Enforcement)  
C14-012 – District 3

**Dropped. To Be Renoticed.**

### 4.4 Rezoning the Real Property Located on the Southwest Corner of The Alameda and Cleaves Avenue.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southwest corner of The Alameda and Cleaves Avenue (938 The Alameda) from CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 0.54 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José). CEQA: San José General Plan FEIR (Resolution No. 76041). (Planning, Building and Code Enforcement)  
C14-013 – District 6

**Dropped. To Be Renoticed.**

### 4.5 Rezoning the Real Property Located on the West Side of South First Street, Approximately 250 Feet South of West San Carlos Street.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the west side of South First Street, approximately 250 feet south of West San Carlos Street (345 South First Street) from the DC Downtown Core Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 0.96 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José). CEQA: Envision San José General Plan FEIR (Resolution No. 76041). (Planning, Building and Code Enforcement)  
C14-014 – District 3

**Dropped. To Be Renoticed.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.6 Rezoning the Real Property Located on the West Corner of South Market Street and Balbach Street.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the west corner of South Market Street and Balbach Street (435 South Market Street) from the DC Downtown Core Zoning District to the PQP Public/Quasi-Public Zoning District to allow publicly serving uses on a 4.40 gross acre site (Successor Agency to the Redevelopment Agency of the City of San José). CEQA: Envision San José General Plan FEIR (Resolution No. 76041). (Planning, Building and Code Enforcement)

C14-015 – District 3

**Dropped. To Be Renoticed.**

### 4.7 Administrative Hearing on and Consideration of a Conditional Use Permit and Determination of Public Convenience or Necessity to Allow Off-Sale of Alcohol at an Existing Grocery Store.

**Recommendation:** Conduct an Administrative Hearing on and consider a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcohol at an existing 1,995 square foot grocery store on a 0.80 gross acre site in the CP Commercial Pedestrian Zoning District, located on the northwest corner of West Alma Avenue and Belmont Way (565 West Alma Avenue) (Vlahopouliotis Marie, Owner). CEQA: Exempt. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)

CP14-013/ABC14-006 – District 6

**Resolution No. 77090 adopted.**

### 4.8 Amendment to Title 20 of the San José Municipal Code (the Zoning Ordinance).

**Recommendation:** Consideration of an ordinance amending Title 20 of the San José Municipal Code (the Zoning Ordinance) to add a new Section 20.200.542 and amend Section 20.200.1265 to Chapter 20.200; to add a new Part 22 to Chapter 20.80; to amend Section 20.40.100 of Chapter 20.40; and to amend Section 20.70.100 of Chapter 20.70, all to permit use of Hotels and Motels for Supportive Housing for Various Targeted Populations with a Conditional Use Permit and establish regulations for such use to further implement the Housing 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 including but not limited to Section 20.40.100 and Section 20.70.100. CEQA: Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, EIR Resolution No. 76041 and addenda thereto (File No. PP14-045). Council District: Citywide. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)

*(Action Continued on the Next Page)*

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

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### **4.8 Amendment to Title 20 of the San José Municipal Code (the Zoning Ordinance). (Action Cont'd.)**

**The memorandum from Mayor Reed, Vice Mayor Nguyen and Council Member Liccardo, dated June 13, 2014, was approved, approving an ordinance amending Title 20 of the San José Municipal Code to permit use of Hotels and Motels for Supportive Housing with a Conditional Use Permit, with the following modifications:**

- (1) Exclude hotel supportive housing in the prime industrial areas, including in the North San José Development Policy Area (north of Skyport), International Business Park and the Edenvale Development Policy Area.**
- (2) Enforce a time limit on each hotel supportive housing use not to exceed 10 years.**
- (3) Return to Council with a progress report within 18 months of the start of the first leases.**
- (4) The Ordinance shall have a sunset provision of 2026.**

**Staff was directed to return to Council on August 5, 2014 for the First Reading of the Ordinance.**

### **4.9 Planned Development Permit to Allow Construction of Manufacturing Buildings at the Real Property Located on the Norwest Corner of Nortech Parkway and Disk Drive.**

**Recommendation:** Consider a Planned Development Permit to allow the construction of three single-story manufacturing buildings totaling 563,760 square feet on a 35.57 gross acre site located on the northwest corner of Nortech Parkway and Disk Drive (25 Nortech Parkway), and adopt a resolution reflecting the Council's action. CEQA: Addendum to the Cisco Site 6 EIR, North San José Area Development Policy EIR, and the Envision San José 2040 General Plan EIR, File No. PDC14-004. (State Street Bank and Trust, Owner). (Planning, Building and Code Enforcement)

PD14-007 – District 4

[Continued from 6/10/14 – Item 11.6(b)]

**Renumbered to Item 2.52. See Item 2.52 for Action.**

### **4.10 Report on Bids and Award of Contract for the 1322 - Southeast Branch Library Project.**

**Recommendation:** Report on bids and award of the construction contract for the 1322 - Southeast Branch Library Project to the low bidder Zovich and Sons, Inc., for the base bid and Add Alternate No.1, in the amount of \$8,855,000, and approve a contingency in the amount of \$886,000. CEQA: Addendum to the Evergreen Specific Plan EIR, Resolution No. 63719, File No. PP10-008. Council District 8. (Public Works)

**The memorandum from Council Member Herrera, dated June 16, 2104, was approved, accepting the Staff recommendations as indicated.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.11 Public Hearing and Special Election on the Formation of Community Facilities District No. 15.

**Recommendation:** Conduct a Public Hearing, a Special Election, and take the following actions related to the formation of Community Facilities District No. 15 (Berryessa - Sierra):

(a) Adopt a resolution for each of the following items to:

- (1) Establish Community Facilities District No. 15 (Berryessa - Sierra) and authorize the levy of a special tax.

**The Public Hearing was Held.**

**Resolution No. 77091 adopted.**

- (2) Declare the results of the special election.

**Resolution No. 77092 adopted.**

(b) If approved by voters:

- (1) Approve an ordinance imposing the levy of special taxes for Community Facilities District No. 15 (Berryessa - Sierra)

**Ordinance No. 29441 adopted.**

- (2) Direct the recording of the notice of the special tax lien for Community Facilities District No. 15 (Berryessa - Sierra).

- (3) Establish a new fund for Community Facilities District No. 15 (Berryessa - Sierra).

**Approved.**

- (4) Adopt the following 2014-2015 Appropriation Ordinance and Funding Source Resolution amendments in the Community Facilities District No. 15 (Berryessa - Sierra) Fund:

- (a) Establish an estimate for Earned Revenue in the amount of \$114,386.
- (b) Establish an estimate for Transfers from Other Funds in the amount of \$26,920.
- (c) Establish a Personal Services appropriation of the Department of Transportation in the amount of \$6,500.
- (d) Establish a Non-Personal/Equipment appropriation for the Department of Transportation in the amount of \$85,896.
- (e) Establish an overhead appropriation to the Department of Finance in the amount of \$2,925.
- (f) Establish an Ending Fund Balance in the amount of \$45,984.

**Ordinance No. 29442 adopted.**

**Resolution No. 77093 adopted.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.11 Public Hearing and Special Election on the Formation of Community Facilities District No. 15. (Cont'd.)

**Recommendation:**

- (b) (5) Adopt the following 2014-2015 Appropriation Ordinance amendments in the Storm Sewer Operating Fund:
  - (a) Establish a transfer to the Community Facilities District No. 15 (Berryessa – Sierra) Fund in the amount of \$26,920.
  - (b) Decrease the Ending Fund Balance by \$26,920.

CEQA: San José Flea Market EIR, File No. PDC03-108, Resolution No. 73956. Council District 4. (Public Works/City Manager)

**Ordinance No. 29443 adopted.**

### 4.12 Public Hearing on the Formation of Zone C to Maintenance District 19 (River Oaks Area Landscaping).

**Recommendation:** Conduct a Public Hearing and a Special Election on the formation of Zone C to Maintenance District 19 (River Oaks Area Landscaping): If approved by voters:

- (a) Adopt a resolution:
  - (1) Declaring the ballot tabulation results;
  - (2) Approving the engineer's report, base assessment and annual adjustments and forming Zone C in Maintenance District 19; and
  - (3) Imposing the assessments on those properties within the district as proposed in the engineer's report.

**The Public Hearing was Held.**

**Resolution No. 77094 adopted.**

- (b) Adopt the following 2014-2015 Appropriation Ordinance and Funding Source Resolution Amendments in the Maintenance District No. 19 (River Oaks Area Landscaping) Fund (359):
  - (1) Increase the estimate for Earned Revenue by \$78,473.
  - (2) Increase the Personal Services appropriation of the Department of Transportation by \$19,500.
  - (3) Increase the Non-Personal/Equipment appropriation for the Department of Transportation by \$43,518.
  - (4) Increase the overhead appropriation to the Department of Finance by \$8,775.
  - (5) Increase the Ending Fund Balance by \$6,680.

CEQA: North San José Development Policy Update EIR, Resolution No. 72768. Council District 4. (Public Works/City Manager)

**Ordinance No. 29444 adopted.**

**Resolution No. 77095 adopted.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.13 Continuation of Diridon Station Area Plan and General Plan Amendment.

*Note: Additional Public Comment Was Heard on Item 4.13 per Orders of the Day.*

**Recommendation:** Consideration of the following actions:

- (a) Certify the Environmental Impact Report for the Diridon Station Area Plan, and adopt a resolution making certain findings concerning significant environmental impacts, mitigation measures and alternatives, adopting a mitigation monitoring and reporting program, and adopting a statement of overriding considerations, all in accordance with the California Environmental Quality Act (CEQA).  
**The City Council tentatively adopted the proposed General Plan Amendment. Resolution No. 77096 was tentatively adopted.**
  
- (b) Approve the Diridon Station Area Plan, Implementation Strategy Report including revised shared parking policies described in the supplemental staff memo, Art Master Plan, and 10–Year Horizon Analysis to provide a framework for transforming the Diridon Station Area into a regional transportation hub, employment center, and entertainment destination; and more specifically to use the 10–Year Horizon Analysis as a guide to assess the parking needs of near term development in the Central Zone of the Plan area, to identify opportunities for shared parking, and to ensure that the parking provisions in the City of San José and San José Arena Management agreement continue to be met.  
**The City Council tentatively approved the proposed General Plan Amendment.**
  
- (c) Adopt a resolution to approve the addition of The Alameda/Naglee Avenue, Park Avenue/Naglee Avenue, and Lincoln Avenue/San Carlos Street intersections to the protected intersection list pursuant to the provisions of the City’s Transportation Impact Policy (City Policy 5-3).  
**Resolution No. 77097 was tentatively adopted.**
  
- (d) Tentative approval of text amendments to the Envision San José 2040 General Plan to incorporate the Diridon Station Area Plan into the General Plan and designate it as an Urban Village, and to make the following General Plan Land Use/Transportation Diagram changes:
  - (1) General Plan Amendment to change the Land Use/Transportation Diagram land use designation on a 6.06 gross acre site generally bounded by West Julian Street to the north, Stockton Avenue to the east, The Alameda to the south, and to the west approximately 180 feet from Rhodes Court, from Mixed Use Commercial to Urban Village.
  - (2) General Plan Amendment to change the Land Use/Transportation Diagram land use designation on a 6.5 gross acre site generally located on both side of West San Carlos Street between Bird and Delmas Avenues, from Neighborhood/Community Commercial to Downtown.

*(Action Continued on the Next Page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.13 Continuation of Diridon Station Area Plan and General Plan Amendment. (Action Cont'd.)

- (d) (3) General Plan Amendment to change the Land Use/Transportation Diagram land use designation on a 0.36 gross acre site generally at the northeast corner of Park and Gifford Avenues, from Neighborhood/Community Commercial to Downtown.
- (4) General Plan Amendment to change the Land Use/Transportation Diagram land use designation on a 0.14 gross acre site generally located on the east side of Josefa Street at the terminus of Columbia Avenue, approximately 200 feet south of West San Carlos Street, from Residential Neighborhood to Downtown.
- (5) General Plan Amendment to change the Land Use/Transportation Diagram land use designation on a 0.14 gross acre site generally located on the west side of Gifford Avenue, approximately 90 feet south of West San Carlos Street, from Residential Neighborhood to Downtown.
- (6) General Plan Amendment to change the Land Use/Transportation Diagram land use designation on a 0.38 gross acre site generally located at the northwest corner of Auzerais and Delmas Avenues, from Neighborhood/Community Commercial on 0.13 acres and Residential Neighborhood on 0.25 acres to Downtown.

Additional Option [d(7)]:

- (7) General Plan Amendment to change the Land Use/Transportation Diagram land use designation on a 5.9 acre site generally located between Stockton Avenue, Julian Street, the Union Pacific Railroad and the Alameda from Transit Employment Center to Urban Village, with a minimum requirement for inclusion of 0.5 Floor Area Ratio (FAR) of the commercial space within projects that include residential uses.
- (e) Approve the recommended actions outlined in the section of the supplemental staff memo entitled, "Coordination with San José Arena Management." CEQA: Diridon Station Area Plan Environmental Impact Report (File No. PP09-163) to be considered for certification and adoption. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)

**The City Council tentatively approved the proposed General Plan Amendments.**

- (1) **The memorandum from Mayor Reed, Council Members Liccardo and Oliverio, dated June 13, 2014, was tentatively approved, tentatively approving the recommendations in the Staff Report dated May 15, 2014 and the Supplemental Staff Report dated June 6, 2014, with the following direction and clarification:**
  - (a) **Approve the recommendations outlined in the memorandum from Mayor Reed, dated June 10, 2014.**

*(Action Continued on the Next Page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.13 Continuation of Diridon Station Area Plan and General Plan Amendment. (Action Cont'd.)

- (1) (b) **Adopt the Staff Alternative Recommendation contained within its June 12, 2014 memorandum, consistent with Council's January 21, 2011 direction, to amend the General Plan to change the land use designation on the 5.9 acre site generally located between Stockton Avenue, Julian Street, the Union Pacific Railroad and the Alameda to "Urban Village", with a minimum requirement for inclusion of 0.5 Floor Area Ratio (FAR) of commercial space within projects that include residential uses, so as to encourage lot assembly prior to any mixed use development.**
  - (c) **Incorporate a policy in the implementation plan that encourages lot assembly for larger development opportunities.**
  - (d) **Study the benefits of forming and implementing a Transportation Management Association.**
  - (e) **Clarify public art financing mechanisms.**
  - (f) **Direct Staff to incorporate affordable housing goals as funding mechanisms are developed citywide.**
  - (g) **Designate a single "point of contact" within the City Manager's Office or relevant departments to coordinate implementation of the Diridon Station Area Plan.**
- (2) **The memorandum from Council Member Rocha, dated June 6, 2014, was tentatively approved, with the following amendments:**
- (a) **Amend the Diridon Station Area Plan as specified below.**
    - (1) **On Page 2-159, remove the following sentence:**  
*While specific, robust mechanisms to facilitate San José's policy goal of a 15% minimum of affordable units have not yet been determined for Diridon Station, the following financing strategies for affordable homes may include, but are not limited to the following:*  
**Replace it with the following:**  
*It shall be the policy of this plan to achieve a rate of affordable housing production at 15% of the housing units built within the plan area. Strategies to ensure the production of affordable units in the plan area will be developed as part of implementation of this plan and may include, but are not limited to, the following:*
    - (2) **On Page 2-159, add the following bullets to the list of potential affordable housing strategies:**
      - (a) *Development of affordable housing on publicly owned land.*
      - (b) *Use of proceeds from development of public owned land to fund affordable housing.*
      - (c) *Phasing of market rate residential units contingent on achievement of affordable housing targets.*

*(Action Continued on the Next Page)*

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

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### **4.13 Continuation of Diridon Station Area Plan and General Plan Amendment. (Action Cont'd.)**

- (2) (b) Ask Staff to consider whether it would be useful to hold a Council Study Session as part of their development of the Diridon Implementation Plan, in order to engage the City Council on potential implementation strategies that could ensure that 15% of the units built in the plan area would be affordable. A study session would provide an opportunity for Staff to provide analysis of the various policy options, such as phasing market rate units, using development agreements and leveraging public land to build affordable housing, in addition to any other policy alternatives Staff may wish to put forward.**
- (3) The memorandum from Mayor Reed, dated June 10, 2014, was tentatively approved, tentatively approving the recommendations from the Staff Report dated May 15, 2014 and the Staff Report dated June 6, 2014, with the following modifications:**
  - (a) Draft Program Environmental Impact Report: Align the response in section titled Downtown Development Capacity in the Staff Report with section titled Growth Area Amendments (Page 104) in the Draft EIR and section titled Changes to the Downtown Growth Area (Page 105) in the Draft EIR, both which reference “reallocating and shifting some of the job and housing capacity from east of SR 87 to the west within the Diridon Station Area Plan Area”.**
  - (b) Diridon Station Area Plan: Make the following changes to make clear that the guidelines are not intended to be rigid.**
    - (1) Diridon Station Area Plan, Design Guidelines, Interpretation (Page 3-2): Revise to read: “These Guidelines are not intended to be rigid. Alternative measures may be considered”.**
    - (2) Diridon Station Area Plan, Design Guidelines, Phasing (Page 3-2): Delete: “A master plan for each site or development should be prepared to demonstrate ultimate compliance with the guidelines and show how the phasing strategy achieves the final goal” and revise the language to better reflect Staff’s stated perspective that the guidelines are not intended to be rigid.**
    - (3) Diridon Station Area Plan, Design Guidelines Introduction (Page 3-1): Add: “The Baseball Stadium will be a unique building and the general urban design and public art guidelines and mandates under this Plan do not apply. Design and public art issues will be considered during the design phase of the project in conjunction with requirements of the Owner and Major League Baseball”.**

*(Action Continued on the Next Page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.13 Continuation of Diridon Station Area Plan and General Plan Amendment. (Action Cont'd.)

- (3) (c) **Art Master Plan: Defer action on the Implementation Recommendations until an impact can be demonstrated that meets the legal nexus necessary to impose art fees or art requirements on private development and the section is revised to account for the termination of the Redevelopment Agency.**
- (d) **Staff directed to work with all developers to ensure that parking studies as described in the Staff Report are performed for projects within one third mile radius of the SAP Center that may reduce parking supply available to the patrons of the SAP Center and also work with developers on efficient operational design which considers parking availability and convenience of ingress and egress for daily users and other event use after 6:00 p.m. with a goal to maintain the current parking availability, until the City and Arena Management agree that transit ridership is robust enough to reduce parking supply without negatively impacting SAP Center operations.**
- (4) **Staff directed (with regard to the Transportation Management Association) to ensure that the adjacent neighborhoods are incorporated as stakeholders and to affirm that the language in the Plan 2-103 relating to day-lighting of Los Gatos Creek remains in place for any funding opportunities that may arise.**

### 4.14 Approve all General Plan Amendment Actions.

**Recommendation:** Adopt a resolution approving all General Plan amendment actions for May 20, 2014, June 10, 2014 and June 17, 2014. (Planning, Building and Code Enforcement)

**Resolution No. 77098, adopted approving all General Plan Amendment Actions for May 20, 2014, June 10, 2014 and June 17, 2014.**

### 4.15 Downtown High Rise Incentive Program and Establishment of a Downtown Parks Maintenance District.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 11, 2014, direct the City Manager to return to Council in September with a program that:

- (a) Provides a unit extension of the 2007 Parks Specific High Rise Incentive Program, to add 50 units to the maximum limits.
- (b) Establish a Downtown Parks Maintenance District for High Rise and Mid Rise residential projects.

(Mayor/Liccardo)

[Rules Committee referral 6/11/14 – Item G(7)]

**Approved.**

**Noes: Oliverio.**

## **5. NEIGHBORHOOD SERVICES**

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## **6. TRANSPORTATION & AVIATION SERVICES**

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## **7. ENVIRONMENTAL & UTILITY SERVICES**

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## **8. PUBLIC SAFETY SERVICES**

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### **8.1 Use of Police Reserves.**

**Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support Committee on May 15, 2015, accept the report on the Use of Police Reserves. (Police)

[Public Safety, Finance, and Strategic Support Committee 5/15/14 – Item D(2)]

**Deferred to August 05, 2014 per Administration.**

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

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### **9.1 Approval of a Cooperation Agreement Between the City of San José and the Successor Agency for Operating Expenses.**

**Recommendation:**

- (a) The Successor Agency Board approve a Cooperation Agreement between the City of San José and the Successor Agency to the Redevelopment Agency of the City of San José for Operating Expenses.
- (b) The City Council approve a Cooperation Agreement between the City of San José and the Successor Agency to the Redevelopment Agency of the City of San José for Operating Expenses.

CEQA: Exempt, File No. PP12-008. (Successor Agency)

**Approved.**

**Staff directed to review and provide recommendations for pay raises for the Staff of the Successor Agency and return to Council in August 2014.**

- **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>
10103	San Felipe Road 700’ North of Silver Creek Road	8	DAL Properties LLC	6 Lots/ 6 Units	SFD	Approve
10104	San Felipe Road 700’ North of Silver Creek Road	8	DAL Properties LLC	17 Lots/ 14 Units	SFD	Approve
10207	Montecito Vista Drive	7	Lennar Homes of California	111 Lots/ 100 Units	MFA	Approve
10198	4170 Olga Drive	1	La Quinta Investments LLC	6 Lots/ 5 Units	SFD	Approve
9932	NW Corner of Lucretia Ave and Phelan Ave	7	KB Home South Bay Inc	21 Lots/ 20 Units	SFD	Approve
9948	435 S. Willard Ave	6	Eugene Huang	7 Lots/ 6 Units	SFD/ SFA	Approve
10241	North of Fallingtree Drive, West of North Capitol Avenue	4	JG Building, LLC	7 Lots/ 7 Units	SFD	Approved
10206	1 S. MARKET ST.	4	Essex OSM REIT, LLC	1 Lot/ 312 Units	MFA	Approved

- **Open Forum**

**There was no public testimony from the floor.**

- **Adjournment**

**The Council of the City of San José was adjourned at 6:31 p.m. in memory of Mr. David Carver, WWII veteran and longtime San José resident. (Kalra)**

**JOINT COUNCIL/SAN JOSÉ FINANCING AUTHORITY AGENDA**

**2:26 P.M.**

**TUESDAY, JUNE 17, 2014**

**CHAMBERS**

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**TO BE HEARD BEFORE CONSENT CALENDAR**

- 1. Call to Order and Roll Call**  
**Absent Council Members: All Present.**
- 2. Approval of Asset Addition for the City of San José Financing Authority Lease Revenue Commercial Paper Program.**

**Recommendation:**

- (a) City Council adopt a resolution to approve and authorize the execution and delivery of a Fifth Amendment to the Site Lease, a Fifth Amendment to the Sublease, and other related actions in order to provide for the addition of a component of property under the Site Lease and the Sublease in connection with the City of San José Financing Authority's Lease Revenue Commercial Paper Program.

**Resolution No. 77042 adopted.**

- (b) City of San José Financing Authority Board adopt a resolution to approve and authorize the execution and delivery of a Fifth Amendment to the Site Lease, a Fifth Amendment to the Sublease, a Fourth Amendment to the Memorandum of Assignment and other related actions in order to provide for the addition of a component of property under the Site lease and the Sublease in connection with the City of San José Financing Authority's Lease Revenue Commercial Paper Program.

CEQA: Not a Project, PP10-069, City organizational and administrative activities.  
(Finance)

**SJFA Resolution No. 126 adopted.**

- 3. Open Forum**  
**There were none.**
- 4. Adjourn the Joint/San José Financing Authority.**  
**Mayor Reed adjourned the meeting at 2:27 p.m.**