



CITY COUNCIL AGENDA

AUGUST 5, 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 Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

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

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

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <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, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

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

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

- **Call to Order and Roll Call**
9:03 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.
1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 7)**
Muneer Chowdhry of the South Bay Afghan Community provided 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.
- **Closed Session Report**
None.

1. CEREMONIAL ITEMS

None.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

None.

2.2 Final Adoption of Ordinances.

None.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

(a) Transportation and Environment Committee Report of June 2, 2014. (Liccardo)

(b) Rules and Open Government Committee Report of June 11, 2014. (Mayor)

(c) Airport Competitiveness Report of May 30, 2014. (Mayor)

Approved.

2.4 Mayor and Council Excused Absence Requests.

None.

2.5 City Council Travel Reports.

None.

2.6 Report from the Council Liaison to the Retirement Boards.

None.

2.7 Lease of Airport Premises with SJJC Airline Services, LLC.

Recommendation: Approve a Lease with SJJC Airline Services, LLC for ramp and office space in support of its commercial airline fueling operations for a month to month term not to exceed five years, with estimated annual income to the City of \$386,000.

CEQA: Airport Master Plan Update EIR and Supplemental EIR, Resolution Nos. 67380 and 71451, File No. PP12-065. (Airport)

Approved.

2. CONSENT CALENDAR

2.8 Revisions to the Proposed Air Service Incentive Program to Support the Development of New Air Service at the Airport.

Recommendation:

(a) Adopt a resolution revising the airline incentive program to support the development of new air service at the Norman Y. Mineta San José International Airport (SJC) by limiting the waiver of fees to landing fees only for existing carriers adding new service and including the waiver of eligible terminal rents to new entrant carriers only; eliminating the list of unserved and under-served destinations; making new seasonal international service eligible for fee waiver(s); making matching marketing funds available for new domestic service; and repealing Resolution No. 76717; and
Resolution No. 77099 adopted.

(b) Adopt a resolution to repeal Resolution No. 76719, which will eliminate the Focus City Promotional Fee Waiver Incentive Program.

CEQA: Airport Master Plan Update EIR and Supplemental EIR , Resolutions Nos. 67380 and 71451, File No. PP09-192. (Airport)

Resolution No. 77100 adopted.

2.9 Arts Commission Appointment.

Recommendation: Appoint Richard James to the District 8 Seat on the Arts Commission to a term ending June 30, 2018. (City Clerk)

Appointment approved.

2.10 Certification of the Results of the Primary and Special Municipal Elections Held on June 3, 2014.

Recommendation: Adopt a resolution declaring the results of the June 3, 2014 Municipal Election pursuant to Elections Code Section 15400. (City Clerk)

Resolution No. 77101 adopted.

2.11 Amendment to the Special Event Permit Fee.

Recommendation: Adopt a resolution amending the 2014-2015 Schedule of Fees and Charges (Resolution No. 72737, as amended), to establish the Special Event Permit Fee in the amount of \$40.00 per permit for the use of public paseos and plazas for limited special event or guaranteed simple assembly. CEQA: Not a Project, File No. PP10-066(a), Increase or Adjustment to Fees, Rates & Fares. (Economic Development/City Manager)

Resolution No. 77102 adopted.

2. CONSENT CALENDAR

2.12 Amendment to the Agreement with Conroy & Associates, Inc. for Financial Background Investigation Services for the Division of Gaming Control.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to execute the Third Amendment to the Agreement between the City of San José and Conroy & Associates, Inc. for financial background investigation services for the Division of Gaming Control, for the period of October 1, 2014 through March 31, 2015; and
Resolution No. 77103 adopted.

- (b) Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Increase the estimate for Licenses and Permits in the amount of \$80,000; and
 - (2) Increase the Police Department's Non-Personal/Equipment appropriation in the amount of \$80,000.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment, and File No. PP10-067(b), Appropriation Ordinance. (Police/City Manager)

Ordinance No. 29445 adopted.

Resolution No. 77104 adopted.

2.13 Contract Change Order for the 2010 STP Resurfacing and Rehabilitation Project.

Recommendation: Approve a contract change order in the amount of \$401,137 for the 2010 STP Resurfacing and Rehabilitation Project. CEQA: Exempt, File No. PP11-035. (Transportation)

Approved.

2.14 Agreement with Telstar for Temporary Staffing at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Adopt a resolution to authorize the City Manager to exercise the second one-year option to extend the Agreement for August 17, 2014, through August 16, 2015 for a maximum compensation not to exceed \$998,000, and for the authority to exercise the two remaining one-year options to extend the Agreement through August 16, 2017, subject to the appropriation of funds. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)

Resolution No. 77105 adopted.

2. CONSENT CALENDAR

2.15 Coast Counties Truck and Equipment Company for Sewer Trucks.

Recommendation: Authorize the City Manager to:

- (a) Execute a Purchase Order with Coast Counties Truck & Equipment Company (San José, CA) for the purchase of five sewer flushing/cleaning and vacuum trucks for the Department of Transportation, in an amount not to exceed \$1,791,697;
- (b) Approve a contingency of approximately 10% per truck or \$180,000 for five trucks, subject to the appropriation of funds; and
- (c) Purchase additional sewer trucks, at the same bid price and 10% contingency, subject to the appropriation of funds.

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

Authorized.

2.16 Actions Related to the Family Camp at Yosemite California Emergency Management Application.

Recommendation: Adopt a resolution authorizing the City Manager, or his designee, to re-execute the California Emergency Management Agency (Cal EMA) application and all related documents, under a universal declaration, pertaining to damages at San José Family Camp as a result of the 2013 Rim Fire. CEQA: Not a Project; File No. PP10-068(a), Grant Application. (Parks, Recreation and Neighborhood Services)

Resolution No. 77106 adopted.

2.17 Board and Commission Appointments.

Recommendation:

- (a) 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:
 - (1) Human Services Commission: Realign the term end dates for the District 6 seat to 12/31/16;
 - (2) Parks and Recreation Commission: Realign the term end dates for the District 6 seat to 6/30/15;
- (b) Approve the following Board and Commission appointments:
 - (1) Appoint Fabiola DeAguinaga to the District 6 Seat on the Human Services Commission to a term ending 12/31/16; and
 - (2) Appoint Karl Sveinsson to the District 6 Seat on the Parks and Recreation Commission to a term ending 6/30/15.

CEQA: Not a Project. (City Clerk)

(Rules Committee referral 7/30/14)

Approved.

2. CONSENT CALENDAR

2.18 Terms of a Settlement Agreement Between the City of San José and the Municipal Employees' Federation, AFSCME Local 101 (MEF) and the Confidential Employees' Organization, AFSCME Local 101 (CEO) and Amendment to City of San José Pay Plan.

Recommendation:

(a) Adopt a resolution to approve the terms of a settlement agreement between the City of San José and the Municipal Employees' Federation, AFSCME Local 101 (MEF) and the Confidential Employees' Organization, AFSCME Local 101 (CEO) relating to an unfair practice charge before the Public Employees Relations Board, and authorize the City Manager to execute the settlement agreement.

Resolution No. 77107 adopted.

(b) Adopt a resolution to amend the City of San José Pay Plan effective the beginning of the second pay period after City Council approval of the settlement agreement in part (a) above, to reconcile the base pay of classifications represented by MEF and corresponding classifications represented by CEO.

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

Resolution No. 77108 adopted.

Note: Renumbered from Item 3.9

2.19 Work2Future Board Nomination.

Recommendation: As recommended by the Rules and Open Government Committee on July 30, 2014, approve the appointment of Louise Auerhahn as a representative on the work2future Board of Directors. (Mayor)

[Rules Committee referral 7/30/14 – Item F(1)(a)]

Approved.

2.20 2014 ABAG Appointments.

Recommendation: As recommended by the Rules and Open Government Committee on July 30, 2014, appoint the following to the Association of Bay Area Governments Executive Board:

(a) Representatives:

(1) Sam Liccardo (term ending 12/31/14)

(2) Kansen Chu (term ending 6/30/16)

(3) Ash Kalra (term ending 6/30/16)

(b) Alternates:

(1) Rose Herrera (term ending 6/30/14)

(2) Donald Rocha (term ending 6/3/16)

(3) Chuck Reed (term ending 12/31/14)

(Mayor)

Appointments approved.

2. CONSENT CALENDAR

2.21 AB 1521 (Fox) – Annexations.

Recommendation: As recommended by the Rules and Open Government Committee on July 30, 2014, approve a support position for AB 1521 (Fox) – Annexations. (City Manager)

[Rules Committee referral 7/30/14 – Item G(2)]

Approved.

2.22 SB 785 (Wolk) – Design-Build.

Recommendation: As recommended by the Rules and Open Government Committee on July 30, 2014, adopt a position of support for SB 785 (Wolk). (Public Works)

[Rules Committee referral 7/30/14 – Item G(3)]

Approved.

2.23 Delegation to BAWSCA Certain Authority to Initiate, Defend and Settle Arbitration to Water Supply Agreement (WSA) with the City and County of San Francisco.

Recommendation: As recommended by the Rules and Open Government Committee on July 30, 2014:

(a) Adopt a resolution delegating to the BAWSCA Board authority to initiate, defend, and settle arbitration related to the WSA;

Resolution No. 77109 adopted.

(b) Direct the City Manager to appoint a representative to serve on the Wholesale Customer Committee.

(Mayor)

[Rules Committee referral 7/30/14 – Item G(4)]

Approved.

2.24 District 10 Leadership BBQ.

Recommendation: As recommended by the Rules and Open Government Committee on July 30, 2014:

(a) Approve the District 10 Leadership BBQ as a City Council sponsored Special Event and approve the expenditure of City funds; and

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Khamis)

[Rules Committee referral 7/30/14 – Item G(5)]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Edward Shikada (Verbal Report)
City Manager, Edward K. Shikada acknowledged the first meeting of the new cycle and welcomed everyone back from the July break.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.
None provided.

3.3 Polling Results for Potential November 2014 Revenue Measures.

Recommendation: Discuss and accept report on Polling Results for Potential November 2014 Revenue Measures. (City Manager)
No Action Required.

3.4 Potential General and Special Sales and Use Taxes Ballot Measures.

Recommendation:

(a) Council discussion of survey results for potential revenue measures for the November 4, 2014 ballot including consideration of a general one-quarter percent retail sales and use tax measure (recommended), a special one-quarter percent retail sales and use tax measure for public safety (alternate recommendation), and a special one-quarter percent retail sales and use tax measure for road repair and street safety (not recommended).

No Action Required.

(b) Adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on November 4, 2014, to submit to the electors of the City of San José the following measure:

MEASURE – San José Local City Services

To fund local city services such as: improving police response to violent crimes, burglary, property and other safety needs; improving 9-1-1 and medical response; improving local fire station operations; repairing potholes; maintaining city streets; expanding gang prevention; creating more jobs through economic development, shall the City of San José enact a ¼-cent (.25%) sales tax for 9 years, requiring an Independent Citizens Oversight Committee to publicly review spending, and all revenues controlled locally?	YES	
	NO	

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Potential General and Special Sales and Use Taxes Ballot Measures. (Cont'd.)

- (b) (1) Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;
- (2) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in favor of the City measure on the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;
- (3) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election;
- (4) Direct the City Clerk to take all actions necessary to place this measure for a November 4, 2014, Special Municipal Election, if needed.

No Action Taken.

- (c) ALTERNATE RECOMMENDATION: Adopt a resolution of the City Council calling and giving notice, on its own motion, a Special Municipal Election to be held on November 4, 2014, to submit to the electors of the City of San José the following measure:

MEASURE - San José Public Safety Improvement

To fund public safety improvements, including increasing the number of police officers patrolling City streets; improving 911 response times; expanding neighborhood safety, crime/gang prevention programs; and equipping police with modern police radios and other technologies to fight crime, shall the City of San José enact a ¼-cent (.25%) sales tax for nine years dedicated to public safety, requiring an Independent Citizens Oversight Committee to publicly review spending and all revenues controlled locally?	YES	
	NO	

- (c) (1) Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.4 Potential General and Special Sales and Use Taxes Ballot Measures. (Cont'd.)

- (c) (2) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in favor of the City measure on the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;
- (3) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election; and
- (4) Direct the City Clerk to take all actions necessary to place this measure for a November 4, 2014, Special Municipal Election, if needed.

CEQA: Not a Project per Section 15378(b)(4) of the CEQA Guidelines. (City Manager)
No Action Taken.

Council Member Rocha left the meeting at 4:15 p.m.

3.5 Marijuana Fees and Potential Business Tax Increase.

Recommendation:

- (a) Adopt a resolution amending the 2014-2015 Schedule of Fees and Charges (Resolution No. 72737, as amended) to:
 - (1) Establish a fee for the Receipt of an Application for Registration as a Medical Marijuana Collective in the amount of \$152 per application;
 - (2) Establish a fee for the Processing of a Zoning Code Verification Certificate Application in the amount of \$900 per application plus \$154 per hour for additional Planning review services beyond 4 hours and \$125 per hour for additional Code Enforcement inspection services beyond the first hour;
 - (3) Establish a fee for the Processing of an Application for Registration as a Medical Marijuana Collective in the amount of \$2,256 per application plus \$125 per hour for additional Code Enforcement inspection services beyond the first hour and a Police Department Sworn Hourly Investigation fee in the amount of \$93 per hour beyond 15 hours, and \$181 per employee above four;

Resolution No. 77110 adopted.
(9-1-1. Noes: Campos. Absent: Rocha.)

- (b) Council discussion and consideration of a proposed Marijuana Business Tax measure for the November 4, 2014 Election that would increase the current 10% maximum rate of the tax to a maximum rate of up to 20% of gross receipts;

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.5 Marijuana Fees and Potential Business Tax Increase (Cont'd.)

- (c) Adopt a resolution of the City Council calling and giving notice of, on its own motion, a Special Municipal Election to be held on November 4, 2014, to submit to the electors of the City of San Jose the following measure:

MEASURE - Marijuana Business Tax Rate Increase

To provide funding for services such as police, fire, 9-1-1, street maintenance, pothole repair, parks, libraries and youth/senior programs, shall the Marijuana Business Tax be amended to increase the 10% maximum rate to a maximum rate of up to 20% of gross receipts on marijuana businesses in San José, subject to existing independent financial audits, with all revenue controlled locally and no rate increase for any other businesses?	YES	
	NO	

- (1) Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;
- (2) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in favor of the City on the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;
- (3) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election; and
- (4) Direct the City Clerk to take all actions necessary to place this measure for a November 4, 2014, Special Municipal Election, if needed.

CEQA: Not a Project per Section 15378(b)(4) of the CEQA Guidelines. (City Manager)
No Action Taken.

3. STRATEGIC SUPPORT SERVICES

3.6 Retirement Board Governance Ballot Measure.

Recommendation:

- (a) Council discussion and consideration of a Retirement Board Governance Modification ballot measure for the November 4, 2014, election;
- (b) Adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on November 4, 2014, to submit to the electors of the City of San José, the following measure:

MEASURE - Retirement Board Governance

Shall the Charter be amended to 1) allow the Council to establish one or more Retirement Boards with specified authority, including, hiring an at-will chief executive, 2) specify the hiring authority of the Retirement Services chief executive; 3) exclude certain future Retirement Services employees from the classified civil service and the City's defined benefit retirement plans; and 4) establish the process for setting stipends paid to non-employee Retirement Board members?	YES	
	NO	

Resolution No. 77111 adopted. (9-1-1. Noes: Campos. Absent: Rocha.)

- (1) Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;
City Clerk directed *not* to print the entire text of measure in the Voter's Sample Ballot, but instead to make it easily accessible and available to the public.
- (2) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in favor of the City measure on the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;
No rebuttal arguments shall be accepted.

3. STRATEGIC SUPPORT SERVICES

3.6 Retirement Board Governance Ballot Measure (Cont'd.)

- (b) (3) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election; and
Mayor Reed and Council Member Constant designated as the authors of the ballot argument in favor.
- (4) Direct the City Clerk to take all actions necessary to place this measure for a November 4, 2014, Special Municipal Election, if needed.

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (City Manager)

Approved.

3.7 Modifications to the City Charter Related to Retirement Benefits Ballot Measure.

Recommendation:

- (a) Council discussion and consideration of a Retirement Benefit Modifications ballot measure for the November 4, 2014, election;
- (b) Adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on November 4, 2014 to submit to the electors of the City of San José, the following measure:

MEASURE - Employee Pension Modification

Shall the Charter be amended to 1) require employees rehired or reinstated before January 1, 2017 to be placed in the pension tier of benefits which applied to the employee when the employee left the City and 2) allow an alternative basis for disability retirement for police and fire employees who suffer serious bodily injury from a single event?	YES	
	NO	

3. STRATEGIC SUPPORT SERVICES

3.7 Modifications to the City Charter Related to Retirement Benefits Ballot Measure.

- (b) (1) Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the November 4, 2014, Voter’s Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;
- (2) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in favor of the City measure on the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;
- (3) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election; and
- (4) Direct the City Clerk to take all actions necessary to place this measure for a November 4, 2014, Special Municipal Election, if needed.

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (City Manager)

Motion to direct Staff to continue the meet and confer process approved. (10-1. Absent: Rocha.)

3.8 Public Access to Employee Bargaining Negotiations Ballot Measure.

Recommendation:

- (a) Council discussion and consideration of a Public Labor Negotiations ballot measure for the November 4, 2014, election;
- (b) Adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on November 4, 2014, to submit to the electors of the City of San José, the following measure:

MEASURE - Public Access to Employee Bargaining Negotiations

Shall the Charter be amended to require meetings of the City and employee bargaining organizations to negotiate wages, hours, or any other term or condition of City employment be open to the public and all records of communications between these representatives related to such negotiations considered public records, except as otherwise proved by state or federal law?	YES	
	NO	

3. STRATEGIC SUPPORT SERVICES

3.8 Public Access to Employee Bargaining Negotiations Ballot Measure.

- (b) (1) Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;
- (2) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in favor of the City measure on the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;
- (3) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the November 4, 2014, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election; and
- (4) Direct the City Clerk to take all actions necessary to place this measure for a November 4, 2014, Special Municipal Election, if needed.

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (City Manager)

Motion to direct Staff to continue the meet and confer process approved. (8-2-1. Noes: Campos, Reed. Absent: Rocha.)

3.9 Terms of a Settlement Agreement Between the City of San José and the Municipal Employees' Federation, AFSCME Local 101 (MEF) and the Confidential Employees' Organization, AFSCME Local 101 (CEO) and Amendment to City of San José Pay Plan.

Recommendation:

- (a) Adopt a resolution to approve the terms of a settlement agreement between the City of San José and the Municipal Employees' Federation, AFSCME Local 101 (MEF) and the Confidential Employees' Organization, AFSCME Local 101 (CEO) relating to an unfair practice charge before the Public Employees Relations Board, and authorize the City Manager to execute the settlement agreement.
- (b) Adopt a resolution to amend the City of San José Pay Plan effective the beginning of the second pay period after City Council approval of the settlement agreement in part (a) above, to reconcile the base pay of classifications represented by MEF and corresponding classifications represented by CEO.

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

Renumbered to Item 2.18

3. STRATEGIC SUPPORT SERVICES

3.10 Actions Related to the Fiscal Year 2014-2015 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessment Report.

Recommendation:

- (a) Conduct a public hearing regarding the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges annual assessment report filed by the Director of Finance with the City Clerk on July 11, 2014; and
Public hearing held.

- (b) Adopt a resolution to confirm the approval of the annual assessment report for Fiscal Year 2014-2015 and the placement of such charges, as set forth therein, on the 2014-2015 County of Santa Clara Secured Property Tax Bills with such modifications as the City Council may make based on public hearing testimony.
CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates & Fares. (Finance)
Resolution No. 77112 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Rezoning the Real Property Located on the Northeast Corner of Lorraine Avenue and South Montgomery Street.

Recommendation:

- (a) Consideration of and vote on a Majority Protest to Rezoning C13-042 filed pursuant to Part 5 of Chapter 20.120 of Title 20 (Zoning Code) to protest a rezoning to the DC - Downtown Primary Commercial Zoning District on a 0.102 gross acre site located on the northeast corner of Lorraine Avenue and South Montgomery Street (565 Lorraine Avenue).
Please note: To override the Majority Protest in subsection (a) requires 8 or more affirmative votes (2/3)

- (b) Consideration of an ordinance rezoning the real property located on the northeast corner of Lorraine Avenue and South Montgomery Street (565 Lorraine Avenue) from the LI – Light Industrial Zoning District to the DC – Downtown Core Zoning District on a 0.102 gross acre site (Solari James Trustee, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. Planning Commission recommends denial (5-1-1). (Planning, Building and Code Enforcement)

C13-042 – District 3

(Deferred from 12/17/13 – Item 4.5 and 4/15/14 – Item 11.2)

Deferred to 8/19/14 Evening Meeting per Administration

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Rezoning of Real Property Located at the Northeast Corner of Park Avenue and Laurel Grove Lane.

Recommendation:

- (a) Adopt a resolution adopting the Mitigated Negative Declaration for the Park Avenue Senior and Multi-Family Housing Project and a related Mitigation Monitoring and Reporting Program; and
- (b) Consideration of an ordinance rezoning the real property located at the northeast corner of Park Avenue and Laurel Grove Lane (777 Park Avenue) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow up to 182 multi-family attached units on 2.14 gross acres site (County of Santa Clara Housing Authority, Owner).

CEQA: Mitigated Negative Declaration to be considered for adoption. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement) PDC13-012 – District 6

(Deferred from 6/10/14 – Item 11.4)

Failed. (5-3-3. Noes: Constant, Khamis, Oliverio. Absent: Herrera, Kalra, Rocha.)

4.3 Rezoning the Real Property Located Approximately 120 Feet Northwest of the Intersection of Old Piedmont Road and Rowley Drive.

Recommendation: Consideration of an ordinance rezoning the real property located approximately 120 feet northwest of the intersection of Old Piedmont Road and Rowley Drive (2203, 2205, 2207 Old Piedmont Road) from A Agriculture to R-1-8 Single-Family Residence Zoning. CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. (Planning, Building and Code Enforcement)

C14-027 – District 4

Ordinance No. 29446 passed for publication.

4.4 Ordinance to Permit and Regulate Use of Existing Hotels and Motels for Supportive Housing.

Recommendation: Consideration of an ordinance amending Title 20 of the San José Municipal Code (the Zoning Ordinance) to add new sections 20.200.342, 20.200.542 and 20.200.578 and amend Section 20.200.1265 of Chapter 20.200; to add a new Part 22 to Chapter 20.80; to amend Section 20.40.100 of Chapter 20.40; to amend Section 20.50.100 of Chapter 20.50; and to amend Section 20.70.100 of Chapter 20.70, all to permit and regulate use of existing hotels and motels for supportive housing for various targeted populations with a conditional use permit until December 31, 2026, 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 Sections 20.40.100 and 20.70.100. CEQA: 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)

Ordinance No. 29447 passed for publication.

5. NEIGHBORHOOD SERVICES

5.1 Audit of Library Hours and Staffing.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on March 20, 2014, accept the Audit of Library Hours and Staffing. CEQA: File No. PP10-069(a), Staff Reports. (City Auditor)
[Public Safety, Finance, and Strategic Support Committee referral 3/20/14 – Item D(5)]
Dropped per Administration.

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

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 from 6/17/14 – Item 8.1)
Deferred to 9/16/14 per Administration

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Actions Related to the Agreement and General Release and New Lease of Patty's Inn.

Recommendation:

- (a) Approve a Second Amendment to Settlement Agreement and General Release with Kenneth Solis and Bonnie Torrez, doing business as Patty's Inn (Tenant), to extend the date for Tenant to vacate the property located at 102 South Montgomery Street in San José (Property) and to allow for monthly rent payable by Tenant to be offset against the remaining relocation payment owed to Tenant;
- (b) Approve a five (5) year lease (Lease) with Tenant for the Property with the provision that each party shall have the right to terminate the Lease upon not less than ninety (90) days written notice to the other party.

CEQA: Exempt, CEQA Guideline Section 15301. (Successor Agency)
(Deferred from 4/29/14 – Item 9.2, 5/13/14 – Item 9.1 and 6/3/14 – Item 9.2)
Dropped per Administration.

- **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>
10240	Northwest Corner of Charlotte Drive & Raleigh Road	2	The Haven at Cottle Station, LLC.	1/234	MFA	Approve
10225	Southeast Corner of Mabury Road & Educational Park Drive	4	Taylor Morrison of California, LLC.	22/18	SFD	Approve

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10266	1729 North 1 st Street	3	Barry Swenson Builder	1 / 376	MFA

- **Open Forum**

1. **David Wall offered criticism of the Environmental Innovation Center, Prospect Silicon and system and organizational failures at the Water Treatment Plant.**
2. **Stephen Hazel made personal observations on the “A’s” ballpark project.**

- **Adjournment**

The Council of the City of San José was adjourned at 5:27 p.m. in memory of George Chen, a former San José resident who graduated from Leland High School in 2012. George attended UC Santa Barbara and was killed on March 23rd in the Isla Vista tragedy. (Khamis)