



# CITY COUNCIL AGENDA

**OCTOBER 7, 2014**

**AMENDED AGENDA**

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, 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**
  - 9:30 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
  - See [Separate Agenda](#)
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Invocation (District 9)**
  - \* Ray Nordahl, The Spirit of '45

- **Pledge of Allegiance**

- **Orders of the Day**

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- \* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

- \* **ITEM 7.1 RENUMBERED TO ITEM 2.13**

- Orders of the Day (Cont'd.)

\* ADJOURNMENT: This meeting will be adjourned in memory of Ida Strangis who passed away on August 23, 2014. Ida was a beloved member of the community working at the Mayfair Packing Company before retiring. Her dedication to family and community will be forever missed. (Campos)

- Closed Session Report

## 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a proclamation declaring the week of October 5 - 11, 2014 as Fire Prevention Week in the City of San José. (Fire)
- 1.2 Presentation of a proclamation declaring City of San José's participation in the 2014 Giving Campaign from October 7 - November 14, 2014. (Public Works)
- 1.3 Presentation of a proclamation declaring October 2014 as Disability Awareness Month in San José. (Constant)

## 2. CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

### 2.1 Approval of Minutes.

### 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29488 – Rezoning certain real property situated on the west side of North 10<sup>th</sup> Street, approximately 500 feet northerly of Bayshore Highway on a 0.90 gross-acre site (APN 237-06-003) from the LI Light Industrial Zoning District to the HI Heavy Industrial Zoning District. C14-041
- (b) ORD. NO. 294889 – Rezoning certain real property situated on the northeast corner of North 1<sup>st</sup> Street and Matrix Boulevard from the CG Commercial General Zoning District to the CG(PD) Planned Development Zoning District. PDC13-017

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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

**Recommendation:**

- (c) ORD. NO. 294890 – Rezoning certain real property situated on the southwest side of the terminus of Technology Drive, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. PDC13-041

### 2.3 Approval of Council Committee Reports.

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

- (a) Neighborhood Services and Education Committee Report of September 11, 2014.  
(Nguyen)
- (b) Transportation and Environment Committee Report of September 15, 2014.  
(Liccardo)
- (c) Rules and Open Government Committee Report of September 17, 2014. (Mayor)
- (d) Community and Economic Development Committee Report of September 22, 2014. (Herrera)

### 2.4 Mayor and Council Excused Absence Requests.

### 2.5 City Council Travel Reports.

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

### 2.7 Grant Application for California Energy Commission, Electric Program Investment Charge Program.

**Recommendation:** Adopt a resolution authorizing the City Manager to submit a grant proposal to the California Energy Commission, Electric Program Investment Charge Program, for up to \$1,500,000 to continue operations of a synthetic natural gas production demonstration unit at the Regional Wastewater Facility. CEQA: Exempt, File No. PP14-022. (Environmental Services)

### 2.8 Amendment to the Agreement with Active Acquisition Partners LLC, to Conduct a Comprehensive Wellness Program.

**Recommendation:** Approve a Third Amendment to the Agreement with Active Acquisition Partners LLC, to conduct a comprehensive wellness program with San José Fire Department, and to increase the maximum compensation by \$100,000 from \$575,000 to \$675,000, not to exceed \$675,000. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. (Fire)

## 2. CONSENT CALENDAR

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### 2.9 [Conservation Easement for Evergreen No. 202 Annexation.](#)

**Recommendation:** Accept and direct staff to record with the County's Office of the Clerk Recorder a conservation easement on a 0.99 gross acre portion of a 2.84 gross acre site on the east side of Quimby Road, approximately 440 feet east of Murillo Road, associated with the Evergreen No. 202 Annexation. CEQA: Mitigated Negative Declaration, File No. PDC10-002, Resolution No. 76134. Council District 8. (Planning, Building and Code Enforcement)

### 2.10 [Actions Related to the Fiscal Year 2014-2015 Internet Crimes Against Children Task Force Invited Awards Grant Agreement.](#)

**Recommendation:**

- (a) Adopt a [resolution](#) accepting the Fiscal Year 2014-2015 Internet Crimes Against Children Task Force Invited Awards in the amount of \$399,904 and authorize the City Manager to execute the [Grant Agreement](#) and all related documents and to execute additional amendments and related documents without further Council action; and
  - (b) Adopt the following 2014-2015 Appropriation Ordinance and the Funding Sources Resolution amendments in the General Fund:
    - (1) Establish a new city-wide appropriation to the Police Department for the Internet Crimes Against Children Federal Grant 2014-2015 in the amount of \$399,904; and
    - (2) Increase the estimate for Revenue from Federal Government by \$399,904.
- CEQA: Not a Project, File No. PP10-066, Grant Agreements. (Police/City Manager)

### 2.11 [Actions Related to the Office of Traffic Safety 2014-2015 Selective Traffic Enforcement Program Grant.](#)

\* **Recommendation:**

- (a) Adopt a [resolution](#) to accept the State of California, Office of Traffic Safety 2014-2015 Selective Traffic Enforcement Program grant in the amount of \$350,000 and authorize the City Manager to execute the related [grant agreement](#) and to execute additional amendments and related documents without further Council action; and
  - (b) Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
    - (1) Establish a new City-wide appropriation to the Police Department for the Selective Traffic Enforcement Program 2014-2015 grant in the amount of \$262,500; and
    - (2) Increase the Revenue Estimate from State of California by \$262,500.
- CEQA: Not a Project, File No. PP10-066, Grant Agreements. (Police/City Manager)

## 2. CONSENT CALENDAR

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### 2.12 [Use of the Design-Build Project Delivery Method for the Cogeneration Facility Project at the San José - Santa Clara Regional Wastewater Facility.](#)

[TPAC Supplemental Supplemental](#)

**Recommendation:** Adopt a [resolution](#) approving the use of the design-build project delivery method in accordance with SB 785 for the construction of the Cogeneration Facility Project, which is estimated to cost in excess of \$1,000,000. CEQA: Mitigated Negative Declaration, File No. PP14-005. (Public Works/Environmental Services)

\* (Deferred from 9/23/14 – Item 2.8 and 9/30/14 – Item 2.7)

### 2.13 [Actions Related to the Proposition 84 Storm Water Grant Program Funding for the Ocala Avenue Green Street Project.](#)

**Recommendation:**

(a) Adopt a [resolution](#) authorizing the City Manager to accept Proposition 84 Stormwater Grant Program funding for the Ocala Avenue Green Street Project, and negotiate and execute a Grant Agreement with the State Water Resources Control Board to effectuate a \$1,429,355 grant with City matching funds of at least 20% of total project cost, and up to \$112,000 for construction contingency, for a total cost of \$1,919,357 relating to the Ocala Avenue Green Street Project for the term ending on or about April 30, 2018, and all related documents necessary for the grant.

(b) Adopt the following 2014-2015 Appropriation Ordinance amendment in the Storm Sewer Capital Fund:

(1) Establish an appropriation to the Public Works Department for the Ocala Avenue Green Street Project in the amount of \$130,000; and

(2) Decrease the Ending Fund Balance in the amount of \$130,000.

CEQA: Exempt, File No. PP14-041 (Ocala Avenue). Council Districts 5 and 8. (Environmental Services/Public Works/City Manager)

\* **RENUMBERED FROM ITEM 7.1**

### 2.14 [District 5's San José Gun Buyback.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on October 1, 2014:

(a) Approve the San José Gun Buyback scheduled on December 13, 2014 as a City Council sponsored Special Event and approve the expenditure of funds; and

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

CEQA: Not a Project. (Campos)

\* [Rules Committee referral 10/1/14 – Item G(5)]

## 2. CONSENT CALENDAR

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### 2.15 District 1's Shred-A-Thon and E-Waste Recycling Event.

**Recommendation:** As recommended by the Rules and Open Government Committee on October 1, 2014:

- (a) Approve the Shred-a-thon and E-Waste Recycling event scheduled on October 18, 2014 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Constant)

\* [Rules Committee referral 10/1/14 – Item G(6)]

### 2.16 District 1's Disability Awareness Day.

**Recommendation:** As recommended by Rules and Open Government Committee on October 1, 2014:

- (a) Approve the Disability Awareness Day scheduled on October 10, 2014 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Constant)

\* [Rules Committee referral 10/1/14 – Item G(7)]

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the City Manager, Edward Shikada (Verbal Report).

### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.

**TO BE HEARD AT 9:30 A.M.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 [2013-2014 City Manager's Annual Report.](#)

[Memo from Councilmember Rocha](#)

[Memo from Councilmember Kalra](#)

[Supplemental](#)

**Recommendation:**

- (a) Accept the 2013-2014 City Manager's Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F).
- (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2013-2014 Annual Report recommendations, including appropriate technical adjustments, as detailed in Section IV. Recommended Budget Adjustments and Clean-Up/Rebudget Actions.
- (c) Approve the shift of 1.0 Senior Executive Analyst from the Office of Economic Development to the Planning, Building and Code Enforcement Department and reallocate this position to a Principal Planner, as detailed in Section IV. Recommended Budget Adjustments and Clean-Up/Rebudget Actions.

CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (City Manager)

#### 3.4 [Implementation of Changes to Retiree Healthcare Funding for the Bargaining Units Representing Employees in the Federated City Employees' Retirement System and Modifications for Employees in Unit 99.](#)

**Recommendation:** Adopt resolutions to provide as follows:

- (a) Adopt a [resolution](#) to approve the terms of agreements with the bargaining units listed below that would modify retiree healthcare funding effective December 21, 2014 by extending the phase-in of the retiree healthcare Annual Required Contribution through June 21, 2015 and authorize the City Manager to execute said agreements, pending ratification by their memberships:
  - (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI);
  - (2) Association of Engineers and Architects, IFPTE Local 21 (AEA Units 41/42 and 43);
  - (3) Association of Legal Professionals (ALP);
  - (4) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP);
  - (5) City Association of Management Personnel, IFPTE Local 21 (CAMP);
  - (6) Confidential Employees' Organization, AFSCME Local 101 (CEO);
  - (7) International Brotherhood of Electrical Workers, Local No. 332 (IBEW);
  - (8) Municipal Employees' Federation, AFSCME Local 101 (MEF); and
  - (9) International Union of Operating Engineers, Local 3 (OE#3)
- (b) Adopt a [resolution](#) to approve modifications to the retiree healthcare funding phase-in for Executive Management and Professional Employees (Unit 99) effective December 21, 2014, to extend the phase-in of the retiree healthcare Annual Required Contribution through June 21, 2015.

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Implementation of Changes to Retiree Healthcare Funding for the Bargaining Units Representing Employees in the Federated City Employees' Retirement System and Modifications for Employees in Unit 99. (Cont'd.)

**Recommendation:**

- (c) Direct the Administration to bring forward a recommendation to place the savings from the phase-in extension into the Retiree Healthcare Solutions Reserve in the applicable City funds as part of the 2014-2015 Annual Report for the one-time savings generated from the recommendations related to the changes to the retiree healthcare funding provisions for employees in the Federated City Employees' Retirement System for 2014-2015.

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

#### 3.5 [Actions Related to the Agreements with Kaiser Permanente and Blue Shield Of California to Provide Medical Insurance.](#)

[Conflict of Interest for Councilmember Khamis](#)

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to:
  - (1) Negotiate and execute an Agreement or Agreements with Kaiser Permanente to provide medical insurance plans and support services to the City for employees, retirees, dependents and eligible beneficiaries for the period from January 1, 2015 through December 31, 2015, and to exercise up to three (3) one-year options to renew the Agreements through December 31, 2018, residing within the Kaiser Permanente service areas of Northern California, Southern California, Pacific Northwest and Hawaii, to provide Medicare coordinating plans: Kaiser Permanente Senior Advantage Plan, Medicare Out-of-Area Plan for Medicare eligible retirees, dependents and beneficiaries for the period from January 1, 2015 through December 31, 2015, and to exercise up to three one-year options to renew the Agreements through December 31, 2018, for premium costs not to exceed \$57,086,554 for calendar year 2015 and with annual cost adjustments for each subsequent year based on annual premiums as determined by Kaiser Permanente, number of enrollees in the group insurance plans, coverage elected by participants, and pursuant to collective bargaining agreements, for a maximum amount not to exceed \$255,343,698 for a potential four year term, subject to the annual appropriation of funds by the City Council; and
  - (2) Negotiate and approve annual premium renewal rates, and negotiate and execute any annual group health plan or policy contract and any ancillary documents, such as Evidences of Coverage documents and Business Associate Agreements, with Kaiser Permanente that are necessary to facilitate the medical insurance services Agreements for the period of January 1, 2015 through December 31, 2015, and the one-year options to renew through December 31, 2018; and

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Actions Related to the Agreements with Kaiser Permanente and Blue Shield Of California to Provide Medical Insurance. (Cont'd.)

**Recommendation:**

- (a) (3) In the event that Kaiser Permanente's proposed annual renewal rates are not acceptable by the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager to terminate the agreement(s) or group plan contract(s).
- (b) Adopt a resolution authorizing the City Manager to:
  - (1) Negotiate and execute an Agreement or Agreements with Blue Shield of California to provide medical insurance plans, wellness services, support services and Medicare coordinating plans to the City for employees, retirees, dependents and eligible beneficiaries for the period from January 1, 2015 through December 31, 2015, and to exercise up to three one-year options to renew the Agreements through December 31, 2018, for premium costs not to exceed \$51,010,257 for calendar year 2015 and with annual cost adjustments for each subsequent year based on the annual premiums as determined by Blue Shield of California, number of enrollees in the group insurance plans, coverage elected by participants, and pursuant to collective bargaining agreements, for a maximum amount not to exceed \$236,626,426, for a potential four year term, subject to the annual appropriation of funds by the City Council; and
  - (2) Negotiate and approve annual premium renewal rates, and negotiate and execute any annual group health plan or policy contracts and any ancillary documents, such as Evidences of Coverage documents, Business Associate Agreements, with Blue Shield of California that are necessary to facilitate the medical insurance services Agreements for the period of January 1, 2015 through December 31, 2015, and the three (3) one-year options to renew through December 31, 2018; and
  - (3) In the event that Blue Shield's proposed annual renewal rates are not acceptable by the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager to terminate the agreement(s) or group plan contract(s).
- (c) Adopt the following 2014-2015 Appropriation Ordinance amendments in the Benefits Fund:
  - (1) Establish an appropriation to the Human Resources Department for a Wellness Program in the amount of \$175,000; and
  - (2) Decrease the Ending Fund Balance in the amount of \$175,000.

CEQA: Not a Project, File No PP066(e), Services that involve no physical changes to the environment. (Human Resources/City Manager)

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 [Actions Related to the Request for Proposal for the Purchase of Business Tax Billing System.](#)

**Recommendation:**

- (a) Accept the report on the Request for Proposal for the purchase of a Business Tax Billing System and adopt a resolution authorizing the City Manager to:
  - (1) Negotiate and execute an Agreement with CSDC Systems Inc. (Fort Worth, TX) for the purchase of a Business Tax Billing System to include software, installation, implementation, data migration, training and related professional services, taxes, maintenance and support, for an initial five-year term ending June 2019, with a maximum compensation not-to-exceed \$1,488,536, subject to the appropriation of funds;
  - (2) Execute change orders to cover any unanticipated changes or requirements in the system design and implementation not to exceed \$200,205 (15% of first year amount) as may be required, subject to the appropriation of funds; and
  - (3) Execute one-year options to extend the term of the Agreement to provide ongoing maintenance and technical support services after the initial five-year term at an estimated initial annual cost of \$40,181 to be adjusted each year up to 3%, subject to the annual appropriation of funds.
- (b) Adopt the following 2014-2015 Appropriation Ordinance amendments in the General Fund:
  - (1) Increase the Business Tax System Replacement appropriation to the Finance Department in the amount of \$2,290,000; and
  - (2) Decrease the Business Tax System Replacement Reserve by \$2,290,000.

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

\* **DEFERRED TO 10/21/14 PER ADMINISTRATION**

#### 3.7 [Public Access to Employee Bargaining Negotiations.](#)

**Recommendation:** As recommended by Rules and Open Government Committee on October 1, 2014, conduct a discussion on public labor negotiations. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)

\* (Rules Committee referral 10/1/14)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 [Actions Related to the Parkview Family Apartments and Parkview Senior Apartments.](#) [Supplemental](#)

**Recommendation:** Adopt a [resolution](#):

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as “[City of San José Multifamily Housing Revenue Bonds](#) (Parkview Family Apartments), Series 2014B” in an aggregate principal amount not to exceed \$14,500,000 (the “Series 2014B Bonds”);
- (b) Approving a [loan](#) of [Series 2014B](#) Bond proceeds to [Parkview Family EAH II](#), L.P., a California limited partnership created by EAH, Inc. (the “Developer”), to finance the acquisition and rehabilitation of the Parkview Family Apartments (the “Family Project”) located at 360 Meridian Avenue in San José;
- (c) Authorizing the issuance of a tax-exempt multifamily housing revenue bonds designated as “[City of San José Multifamily Housing Revenue Bonds](#) (Parkview Senior Apartments), Series 2014C” in an aggregate principal amount not to exceed \$15,000,000 (the “Series 2014C Bonds”);
- (d) Approving a [loan](#) of [Series 2014C Bond](#) proceeds to Parkview Senior EAH II, L.P., a California limited partnership created by EAH, Inc., to finance the acquisition and rehabilitation of the [Parkview Senior Apartments](#) (the “Senior Project”) located at 355 Race Street in San José;
- (e) Approving in substantially final form the [Trust Indentures](#), Loan Agreements, Regulatory Agreements and Declaration of Restrictive Covenants, Bond Purchase Agreements and Official Statements (collectively, the “Series 2014B and [C Bond Documents](#)”);
- (f) Authorizing and directing the City Manager, Director of Finance, Assistant Director of Finance, Treasury Division Manager, Debt Administrator, and Director of Housing, or their designees, to execute and deliver the Series 2014B and C Bond Documents and other related Series 2014B and C Bond documents as necessary; and
- (g) Authorizing the Director of Housing to negotiate and execute (i) amendments to existing City loan documents relating to the Senior and Family Projects consistent with the terms described below, and (ii) a subordination agreement with the Department of Housing and Urban Development (HUD) subordinating the City’s interest in the Senior and Family Projects to an FHA-insured mortgage.

CEQA: Negative Declaration, File No. PDC94-022. Council District 6.  
(Finance/Housing)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.2 [Historical Landmark Nomination and Mills Act Historical Property Contract for the “Louis and Sarah Richards House.”](#)

- \* **Recommendation:** Consider a Historic Landmark Nomination and Mills Act Historic Property Contract for the “Louis and Sarah Richards House” located at 184 South 13<sup>th</sup> Street.
- (a) Conduct a Public Hearing and adopt a [resolution](#) designating the “Louis and Sarah Richards House” as landmark of special historic, architectural, aesthetic or engineering interest, or value of a historic nature; and
  - (b) Conduct a Public Hearing on the Historic Property Contract (California Mills Act Contract) between the City of San José and the owners of the subject property (Joseph A. Tate and Yuan Yuan Lu, Owners) and adopt a [resolution](#) approving the Contract.

CEQA: Exempt. (Planning, Building and Code Enforcement)  
[HL14-213/MA14-001](#) – District 3

### 4.3 [Affordable Housing and Homeless Housing Funding Source.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on October 1, 2014, direct the City Manager and the City Attorney to engage in settlement discussions with the County of Santa Clara to resolve an existing dispute over the City/County Pass-through Agreement, with a new agreement to use all the funds in dispute (approximately \$20 million per year) for affordable housing (50%) and housing for the homeless (50%). CEQA: Not a Project, CEQA Guideline Section 15061(b)(3). (Mayor)

- \* [Rules Committee referral 10/1/14 – Item G(2)]

## 5. NEIGHBORHOOD SERVICES

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### 5.1 [Actions Related to the Request for Proposal for Senior Nutrition Program On-Site Cooking.](#)

[Memo from Vice Mayor Nguyen and Councilmember Liccardo](#)

[Memo from Councilmember Rocha](#)

**Recommendation:**

- (a) Accept the report for the On-Site Service Model Component to the Senior Nutrition Program Request for Proposal (RFP) and Report on Senior Nutrition Program Survey Process; and
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement with Compass Group USA, Inc. (Bateman) to provide on-site cooking services at 11 City nutrition sites beginning January 2015, increase the total agreement value not to exceed \$1,800,000 for the initial term October 1, 2014 through September 30, 2015 and not to exceed \$1,934,084 for the term beginning October 1, 2015 through September 30, 2016, subject to the appropriation of funds and funding agreement with the County.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Parks, Recreation and Neighborhood Services)

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 [Outreach Program for the Airport Concession Disadvantaged Business Enterprise Program.](#)

[Memo from Councilmember Liccardo](#)

- \* **Recommendation:** Accept the report on the Airport Concession Disadvantaged Business Enterprise Outreach Program. CEQA: Not a Project, File No. PP10-069(a), Staff Report. (Airport)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 [Actions Related to the Proposition 84 Storm Water Grant Program Funding for the Ocala Avenue Green Street Project.](#)

**Recommendation:**

- (a) Adopt a [resolution](#) authorizing the City Manager to accept Proposition 84 Stormwater Grant Program funding for the Ocala Avenue Green Street Project, and negotiate and execute a Grant Agreement with the State Water Resources Control Board to effectuate a \$1,429,355 grant with City matching funds of at least 20% of total project cost, and up to \$112,000 for construction contingency, for a total cost of \$1,919,357 relating to the Ocala Avenue Green Street Project for the term ending on or about April 30, 2018, and all related documents necessary for the grant.
- (b) Adopt the following 2014-2015 Appropriation Ordinance amendment in the Storm Sewer Capital Fund:
  - (1) Establish an appropriation to the Public Works Department for the Ocala Avenue Green Street Project in the amount of \$130,000; and
  - (2) Decrease the Ending Fund Balance in the amount of \$130,000.

CEQA: Exempt, File No. PP14-041 (Ocala Avenue). Council Districts 5 and 8. (Environmental Services/Public Works/City Manager)

- \* **RENUMBERED TO ITEM 2.13**

## 8. PUBLIC SAFETY SERVICES

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## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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- **Open Forum**

*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.*

- **Adjournment**

\* This meeting will be adjourned in memory of Ida Strangis who passed away on August 23, 2014. Ida was a beloved member of the community working at the Mayfair Packing Company before retiring. Her dedication to family and community will be forever missed. (Campos)

## **CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.