



## MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 17, 2014

The Council of the City of San José convened in Regular Session at 8:38 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu (9:42 a.m.), Constant, Herrera (9:42 a.m.), Kalra (9:41 a.m.), Khamis, Liccardo (9:40 a.m.), Nguyen, Oliverio (9:45 a.m.), Rocha; Reed.

Absent: Council Members - All Present.

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

There was no report.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 8:39 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9 Subsection (d)(1) with respect to initiation of litigation in four (4) matters. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) In re: Claim of Vavasour. Amount of Money or Other Relief Sought: Administrative Appeal. (2) In re: Claim of Soroka. Amount of Money or Other Relief Sought: Administrative Appeal. (3) Valdez, et al. v. City, et al. Names of Parties Involved: Francisco Valdez, Ricardo Valdez, Daniel Martinez, Jamil Stubbs, City of San José, San José Police Chief Robert Davis, Officer R. Agaman (#4041), Officer Martin (#3894), Officer Rickert (#3734), Officer Wallace (#3922), Officer Orlando, Does 1 through 2500; Court: United States District Court, Northern District of California; Case No: C09 00176 KAW; Amount of Money or Other Relief Sought: Damages According to Proof. (4) City v. RossDrulisCusenbery Architecture, Inc., et al. Names of Parties Involved: City of San José, RossDrulisCusenbery Architecture, Inc. aka Michael Ross Charles Drulis Architects & Planners, a purported California Corporation and

## CLOSED SESSION (Cont'd.)

Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV- 237767; Amount of Money or Other Relief Sought: Damages according to proof. (5) AFSCME v. City of San José; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101, City of San José; Court: Public Employment Relations Board; Case No: SF-CE-837-M. (6) San José Police Officers' Association v. City, et al. Names of Parties Involved: San José Police Officers' Association, City of San José, Board of Administration for Police and Fire Department Retirement Plan of City of San José and Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225926; Amount of Money or Other Relief Sought: Declaratory and injunctive relief. (7) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (8) Sapien, et al. v. City of San José, et al. Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (9) Harris, et al. v. City of San José, et al. Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) Mukhar, et al. v. City of San José, et al. Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) AFSCME, et al. v. City of San José, et al. Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (C) to confer with Real Property Designated Representatives pursuant to Government Code Section 54956.8: Property: 1125 Coleman Avenue, San José, CA APN: 230-46-055, 230-46-060, 230-46-063; Negotiating Parties: Nanci Klein for the City of San José and Ed Storm, Deke Hunter for Coleman Airport Partners, LLC and Lew and Keith Wolff for Earthquakes Soccer, LLC; Under Negotiation: The direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values. (D) to confer with Labor Negotiator pursuant to Government Code Section

## CLOSED SESSION (Cont'd.)

54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO. (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc; Name of Existing Wages Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150. (E) to confer with Legal Counsel pertaining to the Successor Agency to the Redevelopment Agency of the City of San José pursuant to initiation of litigation per subsection (c) of Section 54956.9 of the Government Code.

By unanimous consent, Council recessed from the Closed Session at 1:34 p.m. and reconvened to Regular Session at 1:46 p.m. in the Council Chambers.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Khamis, Liccardo, Nguyen, Oliverio, Rocha; Reed.

Absent: Council Members - All Present.

## INVOCATION

Rabbi Levine, Congregation Am Echad, San José Orthodox Jewish Synagogue offered the Invocation. (District 6)

## PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

## ORDERS OF THE DAY

Upon motion by Council Member Herrera, seconded by Vice Mayor Nguyen and carried unanimously, the Orders of the Day and the Amended Agenda were approved, and public testimony was heard on Item 4.13. (11-0.)

## CEREMONIAL ITEMS

- 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.

## STRATEGIC SUPPORT SERVICES

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

### **3.3 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)**

Documents Filed: (1) Memorandum from Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 10, 2014, recommending adoption of appropriation ordinance and funding sources resolution amendments. (2) Supplemental memorandum from Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 12, 2014, modifying the budget actions for FY 2014-2015 in the Convention and Cultural Affairs Fund as a result of new information received by the City.

Motion: Council Member Herrera moved approval of the Staff recommendations. Vice Mayor Nguyen seconded the motion.

Budget Director Jennifer A. Maguire responded to Council Member Liccardo regarding adjustments related to the Office of Emergency Services grant reconciliation reserve, revenue from local agencies and sick leave payments upon retirement.

Action: On a call for the question, the motion carried unanimously, Ordinance No. 29430, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the General Fund, Various Special Funds and Various Capital Funds to Reflect Estimated 2013-2014 Revenue Receipts, Expenses and Encumbrances; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77036, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76677 to Implement the 2013-2014 Annual Report Recommendations and Make Appropriate Technical Adjustments to Adjust Revenues in Various Operating Funds”, were adopted. (10-0-1. Absent: Kalra.)

- 3.4**
- (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2014-2015 and the Manager’s Final Budget Addendum.**
  - (b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2014-2015 and the Manager’s Final Budget Addendum.**
  - (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.**

- 3.4 (c) (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)**

Documents Filed: (1) Memorandum from Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 13, 2014, recommending adoption of appropriation ordinance and funding sources resolution amendments. (2) Memorandum from Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 10, 2014, recommending adoption of a resolution. (3) Memorandum from the Treatment Plant Advisory Committee Chair Chuck Reed, dated June 16, 2014, expressing concurrence with the Staff recommendations.

Motion: Council Member Liccardo moved approval of the Staff recommendations. Council Member Herrera seconded the motion.

Mayor Reed requested an amendment to the motion: to revise the Citywide appropriation for the “San José Repertory Theatre” to operations and maintenance for the “Hammer Theatre Center”. Council Members Liccardo and Herrera accepted the amendment.

Action: On a call for the question, the motion carried unanimously, Ordinance No. 29431, entitled: “Annual Appropriation Ordinance of the City of San José for City’s Fiscal Year Beginning July 1, 2014 and Ending June 30, 2015, Appropriating and Authorizing the Expenditure of Monies for the Operation of Each of the Offices, Departments and Agencies of the City During Said Fiscal year and For Various Other Purposes and Objects for Said Fiscal Year; and Providing for Transfers from Various City Funds to Other City Funds As May Be Necessary During Said Fiscal Year”, was adopted, as amended: change Citywide appropriation for the “San José Repertory Theatre” to operations and maintenance for the “Hammer Theatre Center”; Resolution No. 77037, entitled: “A Resolution of the Council of the City of San José Adopting the Estimated Sources of Funds for Fiscal Year 2014-2015” and Resolution No. 77038, entitled: “A Resolution of the Council of the City of San José Electing the Population and Inflation Adjustment Factors and Establishing the 2014-2015 Appropriations Limit of the City of San José Pursuant to California Constitution Article XIII B and Section 7900 Et Seq. of the California Government Code”, were adopted. (10-0-1. Absent: Kalra.)

- 3.5 **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)**

### 3.5 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, dated June 3, 2014, recommending adoption of a resolution.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Khamis and carried unanimously, Resolution No. 77039, entitled: "A Resolution of the Council of the City of San José Approving the Increased Library Parcel Tax Rates for FY 2014-2015 and Approving the Placement of the Library Parcel Tax on the FY 2014-2015 Santa Clara County Property Tax Roll", was adopted. (11-0.)

### 3.6 (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.**

### (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)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper and Deputy City Manager/Budget Director Jennifer A. Maguire recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Motion: Council Member Oliverio moved approval of the Staff recommendations. Vice Mayor Nguyen seconded the motion.

Deputy City Manager/Budget Director Jennifer A. Maguire responded to Council questions and concerns.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77040, entitled: "A Resolution of the Council of the City of San José Providing for the Borrowing of Funds for Fiscal Year 2014-2015 and the Issuance and Sale of the City of San José 2014 Tax and Revenue Anticipation Note In An Amount Not To Exceed \$100,000,000 and Approving the Execution of a Note Purchase Agreement Relating To Such Note and Authorizing Other Actions In Connection Therewith";

### 3.6 (Action Cont'd.)

Ordinance No. 29432, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the General Fund for the Citywide Trans Debt Service; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77041, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 77037 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2014-2015 To Adjust Revenues in the General Fund”, were adopted. (11-0.)

## CONSENT CALENDAR

Upon motion by Council Member Constant, seconded by Council Member Khamis and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

### 2.1 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.**

Documents Filed: (1) Regular Minutes dated March 4, 2014, March 11, 2014, March 18, 2014 and March 25, 2014. (2) The Study Session Minutes dated March 17, 2014, on the 2014-2015 Workforce Support and Development Strategy. (3) The Minutes of the Housing Authority dated March 18, 2014.

Action: The Council Minutes were approved. (11-0.)

### 2.2 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.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29416 executed on June 13, 2014, submitted by the City Clerk.

Action: Ordinance No. 29416 was adopted. (11-0.)

- 2.2 (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.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29419 executed on June 13, 2014, submitted by the City Clerk.

Action: Ordinance No. 29419 was adopted. (11-0.)

- (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 unsuspended 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.

Documents Filed: (1) Proof of Publication of the Title of Ordinance No. 29420 executed on June 13, 2014, submitted by the City Clerk. (2) Email from Susan Landry, Environmental Architect, dated June 12, 2014, requesting that Council allow the public to make final comments before the ordinance is adopted.

Public Comments: Speaking in opposition to the final adoption of the ordinance were Dave Hodges, The All American Cannabis Club; John Lee, Silicon Valley Cannabis Coalition; Jonathan Sklar, Direct Access Botanicals and Supplements; Susan Landry, Patients Advocate and Evan F., D.A.B.S. Alternative Medicine.

Assistant to the City Manager Angelique Gaeta responded to Council questions.

Action: Upon motion by Council Member Constant, seconded by Council Member Khamis and carried, Ordinance No. 29420 was adopted. (8-3. Noes: Campos, Kalra, Rocha.) (First Reading: 7-3-1. Noes: Campos, Kalra, Rocha. Absent: Chu.)

- 2.2 (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.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29421 executed on June 13, 2014, submitted by the City Clerk.

Action: Upon motion by Council Member Constant, seconded by Council Member Khamis and carried, Ordinance No. 29421 was adopted. (8-3. Noes: Campos, Kalra, Rocha.) (First Reading: 7-3-1. Noes: Campos, Kalra, Rocha. Absent: Chu.)

- (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**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29422 executed on June 13, 2014, submitted by the City Clerk.

Action: Ordinance No. 29422 was adopted. (11-0.)

- (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**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29423 executed on June 13, 2014, submitted by the City Clerk.

Action: Ordinance No. 29423 was adopted. (11-0.)

- (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**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29424 executed on June 13, 2014, submitted by the City Clerk.

Action: Ordinance No. 29424 was adopted. (11-0.)

- 2.2 (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**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29425 executed on June 13, 2014, submitted by the City Clerk.

Action: Ordinance No. 29425 was adopted. (11-0.)

- (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**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29426 executed on June 17, 2014, submitted by the City Clerk.

Action: Ordinance No. 29426 was adopted. (11-0.)

- (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**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29427 executed on June 13, 2014, submitted by the City Clerk.

Action: Ordinance No. 29427 was adopted. (11-0.)

- (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**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29428 executed on June 13, 2014, submitted by the City Clerk.

Action: Upon motion by Council Member Constant, seconded by Council Member Khamis and carried, Ordinance No. 29428 was adopted. (10-1. Noes: Campos) (First Reading: 6-5. Noes: Campos, Chu, Kalra, Nguyen, Rocha.)

- 2.2 (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.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29429 executed on June 13, 2014, submitted by the City Clerk.

Action: Ordinance No. 29429 was adopted. (11-0.)

2.3 **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)**

Documents Filed: The Rules and Open Government Committee Report dated May 28, 2014 and June 4, 2014.

Action: The Council Committee Reports were approved. (11-0.)

- 2.4 (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)**

Documents Filed: Memorandum from Council Member Herrera, dated June 9, 2014, requesting an excused absence due to illness.

Action: The absence for Council Member Herrera was excused. (11-0.)

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 **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)**

## 2.7 (Cont'd.)

Documents Filed: Memorandum from City Attorney Richard Doyle, dated May 28, 2014, recommending adoption of a resolution.

Action: Resolution No. 77043, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Execute (1) A Third Amendment to the Agreement with Hanson Bridgett, LLP for Legal Services to the Police and Fire Department Retirement Plan to Extend the Term of the Agreement and to Increase the Compensation for a Total Contract Amount Not To Exceed \$700,000; and (2) A Third Amendment to the Agreement with Hanson Bridgett, LLP for Legal Services to the Federal City Employees' Retirement System To Extend the Term of the Agreement With No Increase in Compensation", was adopted. (11-0.)

- 2.8 (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.**
- (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)**

Documents Filed: (1) Memorandum from Council Member Rocha, dated June 13, 2014, recommending approval of the Staff recommendations. (2) Memorandum from City Attorney Richard Doyle and Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 5, 2014, recommending adoption of a resolution and appropriation ordinance amendments.

Action: Upon motion by Council Member Constant, seconded by Council Member Khamis and carried unanimously, Resolution No. 77044, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute a Sixth Amendment to the Agreement with Meyers, Nave, Riback, Silver & Wilson to Provide Legal Services Relating to Employment, Labor and Pension Reform"; Ordinance No. 29433, entitled: "An Ordinance of the Council of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the General Fund for Fiscal Reform Plan Outside Legal Counsel; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. (9-2. Noes: Campos, Kalra.)

- 2.9 (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.
- (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.

- 2.9 (a) (2) (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.**
- (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)

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated June 4, 2014, recommending approval of the Board and Commission appointments. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated June 4, 2014, recommending approval of the Special Eligibility Seats on the Library and Early Education Commission. (3) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated June 12, 2014, transmitting the names of Council Members nominations to the various Boards and Commissions.

Action: The Board and Commission appointments were approved. (11-0.)

- 2.10 **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)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated May 30, 2014, recommending approval of a fourth amendment to the agreement.

Action: 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, was approved. (11-0.)

- 2.11 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)**

Documents Filed: Memorandum from Deputy City Manager Alex Gurza, dated June 5, 2014, recommending adoption of a resolution.

Action: Resolution No. 77045, entitled: “A Resolution of the Council of the City of San José Approving An Agreement Between the City of San José and the International Brotherhood of Electrical Workers, Local No. 332 (IBEW) With a Term of July 1, 2014 – June 30, 2015”, was adopted. (11-0.)

- 2.12 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)**

Documents Filed: Memorandum from City Manager Edward K. Shikada, dated June 2, 2014, requesting authorization to travel.

Action: The travel for City Manager Edward K. Shikada was approved. (11-0.)

- 2.13 (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)**

Documents Filed: Memorandum from City Manager Edward K. Shikada, dated June 5, 2014, requesting authorization to travel.

Action: The travel for City Manager Edward K. Shikada was approved. (11-0.)

- 2.14 (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.**

- 2.14 (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)**

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Walesh and Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 6, 2014, recommending approval of a relocation settlement agreement, an assignment/assumption agreement, a fifth amendment to the option agreements, and appropriation ordinance and funding sources resolution amendments.

Action: A Relocation Settlement Agreement with Tarek Consul, an Individual Doing Business as Park N Travel, on the City's Airport West Property, an Assignment and Assumption of the Park N Travel Lease Agreement to Earthquakes Soccer, LLC and the Fifth Amendments to the Option Agreements with Coleman Airport Partners for the Airport West Property located at 1125 Coleman Avenue, were approved; Ordinance No. 29434, entitled: "An Ordinance of the Council of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the General Fund for the Office of Economic Development Non-Personal/Equipment; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 77046, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 77037 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2014-2015 To Adjust Revenues in the General Fund", were adopted. (11-0.)

**2.15 Item 2.15 was not used.**

- 2.16 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)**

Documents Filed: City Council Action Request from Director of Economic Development/Chief Strategist Kim Walesh, dated May 29, 2014, recommending approval of the fifth amendment to the operating agreement.

Action: 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 was approved. (11-0.)

**2.17 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)**

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, dated May 29, 2014, recommending adoption of a resolution.

Action: Resolution No. 77047, entitled: "A Resolution of the Council of the City of San José Declaring the 0.61 Acre City Owned Property on Araujo Street Surplus to the Needs of the City, Approving an Agreement with Villa Developers and Investment, LLC In the Amount of \$960,000 for the Sale of Said Property, Authorizing the City Manager or His Designee to Execute the Sale Agreement, The Deed and All Other Documents Necessary to Complete the Transaction and Authorizing the Payment of a Commission in the Amount of \$28,800 to the Real Estate Broker Representing the Buyer", was adopted. (11-0.)

**2.18 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)**

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, dated May 28, 2014, recommending adoption of a resolution.

**2.18 (Cont'd.)**

Action: Resolution No. 77048, entitled: "A Resolution of the Council of the City of San José Declaring the 0.46 Acre City Owned Property at 2525 Aborn Road Surplus to the Needs of the City, Approving an Agreement with Rajdeep Singh and Satvir Sohal in the Amount of \$710,777 for The Sale of Said Property, Authorizing the City Manager or His Designee to Execute the Sale Agreement, The Deed and All Other Documents Necessary to Complete the Transaction, Ratifying Any Disclosures or Certifications Made By The City Manager or His Designee and Authorizing the Payment of a Commission in the Amount of \$7,108 to the Real Estate Broker Representing the Buyer", was adopted. (11-0.)

- 2.19 (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.**
- (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.**
- (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.**
- (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)**

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares and Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 6, 2014, recommending approval of the purchase agreement, adoption of a resolution and appropriation ordinances and a funding sources resolution amendment.

**2.19 (Cont'd.)**

Action: 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 was approved; Resolution No. 77049, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or His Designee to Execute the Agreement with Anita Chan et al for the Purchase of Land Located at the Northeast Corner of Kerley Drive and East Rosemary Street and All Other Documents Needed to Complete the Transaction”; Ordinance No. 29435, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the Subdivision Park Trust Fund for the Rincon South Area Park Land Acquisition; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Ordinance No. 29436, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #3 for the Rincon South Area Park Land Acquisition and Council District 3 Public Art; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77050, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76677 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2013-2014 to Adjust Revenues in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 3”, were adopted. (11-0.)

- 2.20 (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)**

Documents Filed: (1) City Council Action Request from Director of Environmental Services Kerrie Romanow, dated May 29, 2014, recommending award of the contract to the low bidder with related contingency. (2) Memorandum from the Treatment Plant Advisory Committee Chair Chuck Reed, dated June 13, 2014, expressing concurrence with the Staff recommendations.

Action: The 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, with related contingency, was approved. (11-0.)

- 2.21 (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)**

## 2.21 (Cont'd.)

Documents Filed: (1) City Council Action Request from Director of Environmental Services Kerrie Romanow, dated May 29, 2014, recommending award of the construction contract to the low bidder with related contingency. (2) Memorandum from the Treatment Plant Advisory Committee Chair Chuck Reed, dated June 13, 2014, expressing concurrence with the Staff recommendations.

Action: 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, with related contingency, was approved. (11-0.)

## 2.22 **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)**

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow and Director of Public Works David Sykes, dated June 3, 2014, recommending award of the construction contract to the low bidder Anderson Pacific Construction, Inc., with related contingency. (2) Supplemental memorandum from Director of Public Works David Sykes, dated June 12, 2014, providing analysis regarding Helix Electric, Inc.'s June 9, 2014 protest of the proposed recommendation to the lowest responsive bidder, Anderson Pacific Construction, Inc. (3) Addendum to the supplemental memorandum from Director of Public Works David Sykes, dated June 13, 2014, providing the response received from Helix Electric Inc. (4) Memorandum from the Treatment Plant Advisory Committee Chair Chuck Reed, dated June 13, 2014, expressing concurrence with the Staff recommendations to award the contract to the low bidder Anderson Pacific Construction, Inc., with related contingency.

Action: The 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, with related contingency, was approved. (11-0.)

## 2.23 (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.**

- 2.23 (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.**
- (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)**

Documents Filed: Memorandum from Director of Environmental Services Kerrie Romanow, Director of Public Works David Sykes and Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 27, 2014, recommending adoption of resolutions and appropriation ordinance and funding sources resolution amendments.

Action: Resolution No. 77051, entitled: “A Resolution of the Council of the City of San José Approving the 2013 San Francisco Bay Area Integrated Regional Water Management Plan”; Resolution No. 77052, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute A Local Project Sponsor Agreement With The Association of Bay Area Governments 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 Administration Costs for A Total Project Cost of \$2,257,500 Relating To The Green Street Demonstration Project and All Related Documents Necessary for the Grant”; Ordinance No. 29437, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the Storm Sewer Capital Fund for the San José Green Street Demonstration Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77053, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 77037 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2014-2015 To Adjust Revenues in the Storm Sewer Capital Fund”, were adopted. (11-0.)

- 2.24 (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.**

- 2.24 (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.**
- (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)**

Documents Filed: Memorandum from Director of Environmental Services Kerrie Romanow and Director of Economic Development/Chief Strategist Kim Walesh, dated May 30, 2014, recommending approval of an agreement, direction to the Environmental Services Department, the Director of the Environmental Services Department and the City Manager; and adoption of a resolution and direction to Real Estate.

Action: 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 was approved; the Environmental Services Department was directed to conduct due diligence on the 21.4 acre parcel, including environmental site assessments as appropriate; the Director of the Environmental Services Department was directed 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; Resolution No. 77054, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Assignment and Assumption Agreement With Cisco Technology, Inc. During the Due Diligence Period of the Agreement for Transfer of Property Related to the Donation of 21.4 Acres of Land to the City of San José”, was adopted. Subject to the due diligence findings and to satisfying the conditions precedent in the donation agreement, Real Estate was directed to accept and record the deed associated with the property. (11-0.)

**2.25 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 Service 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)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated May 27, 2014, recommending adoption of resolutions.

**2.25 (Cont'd.)**

Action: Resolution No. 77055, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Finance to File With the City Clerk, The 2014-2015 Sanitary Sewer Service and Use Charges and Storm Sewer Service Changes On Or Before July 15, 2014 and Setting a Public Hearing on the Annual Sewer Service and Use Charge and Storm Sewer Service Charge Reports of the Director of Finance Pursuant to Sections 15.12.550 and 15.16.1410 of the San José Municipal Code”, was adopted. (11-0.)

**2.26 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)**

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated May 30, 2014, recommending adoption of a resolution.

Action: Resolution No. 77056, entitled: “A Resolution of the Council of the City of San José Approving a Construction/Permanent Loan Commitment and An Increase to the Predevelopment Loan for the Metropolitan Apartments North Phase Being Developed by Charities Housing Development Corporation”, was adopted. (11-0.)

- 2.27**
- (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)**

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated June 6, 2014, recommending approval of the grant agreements.

**2.27 (Cont'd.)**

Action: 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 and 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, were approved. (11-0.)

**2.28 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.**

**(c) Authorizing a Loan to Value amount in excess of 100%.**

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

Documents Filed: (1) Memorandum from Director of Housing Leslye Corsiglia, dated May 30, 2014, recommending adoption of a resolution. (2) Three emails from the public all dated June 17, 2014 expressing concerns about the proposed project.

Public Comments: Richard Stewart and Aurelia Sanchez, residents of Spartan Keyes, presented concerns about available parking for residents and the grocery store being proposed as retail space; and urged the Council to defer this project for further public input, review and discussion.

Action: Upon motion by Council Member Constant, seconded by Council Member Khamis and carried unanimously, Resolution No. 77057, entitled: “A Resolution of the Council of the City of San José Approving a Funding Commitment for Second Street Studio Apartments”, was adopted. (11-0.)

**2.29 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.**

- 2.29 (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.
- (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)**

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated June 2, 2014, recommending adoption of a resolution.

Action: Resolution No. 77058, entitled: “A Resolution of the Council of the City of San José Approving a Conditional Grant Commitment to Housing for Independent People to Rehabilitate Rental Properties”, was adopted. (11-0.)

- 2.30 (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.
- (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)**

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia and Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 5, 2014, recommending adoption of a resolution and appropriation ordinance amendments.

**2.30 (Cont'd.)**

Action: Resolution No. 77059, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Award the Construction Contract for the Restoration of 110 Roundtable Drive Project to the Lowest Responsive and Responsible Bidder In An Amount Not To Exceed \$395,000 and To Provide Temporary Housing Assistance for Residents Displaced by the Roundtable Fire” and Ordinance No. 29438, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the Low and Moderate Income Housing Asset Fund for Housing Department Non-Personal/Equipment; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (11-0.)

**2.31 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)**

Documents Filed: Memorandum from Deputy City Manager Alex Gurza, dated May 27, 2014, recommending approval of the agreement.

Action: 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, was approved. (11-0.)

**2.32 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 Citywide appropriation. (Khamis)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 4, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: 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 Citywide appropriation, was approved. (11-0.)

**2.33 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:**

- 2.33 (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
  - (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)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated May 27, 2014, recommending adoption of a resolution.

Action: Resolution No. 77060, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Various Agreements and Amendments to Agreements and To Accept Grant Funds for Parks, Recreation and Neighborhood Services Programs; and Authorizing the Director of Parks, Recreation and Neighborhood Services to Negotiate and Execute Various Agreements and Amendments to Agreements, All Consistent With the Amounts Budgeted for These Programs in the Adopted Budget for Fiscal Year 2014-2015”, was adopted. (11-0.)

- 2.34 (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.**
- (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)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares and Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 27, 2014, recommending approving an amended and restated turnkey parkland agreement, maintenance agreement, master plan, developer in lieu fees and appropriation ordinance and funding sources resolution amendments.

Action: 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, 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, the master plan for the proposed turnkey park (Orchard Park) to be constructed as part of the Amended and Restated Turnkey Parkland Agreement and reimbursement to developer of PDO in-lieu fees paid upon execution and recordation of the Amended and Restated Parkland Agreement were approved; Ordinance No. 29439, entitled: "An Ordinance of the Council of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the Subdivision Park Trust Fund for the Parks, Recreation and Neighborhood Services

**2.34 (Action Cont'd.)**

Department Developer Refund; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77061, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76677 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2013-2014 to Adjust Revenues in the Subdivision Park Trust Fund”, were adopted. (11-0.)

**2.35 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)**

Documents Filed: City Council Action Request from Director of Public Works David Sykes, dated May 27, 2014, recommending increasing the contingency funds for the Gateway Storm Pump Station Rehabilitation Project.

Action: The contingency funds for the Gateway Storm Pump Station Rehabilitation Project with Anderson Pacific Construction Engineering, Inc., from \$53,000 to \$67,000 were authorized to be increased. (11-0.)

**2.36 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)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated May 27, 2014, recommending adoption of resolutions.

Action: Resolution No. 77062, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 1 (Los Paseos) for Fiscal Year 2014-2015 and Levying Assessments”; Resolution No. 77063, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 2 (Trade Zone Boulevard-Lundy Avenue) for Fiscal Year 2014-2015 and Levying Assessments”; Resolution No. 77064, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 5 (Orchard Parkway) for Fiscal Year 2014-2015 and Levying Assessments”; Resolution No. 77065, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 8 (Zanker-Montague) for Fiscal Year 2014-2015 and Levying Assessments”; Resolution No. 77066, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 9 (Santa Teresa-Great Oaks) for Fiscal Year 2014-2015 and Levying Assessments”; Resolution No. 77067, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 11 (Brokaw Road from Junction Avenue to Old Oakland Road) for Fiscal Year 2014-2015 and Levying Assessments”; Resolution No. 77068, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 13

**2.36 (Action Cont'd.)**

(Karina-O'Nel) for Fiscal Year 2014-2015 and Levying Assessments"; Resolution No. 77069, entitled: "A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 15 (Silver Creek Valley) for Fiscal Year 2014-2015 and Levying Assessments"; Resolution No. 77070, entitled: "A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 18 (The Meadlowlands) for Fiscal Year 2014-2015 and Levying Assessments"; Resolution No. 77071, entitled: "A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 19 (River Oaks Area Landscaping) for Fiscal Year 2014-2015 and Levying Assessments"; Resolution No. 77072, entitled: "A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 20 (Renaissance-North First Landscaping) for Fiscal Year 2014-2015 and Levying Assessments"; Resolution No. 77073, entitled: "A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 21 (Gateway Place-Airport Parkway) for Fiscal Year 2014-2015 and Levying Assessments"; and Resolution No. 77074, entitled: "A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 22 (Hellyer Avenue-Silver Creek Valley) for Fiscal Year 2014-2015 and Levying Assessments", were adopted. (11-0.)

**2.37 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)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated May 27, 2014, recommending adoption of a resolution.

Action: Resolution No. 77075, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Take Various Actions Related to the Design and Construction of Photovoltaic Panels and Solar Structures at the San José Environmental Innovation Center", was adopted. (11-0.)

- 2.38 (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.**
- (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)**

Documents Filed: Memorandum from Director of Public Works David Sykes and Director of Planning, Building and Code Enforcement Harry Freitas, dated May 27, 2014, recommending adoption of a resolution and award of the contract to the low bidder with related contingency.

Action: Resolution No. 77076, entitled: “A Resolution of the Council of the City of San José Adopting the Almaden-Coleman-Husted Sanitary Sewer Improvement Project Negative Declaration, For Which An Initial Study Was Prepared, All In Accordance With The California Environmental Quality Act, As Amended, and Adopting A Related Mitigation Monitoring and Reporting Program”, was adopted and the 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, with a contingency in the amount of \$243,354, was approved. (11-0.)

- 2.39 **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)**

Documents Filed: Memorandum from Director of Public Works David Sykes and Director of Planning, Building and Code Enforcement Harry Freitas, dated May 27, 2014, recommending adoption of a resolution, as described in Item 2.38 and award of the contract to the low bidder with related contingency.

Action: The 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 with a contingency in the amount of \$393,704, was approved. (11-0.)

- 2.40 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)**

Documents Filed: Memorandum from Director of Public Works David Sykes and Director of Planning, Building and Code Enforcement Harry Freitas, dated May 27, 2014, recommending adoption of a resolution, as described in Item 2.38 and award of the contract to the low bidder with related contingency.

Action: The 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, with a contingency in the amount of \$564,700, was approved. (11-0.)

- 2.41 (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.**
- (b) Approve a contingency equal to ten percent of the base contract award amount.**

**CEQA: Exempt, File No. PP11-035. (Transportation)**

Documents Filed: Memorandum from Director of Transportation Hans Larsen, dated May 27, 2014, recommending adoption of a resolution and approval of the related contingency.

Action: Resolution No. 77077, entitled: "A Resolution of the Council of the City of San José 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 Award the Construction Contract In An Amount Not To Exceed the Funds Appropriated For the Project or To Reject All Bids and Rebid the Project", was adopted and a contingency equal to ten percent of the base contract award amount was approved. (11-0.)

- 2.42 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)**

**2.42 (Cont'd.)**

Documents Filed: Memorandum from Director of Transportation Hans Larsen, dated May 27, 2014, recommending award of the contract to the low bidder and approval of the related contingency.

Action: The 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, with a 10% contingency in the amount of \$395,770, was approved. (11-0.)

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

Documents Filed: City Council Action Request from Director of Transportation Hans Larsen, dated May 27, 2014, recommending award of the contract to the low bidder, with related contingency.

Action: The Report on bids and award of a construction contract for the 7483-2014 ADA Accessibility Ramps Project to the low bidder Spencon Construction, Inc. in the amount of \$970,921, with a contingency of \$97,092, was approved. (11-0.)

- 2.44 (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)**

Documents Filed: Memorandum from Council Member Constant, dated June 6, 2014, requesting approval to travel.

Action: The travel requests for Council Member Constant were approved. (11-0.)

- 2.45 (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)**

Documents Filed: Memorandum from Council Member Kalra, dated June 9, 2014, requesting approval of the Canadian Independence Day Flag Raising as a City Council sponsored Special Event, approval of expenditure funds and authorization to accept donations to support the event.

**2.45 (Cont'd.)**

Action: The Canadian Independence Day Flag Raising as a City Council sponsored Special Event was approved and expenditure of funds and acceptance of donations from various individuals, businesses and community groups to support this event were authorized. (11-0.)

- 2.46 (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)**

Documents Filed: Memorandum from Council Member Kalra, dated June 9, 2014, requesting approval of the Sister Cities International Flag Raising and Conference Opening Ceremony as a City Council Sponsored Special Event, approval of expenditure funds and authorization to accept donations to support the event.

Action: The Sister Cities International Flag Raising and Conference Opening Ceremony as a City Council sponsored Special Event was approved and expenditure of funds and acceptance of donations from various individuals, businesses and community groups to support this event were authorized. (11-0.)

- 2.47 (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)**

Documents Filed: Memorandum from Council Member Constant, dated June 10, 2014, requesting approval of the District 1 Leadership BBQ, as a City Sponsored Special Event, approval of expenditure funds and authorization to accept donations to support the event and placement on the June 17, 2014 Agenda for action.

Action: The District 1 Leadership BBQ as a City Council sponsored Special Event was approved and expenditure of funds and acceptance of donations from various individuals, businesses and community groups to support this event were authorized. (11-0.)

- 2.48 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)**

Documents Filed: Memorandum from Deputy City Manager Alex Gurza, dated June 5, 2014, recommending adoption of a resolution.

Action: Resolution No. 77078, entitled: “A Resolution of the Council of the City of San José Approving An Agreement Between the City of San José and the Association of Building, Mechanical and Electrical Inspectors (ABMEI) With a Term of July 1, 2014-June 30, 2015”, was adopted. (11-0.)

- 2.49 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)**

Documents Filed: Memorandum from Deputy City Manager Alex Gurza, dated June 9, 2014, recommending adoption of a resolution and noting that this is subject to the agreement’s ratification by AMSP.

Action: Resolution No. 77079, entitled: “A Resolution of the Council of the City of San José Approving an Agreement Between the City of San José and the Association of Maintenance Supervisory Personnel (AMSP) With a Term of July 1, 2014-June 30, 2015”, was adopted. (11-0.)

- 2.50 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)**

**2.50 (Cont'd.)**

Documents Filed: (1) Memorandum from Director of Housing Leslye Corsiglia, dated June 11, 2014, recommending adoption of the resolution and providing additional information about the June timeframe. (2) Supplemental memorandum from Director of Housing Leslye Corsiglia, dated June 16, 2014, noting that the allocation of parking places to the Vintage Towers Apartments in the new parking structure is to be built as part of the Student Housing Development.

Action: Resolution No. 77080, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Housing to Approve a Revised Easement and Authority to Negotiate and Execute a Subordination Agreement for the Vintage Towers Apartments Project", was adopted. (11-0.)

- 2.51 (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.**
- (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 citywide 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)**

Documents Filed: Memorandum from Fire Chief Ruben Torres and Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 10, 2014, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments, and noting that Council is required to accept the 2013 Emergency Management Performance Grant grant and appropriate the funding to reimburse the City for 2013-2014 costs related to training community members in disaster preparedness and associated supplies and to developing and/or update emergency plans, protocols, procedures and/or policies.

## 2.51 (Cont'd.)

Action: Resolution No. 77081, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute An Agreement with the County of Santa Clara to Accept 2013 Emergency Management Performance Grant Funds in the Amount of \$139,000 and To Negotiate and Execute Amendments to the Agreement and Any Related Documents As May Be Necessary”; Ordinance No. 29440, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the General Fund for the 2013 Emergency Management Performance Grant (EMPG); and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77082, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76677 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2013-2014 to Adjust Revenues in the General Fund”, were adopted. (11-0.)

## 2.52 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

*Note: Item 2.52 was renumbered from Item 4.9. .*

Documents Filed: (1) Memorandum from Mayor Reed, dated June 9, 2014, recommending approval of the Staff recommendations. (2) Memorandum from Council Member Chu, daed June 9, 2014, recommending deferring this item until August 16, 2014, with further direction. (3) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC14-007, dated May 6, 2014. (4) Memorandum from Planning Commission Secretary Harry Freitas, dated May 19, 2014, noting that the Planning Commission forwarded the item without a recommendation and provided a full report of comments discussed at the meeting. (5) Proof of Publication of Notice of Public Hearing executed on April 30, 2014, submitted by the City Clerk. (6) Letter from John Greer, Senior Vice President, Trammell Crow Company, dated June 9, 2014, pointing out that his company has done extensive outreach to the community no less than eleven times, the project will be implementing numerous additional improvements and operational conditions to enhance and protect the school and residences. (7) Letter from Patricia Sausedo, Executive Director, NAIOP Silicon Valley, dated June 4, 2014, recommending a support position for the Alviso Manufacturing Project. (8) Letter from Matthew R. Mahood, President/CEO, San José Silicon Valley Chamber of Commerce, dated June 6, 2014, offering support for the proposed Alviso Manufacturing Project. (9) Petition dated June 17, 2014 signed by approximately 460 residents in opposition to the proposed Alviso Manufacturing Project. (10) Information submitted by Teresa Hernandez, dated June 17, 2014, regarding the impacts to the George Mayne Elementary School located in Alviso near the proposed Alviso Manufacturing Project.

**2.52 (Cont'd.)**

Action: Upon motion by Council Member Constant, seconded by Council Member Khamis and carried, Resolution No. 77083, entitled: "A Resolution of the Council of the City of San José Approving a Planned Development Permit, Subject to Conditions, To Allow Development of Three (3) Single Story Manufacturing Buildings Totaling 563,760 Square Feet on a 35.55 Gross Acre Site Located on the Northwest Corner of Nortech Parkway and Disk Drive", was adopted. (7-4. Noes: Campos, Kalra, Nguyen, Rocha.)

- 2.53 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 a 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)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 12, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: A support position on the SR 85 Express Lanes Project as a presented to the public in early 2014 was approved and Staff was directed to submit a letter of support to the Santa Clara Valley Transportation Authority for the SR 85 Express Lanes Project. (11-0.)

- 2.54 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)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 12, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The City Clerk was directed 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. (11-0.)

- 2.55 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)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 12, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: A position of support for AB 1826 was adopted. (11-0.)

- 2.56 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)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 12, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: A position of opposition for AB 2145 was adopted. (11-0.)

- 2.57 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)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 12, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: Upon motion by Council Member Constant, seconded by Council Member Herrera and carried, a position of support for SB 270 was adopted. (10-1. Noes: Khamis.)

- 2.58 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)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 12, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: A position of support for AB 1147 was adopted. (11-0.)

- 2.59 (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;**
- (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)**

## 2.59 (Cont'd.)

Documents Filed: Memorandum from Deputy City Manager Alex Gurza, dated June 13, 2014, recommending adoption of a resolution and placing this matter for Council approval, subject to the agreement's ratification by AEA before the expiration of AEA's current Memorandum of Agreement.

Action: The ten day noticing requirement was waived and Resolution No. 77084, entitled: "A Resolution of the Council of the City of San José Approving Agreements with the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 041/042 and Unit 043, With Terms of July 1, 2014-June 30, 2015", was adopted. (11-0.)

### END OF CONSENT CALENDAR

## STRATEGIC SUPPORT SERVICES

- 3.7 (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.**
- (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)**

Documents Filed: Memorandum from Director of Communications David Vossbrink, dated June 11, 2014, recommending acceptance of the status report and adoption of a resolution.

Motion: Council Member Oliverio moved approval of the Staff recommendations. Council Member Herrera seconded the motion.

Mayor Reed, Council Members Constant, Khamis, Liccardo and Kalra provided meeting disclosures.

Action: On a call for the question, the motion carried unanimously, the 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 was accepted and Resolution No. 77085, entitled: "A Resolution of the Council of the City of San José Approving the Form of a Master Network Hut License Agreement with Google Fiber, Inc., For Individual Sites Following City Council Approval of Such Individual Sites", was adopted. (11-0.)

**3.8 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)**

Documents Filed: (1) Memorandum from Mayor Reed, dated June 16, 2014, recommending approval of the Staff recommendations with direction. (2) Memorandum from Council Member Rocha, dated June 16, 2014, providing addition direction to Staff. (3) Memorandum from City Manager Edward K. Shikada, dated June 6, 2014, recommending discussion and direction to Staff on potential revenue measures for the November 2014 Election. (4) Supplemental memorandum from City Manager Edward K. Shikada, dated June 13, 2014, providing further clarification on the polling options based on recent activities.

City Manager Edward K. Shikada provided introduction and background.

Mayor Reed requested that his memorandum dated June 16, 2014 be included in the motion.

Motion: Council Member Constant moved approval of the memorandum from Mayor Reed, dated June 16, 2014, recommending approving the Staff recommendations to conduct polling in July to determine the viability of both a general purpose sales tax and a special purpose sales tax measure, with direction to Staff to include in the poll questions medical marijuana regulation and taxation; and the memorandum from Council Member Rocha, dated June 16, 2014, with direction to Staff to conduct polling on potential November 2014 revenue measure, explore ways to ensure that any additional will be spent responsibly for the life of the tax and return to the August 5, 2015 Council Meeting. Council Member Rocha seconded the motion.

City Manager Edward K. Shikada, City Attorney Richard Doyle, Deputy City Manager/Budget Director Jennifer A. Maguire, Catherine Lew, Lew Edwards Group and Curt Below, FM3 responded to Council questions and concerns.

Council Member Kalra suggested focusing on the sales tax as a single item.

Extensive Council discussion ensued.

Council Member Constant requested to rescind his earlier motion. Council Member Rocha accepted the request. The motion was rescinded.

Motion: Council Member Kalra moved approval of the Staff recommendations with direction to the City Manager to work with the consultants for three different independent polls on the issues of a special tax for pavement, general sales tax and marijuana. Council Member Rocha seconded the motion.

### 3.8 (Cont'd.)

Substitute Motion: Council Member Rocha moved approval of the Staff recommendation to focus on the General Sales Tax increase. Council Member Chu seconded the motion.

On a call for the question, the substitute motion failed. (3-8. Noes: Constant, Herrera, Kalra, Khamis, Liccardo, Nguyen, Oliverio; Reed.)

Discussion returned to the original motion made by Council Members Kalra and Rocha.

Council Member Kalra requested to amend his motion to authorize the City Manager to negotiate with the consultants and spend \$500 on the General Tax and \$400 each on Pavement (Public Safety) and Medical Marijuana, including \$50,000 added to the budget if necessary, to accomplish the additional work. Council Member Rocha accepted the amendments.

On a call for the question, the motion failed. (5-6. Noes: Chu, Constant, Herrera, Liccardo, Oliverio; Reed.)

Action: Upon motion by Council Member Herrera, seconded by Council Member Constant and carried, 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. (7-4. Noes: Chu, Liccardo, Nguyen, Oliverio.)

### 3.9 **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)**

Documents Filed: Memorandum from Deputy City Manager Alex Gurza, dated June 11, 2014, recommending discussion and direction to Staff.

Deputy City Manager Alex Gurza provided the following clarifications: (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 wording: "on any board".

Public Comments: Presenting comments were James Spence, Associated of Retired San José Police Officers; Nick Muyo, Bob Leninger, Federated Retired Employees Association; Drew Lanza and Yolanda Cruz, AFSCME/MEF.

### 3.9 (Cont'd.)

Motion: Council Member Constant moved approval of the Staff recommendations with the modifications as stated previously by Deputy City Manager Alex Gurza. Council Member Liccardo seconded the motion.

Discussion ensued.

Action: On a call for the question, the motion carried, 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 wording: "on any board". (8-2-1. Noes: Campos, Rocha. Absent: Oliverio.)

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

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, dated May 27, 2014, recommending conducting a public hearing and adoption of a resolution. (2) Supplemental memorandum from Director of Finance Julia H. Cooper, dated June 12, 2014, providing and updated report from the Director of Finance for the Cost of Sidewalk Repairs.

Mayor Reed opened the Public Hearing.

Public Comments: There was no testimony from the floor.

Mayor Reed closed the Public Hearing.

Action: Upon motion by Council Member Constant, seconded by Vice Mayor Nguyen and carried unanimously, Resolution No. 77086, entitled: "A Resolution of the Council of the City of San José Approving the Report of the Director of Finance on the Reimbursement of Cost for Sidewalk Repairs, Confirming the Assessments Contained in the Report and Directing the Recording of Liens on the Property Tax Roll for the Cost of Sidewalk Repairs", was adopted. (11-0.)

- 3.11 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)**

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated May 29, 2014, transmitting the recommendations of the Rules and Open Government Committee. (2) Information submitted by Josué Garcia, dated June 17, 2014.

City Attorney Richard Doyle presented background information and clarifications on Revolving Door Restrictions.

Public Comments: Josué Garcia requested a blanket waiver of the revolving door restrictions so that he may represent his affiliates and their members at different levels of government agencies in the City of San José.

Council discussion ensued.

Action: Upon motion by Council Member Campos, seconded by Council Member Chu and carried, the Waiver of the Revolving Door Restrictions was granted for Council Member Campos' former Chief of Staff Josué Garcia. (6-5. Noes: Constant, Khamis, Nguyen, Oliverio; Reed.)

- 3.12 (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).**

Documents Filed: Memorandum from Council Member Campos, dated June 12, 2014, requesting reconsideration on Item 3.9 Planning Commission Appointment from the Council Meeting on June 10, 2014.

Motion: Council Member Campos moved approval 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 June 10, 2014 Council Agenda). Council Member Kalra seconded the motion.

Council Member Campos explained that he felt his ballot had been mislabeled at the June 10, 2014 Council Meeting and did not reflect how he actually voted during the Planning Commission Appointments.

City Attorney Richard Doyle clarified that the Rules of Procedure of the City Council allow for reconsideration at that meeting or at the following meeting.

City Clerk Toni J. Taber, CMC confirmed that all parties have been notified.

**3.12 (a) (Cont'd.)**

Action: On a call for the question, the motion failed and the request to reconsider the Council action was unsuccessful. (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)**

There was no Council action.

## **COMMUNITY & ECONOMIC DEVELOPMENT**

- 4.1 (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)**
- (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)**
- (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)**

Documents Filed: Memoranda from Director of Economic Development/Chief Strategist Kim Welsh, all three dated May 27, 2014, recommending adoption of resolutions.

Mayor Reed opened the Public Hearing.

Public Comments: There was no testimony from the floor.

Mayor Reed closed the Public Hearing.

#### 4.1 (Cont'd.)

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Resolution No. 77087, entitled: “A Resolution of the Council of the City of San José Approving the Budget Report of the Downtown Business Improvement District for Fiscal Year 2014-2015, Levying Assessments in the Bid for Fiscal Year 2014-2015 and Suspending the Collection of Assessments for Businesses That Qualify for the Business Tax Financial Hardship Exemption Under the City’s General Business Tax Ordinance”; Resolution No. 77088, entitled: “A Resolution of the Council of the City of San José Approving the Budget Report of the Hotel Business Improvement District for Fiscal Year 2014-2015 and Levying Increased Assessments in the Bid for Fiscal Year 2014-2015” and Resolution No. 77089, entitled: “A Resolution of the Council of the City of San José Approving the Budget Report of the Japantown Business Improvement District for Fiscal Year 2014-2015 and Levying Assessments in the Bid for Fiscal Year 2014-2015”, were adopted. (11-0.)

#### 4.2 **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**

Documents Filed: Proof of Publication of Notice of Public Hearing executed on May 2, 2014, submitted by the City Clerk.

Action: Item 4.2 was dropped. To be renoticed.

#### 4.3 **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**

Documents Filed: Proof of Publication of Notice of Public Hearing executed on May 2, 2014, submitted by the City Clerk.

Action: Item 4.3 was dropped. To be renoticed.

- 4.4 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**

Documents Filed: Proof of Publication of Notice of Public Hearing executed on May 2, 2014, submitted by the City Clerk.

Action: Item 4.4 was dropped. To be noticed.

- 4.5 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**

Documents Filed: Proof of Publication of Notice of Public Hearing executed on May 2, 2014, submitted by the City Clerk.

Action: Item 4.5 was dropped. To be noticed.

- 4.6 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**

Documents Filed: Proof of Publication of Notice of Public Hearing executed on May 2, 2014, submitted by the City Clerk.

Action: Item 4.6 was dropped. To be noticed.

- 4.7 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**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. CP14-013/ABC14-006, dated June 2, 2014. (2) Memorandum from Planning Commission Secretary Harry Freitas, dated June 13, 2014, transmitting the recommendation of the Planning Commission. (3) Proof of Publication of Notice of Public Hearing executed on May 27, 2014, submitted by the City Clerk.

Mayor Reed opened the Administrative Hearing.

Public Comments: There was no testimony from the floor.

Mayor Reed closed the Administrative Hearing.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Constant and carried unanimously, Resolution No. 77090, entitled: “A Resolution of the Council of the City of San José Approving a Conditional Use Permit and A Request for a Determination of Public Convenience or Necessity To Use Certain Real Property Described Herein For the Purpose of Providing the Off-Sale of Beer and Wine for Off-Site Consumption At An Existing Neighborhood Grocery Market (Nature’s Best Market) In An Existing Building On A 0.80 Gross Acre Site Located on the North West Corner of West Alma Avenue and Belmont Way (565 West Alma Avenue)”, was adopted. (11-0.)

- 4.8 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)**

#### 4.8 (Cont'd.)

Documents Filed: (1) Memorandum from Mayor Reed, Vice Mayor Nguyen and Council Member Liccardo, dated June 13, 2014, recommending approval of an ordinance with modifications as indicated below in "Action". (2) Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated June 13, 2014, transmitting the recommendation of the Planning Commission.

City Attorney Richard Doyle clarified that the memorandum from the Mayor, Vice Mayor and Council Member Liccardo would add or require an add to the title of the ordinance and that entails bringing back the ordinance for the first reading on August 5, 2014 if the memorandum is adopted.

Motion: Council Member Liccardo moved approval of the memorandum he cosigned with Mayor Reed and Vice Mayor Nguyen, dated June 13, 2014, recommending approval of an ordinance with modifications as indicated below in "Action". Council Member Herrera seconded the motion.

Director of Housing Leslye Corsiglia responded to Council questions and concerns.

Action: On a call for the question, the motion carried unanimously, 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. (9-0-2. Absent: Constant, Oliverio.)

#### 4.9 **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)]

*Item 4.9 was renumbered to Item 2.52. See Item 2.52 for Action.*

**4.10 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)**

Documents Filed: (1) Memorandum from Council Member Herrera, dated June 16, 2014, recommending approval of the Staff recommendation. (2) Memorandum from Director of Public Works David Sykes, dated May 27, 2014, recommending award of the contract to the low bidder, with related contingency.

City Manager Edward K. Shikada presented introductory remarks.

Library Director Jill Bourne and Director of Public Works David Sykes offered background information and responded to questions from Council Member Herrera.

Motion: Council Member Herrera moved approval of her memorandum dated 16, 2014, approving the Staff recommendations. Council Member Kalra seconded the motion.

Council Member Herrera thanked the City Staff for their continued work on this project and most importantly thanked the voters for passing the Library Bond Measure in November 2000 and again for passing the Library Parcel Tax.

Action: On a call for the question, the motion carried unanimously, the memorandum from Council Member Herrera, dated June 16, 2104 and the 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, with related contingency in the amount of \$886,000, were approved. (10-0-1. Absent: Nguyen.)

**4.11 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.**
  - (2) Declare the results of the special election.**
- (b) If approved by voters:**
  - (1) Approve an ordinance imposing the levy of special taxes for Community Facilities District No. 15 (Berryessa - Sierra)**
  - (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).**
  - (4) Adopt the following 2014-2015 Appropriation Ordinance and Funding Source Resolution amendments in the Community Facilities District No. 15 (Berryessa - Sierra) Fund:**

- 4.11 (b) (4) (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.
- (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)**

Documents Filed: Memorandum from Director of Public Works David Sykes, Director of Environmental Services Kerrie Romanow and Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 27, 2014, recommending conducting a public hearing and adoption of resolutions, appropriation ordinance amendments and other actions.

Mayor Reed requested whether there are any property owners in the proposed District that wish to file a written protest, and if so, protests should be filed with the City Clerk now.

City Clerk Toni J. Taber, CMC announced that there have been no written protests filed.

Mayor Reed opened the Public Hearing on the formation of the Community Facilities District No. 15.

Public Comments: There was no testimony from the floor.

Mayor Reed closed the Public Hearing.

City Clerk Toni J. Taber, CMC stated that there were a total of 167 ballots submitted by the property owners in support of the levy of special taxes, and the ballots constitute at least two-thirds or more of the special vote, therefore the Council can proceed on the imposition of the special tax.

#### 4.11 (Cont'd.)

Action: Upon motion by Council Member Chu, seconded by Council Member Herrera and carried unanimously, Resolution No. 77091, entitled: "A Resolution of the Council of the City of San José Authorizing the Levy of a Special Tax Therein, Preliminarily Establishing an Appropriations Limit Therefore and Submitting Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors Thereof"; Resolution No. 77092, entitled: "A Resolution of the Council of the City of San José Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien for Community Facilities No. 15 (Berryessa-Sierra)"; Ordinance No. 29441, entitled: "An Ordinance of the Council of the City of San José Levying Special Taxes Within Community Facilities District No. 15 (Berryessa-Sierra)"; Ordinance No. 29442, entitled: "An Ordinance of the Council of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the Community Facilities District No. 15 (Berryessa-Sierra) Fund for Department of Transportation Personal Services and Non-Personal/Equipment and Department of Finance Overhead; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; Resolution No. 77093, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 77037 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2014-2015 To Adjust Revenues in the Community Facilities District No. 15 (Berryessa-Sierra) Fund" and Ordinance No. 29443, entitled: "An Ordinance of the Council of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the Storm Sewer Operating Fund for the Transfer to the Community Facilities District No. 15 (Berryessa-Sierra); and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. (10-0-1. Absent: Nguyen.)

#### 4.12 **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.**
- (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)**

#### 4.12 (Cont'd.)

Documents Filed: Memorandum from Director of Public Works David Sykes and Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 27, 2014, recommending conducting a public hearing, adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Mayor Reed opened the Public Hearing.

Public Comments: There was no testimony from the floor.

Mayor Reed closed the Public Hearing.

Action: Upon motion by Council Member Chu, seconded by Council Member Oliverio and carried unanimously, Resolution No. 77094, entitled: "A Resolution of the Council of the City of San José Taking Certain Actions Related to the Proposed Formation of Zone (4-0.) (Innovation Drive) Into Maintenance District 19 (River Oaks Area Landscaping) Including the Adoption of the Engineer's Report and Setting the Assessment As Detailed Therein"; Ordinance No. 29444, entitled: "An Ordinance of the Council of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the Maintenance District No. 19 (River Oaks Landscaping) Fund for Department of Transportation Personal Services and Non-Personal/Equipment and Department of Finance Overhead; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 77095, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 77037 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2014-2015 To Adjust Revenues in the Maintenance District No. 19 (River Oaks Landscaping) Fund", were adopted. (10-0-1. Absent: Nguyen.)

#### 4.13 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).**
- (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.**

- 4.13 (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).**
- (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.**
  - (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 Ration (FAR) of the commercial space within projects that include residential uses.**

- 4.13 (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)**

*Note: Additional Public Comment was heard on Item 4.13 per Orders of the Day.*

Documents Filed: (1) Memorandum from Mayor Reed and Council Members Liccardo and Oliverio, dated June 13, 2014, recommending approval of the Staff Report dated May 15, 2014 and the Staff Report dated June 6, 2014, with direction and clarification as described below in "Action". (2) Memorandum from Mayor Reed, dated Jun 10, 2014, recommending approval of the Staff Report dated May 15, 2014 and the Staff Report dated June 6, 2014, with modifications. (3) Memorandum from Council Member Rocha, dated June 6, 2014, recommending approval of the Staff recommendations with the following amendments as described below in "Action". (4) Memorandum from Director of Transportation Hans Larsen, Director of Planning, Building and Code Enforcement Harry Freitas and Director of Economic Development/Chief Strategist Kim Walesh, dated May 15, 2014, providing several recommendations. (5) Supplemental memorandum from Director of Transportation Hans Larsen, Director of Planning, Building and Code Enforcement Harry Freitas and Director of Economic Development/Chief Strategist Kim Walesh, dated June 6, 2014, responding to Council questions and public comments about the Diridon Station Area Plan and other clarifications. (6) Supplemental memorandum from Director of Planning, Building and Code Enforcement Harry Freitas and Director of Economic Development/Chief Strategist Kim Walesh, dated June 12, 2014, clarifying Council direction from January 2011 to provide land use flexibility north of Santa Clara Street with an additional recommendation for Council consideration and including a CD for the Diridon Station Area Plan and General Plan Amendment. (7) Exhibit A and B, The Diridon Station Area Plan Final Plan Report dated June 2014; Exhibit C, The Diridon Station Area Plan Implementation Strategy Report dated June 2014; Exhibit D, At The Crossroads Diridon Station Area Art Master Plan dated November 2010 and Exhibit E, The Diridon Station Area Plan 10-Year Horizon Analysis dated June 2014. (8) Letter from Michele Beasley, Regional Director, Greenbelt Alliance, et al dated February 15, 2014, expressing support to the Diridon Station Area Plan. (9) Letter from Jim Goddard, Executive Vice President, SAP Center, dated June 16, 2014, providing comments on the final Diridon Station Area Plan. (10) Letter from Phil Hood, President, Delmas Park Neighborhood Association, dated June 17, 2014, providing comments on the Diridon Station Area Plan. (11) Letter from the Sierra Club Loma Prieta Chapter, dated June 16, 2014, expressing comments on the Diridon Station Area Plan. (12) Ninety two letters all dated June 17, 2014 expressing support to the Diridon Station Area Plan.

Mayor Reed opened the floor for public testimony.

#### 4.13 (Cont'd.)

Public Comments: The following speakers provided comments and suggestions in support of the Diridon Station Area Plan: Esha Menon and Louise Auerhohn, Working Partnerships USA; Scott Lane, Larry Ames, Andrew Boone, Kathy Sutherland, Delmas Park Neighborhood; Soren Spies, Erik Schoennaner, Roland LeBrun, Michele Beasley, Greenbelt Alliance; Adina Levin, Friends of Caltrans; Shiloh Ballard, Silicon Valley Leadership Group; Sean Morely, Morely Brothers, LLC and Dan Mountsier, Chandler Pratt.

Motion: Council Member Liccardo moved approval of the memorandum he cosigned with Mayor Reed and Council Member Oliverio, dated June 13, 2014, the memorandum from Council Member Rocha, dated June 6, 2014, and further direction described in "Action". Vice Mayor Nguyen seconded the motion.

City Attorney Richard Doyle, Assistant Director of Transportation James Ortbal, and Director of Housing Leslye Corsiglia responded to Council questions.

Action: On a call for the question, the motion carried unanimously, the City Council tentatively adopted the proposed General Plan Amendments; Resolution No. 77096, entitled: "A Resolution of the Council of the City of San José 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 of 1970, As Amended (CEQA) In Connection With the Diridon Station Area Plan and Related Actions For Which a Program Environmental Impact Report Has Been Prepare" and Resolution No. 77097, entitled: "A Resolution of the Council of the City of San José Approving Modifications to the List of Protected Intersections Pursuant to Council Policy 5-3 To Add Three Intersections, At the Alameda and Naglee Avenue, At Park Avenue and Naglee Avenue and At Lincoln Avenue and San Carlos Street", were tentatively adopted. (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. (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.

#### 4.13 (Action Cont'd.)

(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.* (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”. (3) (c) Art Master Plan: Defer action on the

#### **4.13 (Action Cont'd.)**

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. (10-0-1. Absent: Chu.)

#### **4.14 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)**

Action: Upon motion by Council Member Constant, seconded by Council Member Herrera and carried unanimously, Resolution No. 77098, entitled: "A Resolution of the Council of the City of San José Adopting the Diridon Station Area Plan and Adopting Related Amendments to the Envision San José 2040 General Plan Pursuant to Title 18 of the San José Municipal Code", was adopted. (10-0-1. Absent: Chu.)

#### **4.15 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)**

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated June 12, 2014, transmitting the recommendations of the Rules and Open Government Committee. (2) Letter from Mark Tersini, Senior Vice President, KT Properties, dated June 13, 2014, expressing support to the Downtown High Rise Incentive Program and the Establishment of a Downtown Parks Maintenance District. (3) Letter from Brendan C. Hayes, Vice President and Edward F. McCoy, Vice President, dated June 16, 2014, expressing support to the Downtown High Rise Incentive Program and the Establishment of a Downtown Parks Maintenance District.

#### 4.15 (Cont'd.)

Motion: Council Member Liccardo moved approval of the recommendations of the Rules and Open Government Committee. Council Member Herrera seconded the motion.

Public Comments: Expressing support to the Downtown High Rise Incentive Program and the Establishment of a Downtown Parks Maintenance District were Henry Cord, DiNapoli Capital Partners; Mark Tersini, KT Properties and Scott Knies, San José Downtown Association.

Action: On a call for the question, the motion, 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. (10-1. Noes: Oliverio.)

### **PUBLIC SAFETY SERVICES**

- 8.1 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)]**

Action: Deferred to August 05, 2014 per Administration.

### **JOINT / REDEVELOPMENT SUCCESSOR AGENCY**

- 9.1 (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)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated June 10, 2014, recommending approval of the cooperation agreements and providing finalized details in connection with the services by the City to support and facilitate the transition of redevelopment activities and the reimbursement of services provided by a Successor Agency employee to the City.

Motion: Council Member Constant moved approval of the Staff recommendations. Council Member Herrera seconded the motion.

**9.1 (Cont'd.)**

Mayor Reed requested to amend the motion to direct Staff to provide recommendations for pay raises for the Staff of the Successor Agency and return to Council in August 2014. The amendment to the motion was accepted by Council Members Constant and Herrera.

Action: On a call for the question, the motion carried unanimously, 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 was approved by the City Council and the Successor Agency Board. Staff was directed to review and provide recommendations for pay raises for the Staff of the Successor Agency and return to Council in August 2014. (11-0.)

**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 Street	4	Essex OSM REIT, LLC	1 Lot/ 312 Units	MFA	Approved

## 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)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk

/smd 06-17-14 MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/clerk/agenda.asp> or <http://www.sanjoseca.gov/clerk/MeetingArchive.asp>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.