



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 02, 2015

The Council of the City of San José convened in Regular Session at 9:35 a.m. in the Council Chambers at City Hall.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, Matthews, Nguyen, Oliverio, Peralez, Rocha; Liccardo.

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 9:36 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 two (2) 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 Kverno. Amount of Money or Other Relief Sought: Administrative Appeal. (2) In re: Claim of Smith. Amount of Money or Other Relief Sought: Administrative Appeal. (3) Vietnamese-American Community of Northern California v. City, et al. Names of Parties Involved: Vietnamese-American Community of Northern California, City of San José and City Council of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-08-CV-107082; Amount of Money or Other Relief Sought: For declaratory and injunctive relief according to proof. (4) Plata, Raymond and Michelle v. City of San José. Names of Parties Involved: Raymond and Michelle Plata, individually and on behalf of a class of similarly situated residents and taxpayers, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 14-CV-258879; Amount of Money or Other Relief Sought: declaratory and injunctive relief. (5) IAFF Local 230 v. City of San José;

CLOSED SESSION (Cont'd.)

Names of Parties Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-969-M. Amount of Money or Other Relief Sought: Damages According to Proof. (6) IFPTE Local 21 v. City of San José; Names of Parties Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages according to proof. (7) American Federation of State, County and Municipal Employees, et al. v. City; Names of Parties Involved: American Federation of State, County and Municipal Employees, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof. (8) American Federation of State, County and Municipal Employees, et al. v. City; Names of Parties Involved: American Federation of State, County and Municipal Employees, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-972-M; Amount of Money or Other Relief Sought: Damages According to Proof. (9) OE#3 v. City of San José; Names of Parties Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-900-M. (10) 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. (11) 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. (12) 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 capacity 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. (13) 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 capacity 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. (14) 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 capacity 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

CLOSED SESSION (Cont'd.)

Court of California, County of Santa Clara; Case: 1-12-CV-226574; Amount of Money or Other Relief Sought: Challenge to Measure B. (15) 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 Labor Negotiator pursuant to Government Code Section 54957.6; City Negotiator: City Designee Jennifer Schembri; Director of Employee Relations; 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 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. (D) to confer with Legal Counsel pertaining to the Successor Agency to the Redevelopment Agency of the City of San José pursuant to Government Code Section 54956.9 Subsection (d)(1) with respect to initiation of litigation in one (1) matter.

CLOSED SESSION (Cont'd.)

By unanimous consent, Council recessed from the Closed Session at 11:20 a.m. and reconvened to Regular Session at 1:37 p.m. in the Council Chambers.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, Matthews, Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

INVOCATION

Reverend Ken Henry, Stone Church of Willow Glen (Presbyterian Church USA) offered the Invocation. (District 6)

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis and carried unanimously, the Orders of the Day and the Amended Agenda were approved with Item 6.2 deferred to June 23, 2015. (11-0.)

CEREMONIAL ITEMS

1.1 Presentation of a proclamation recognizing June 2015 as Alzheimer's & Brain Awareness Month in the City of San José. (Herrera)

Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized June 2015 as "Alzheimer's & Brain Awareness Month."

1.2 Presentation of a commendation to Rudy Guevara for his accomplishments and contributions as a teacher, mentor, counselor, case manager, and coach. (Herrera)

Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized and commended Mr. Rudy Guevara.

1.3 A proclamation declaring the month of June 2015 as “Immigrant Heritage Month” in the City of San José. (Mayor)

Mayor Sam Liccardo and Council Members Kalra, Khamis, Nguyen and Carrasco recognized the month of June 2015 as “Immigrant Heritage Month.”

CONSENT CALENDAR

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

2.1 Recommendation: Approval of minutes.

- (a) **Regular Minutes of March 3, 2015.**
 - (b) **Regular Minutes of March 10, 2015.**
 - (c) **Study Session Minutes on Current Status of Pension Systems/Retirement Reform Ballot Measure Implementation (Measure B) of March 16, 2015.**
 - (d) **Regular Minutes of March 17, 2015.**
 - (e) **The City of San José Housing Authority Minutes of March 17, 2015.**
 - (f) **Special Minutes on the Mayor's March Budget Message/Public Hearings of March 23, 2015.**
 - (g) **Regular Minutes of March 24, 2015.**
- CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.**

Documents Filed: (1) The Regular Minutes dated March 3, 2015, March 10, 2015, March 17, 2015 and March 24, 2015. (2) Study Session Minutes dated March 16, 2015. (3) City of San José Housing Minutes dated March 17, 2015. (4) Special Minutes dated March 23, 2015.

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

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 29563 – Rezoning certain real property of approximately 0.27 acre situated at the northeast corner of Faulstich Court and Oakland Road (1332 Oakland Road), from the LI Light Industrial Zoning District to the CIC Combined Industrial/ Commercial Zoning District. CEQA: Negative Declaration, Resolution No. 77340. (Planning, Building and Code Enforcement) C14-062**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29563 executed on May 15, 2015, submitted by the City Clerk. .

Action: Ordinance No. 29563 was adopted. (11-0.)

- 2.2 (b) **ORD. NO. 29564** – Rezoning certain real property of approximately 2.93 acres situated at the easterly side of Monterey Road approximately 1,000 feet north of Lewis Road (2828 Monterey Road) from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District. CEQA: Negative Declaration, Resolution No. 77341. (Planning, Building and Code Enforcement) **C14-063**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29564 executed on May 15, 2015, submitted by the City Clerk. .

Action: Ordinance No. 29564 was adopted. (11-0.)

- (c) **ORD. NO. 29565** – Rezoning certain real property of approximately 0.5 acre situated at the southeast corner of Hamilton Avenue and Meridian Avenue (1610 Meridian Avenue) from the A(PD) Planned Development Zoning District to the CN Commercial Neighborhood Zoning District. CEQA: Negative Declaration, Resolution No. 77342. (Planning, Building and Code Enforcement) **C14-067**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29565 executed on May 15, 2015, submitted by the City Clerk. .

Action: Ordinance No. 29565 was adopted. (11-0.)

- (d) **ORD. NO. 29567** – Rezoning certain real property of approximately 14.42 gross acres situated on the northwest corner of Parrot Street and Senter Road (2201 Senter Road), from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. CEQA: Determination of Consistency with a Negative Declaration adopted for Project File No. PDC98-004. Ordinance No. 25700. (Planning, Building and Code Enforcement) **PDC14-059**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29567 executed on May 15, 2015, submitted by the City Clerk.

Action: Ordinance No. 29567 was adopted. (11-0.)

- (e) **ORD. NO. 29568** – Rezoning certain real property of approximately 1.73 acres situated on the westerly side of Almaden Road, approximately 660 feet south of Willow Glen Way, (1807, 1821, 1833, 1849, 1863, And 1873 Almaden Road) from the R-1-5 Single-Family Residence to the RM(PD) Planned Development Zoning District. CEQA: Mitigated Negative Declaration, Resolution No. 77345. (Planning, Building and Code Enforcement) **PDC13-034**

2.2 (e) (Cont'd.)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29568 executed on May 15, 2015, submitted by the City Clerk. .

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, Ordinance No. 29568 was adopted, including the radar speed signs offered by the Developer. (11-0.)

- (f) **ORD. NO. 29574 – Amending Section 2.08.1065 and Section 2.08.1270 of Chapter 2.08 of Title 2 of the San José Municipal Code to provide that the stipend for non-city employee members of the Boards of Administration for the Federated City Employees Retirement System and the Police and Fire Retirement Plan shall be set by the City Council by resolution. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29574 executed on May 22, 2015, submitted by the City Clerk. .

Action: Ordinance No. 29574 was adopted. (11-0.)

- (g) **ORD. NO. 29575 – Amending Chapter 6.88 of Title 6 of the San José Municipal Code as follows: to amend Section 6.88.300 to extend the deadline for medical marijuana collectives who meet certain criteria to obtain a notice of completed registration; to amend Section 6.88.315 to allow the City Manager regulations to become effective upon publication on The City’s website; to amend Section 6.88.360 to clarify when collectives are required to submit a new or amended application for registration; to amend Section 6.88.420 to authorize additional security mechanisms to prevent unauthorized entry; to amend Section 6.88.500 to authorize collectives to maintain records required under Chapter 6.88 of Title 6 in electronic format; to amend Section 6.88.600 to increase the time for a collective to file an audit of its financial operations with the City; and to make other technical, nonsubstantive, or typographical changes to Chapter 6.88 of Title 6 of the San José Municipal Code. CEQA: Negative Declaration, File No. PP11-039, adopted on June 15, 2011 and addenda thereto (File Nos. PP11-076 and PP14-030). (City Manager)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29575 executed on May 22, 2015, submitted by the City Clerk. .

Action: Ordinance No. 29575 was adopted. (11-0.)

- 2.3 Approval of Council Committee Reports.**
(a) **Transportation and Environment Committee Report of May 4, 2015. (Kalra)**
(b) **Rules and Open Government Committee Report of May 6, 2015. (Mayor)**
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Documents Filed: (1) The Transportation and Environment Committee Report dated May 4, 2015. (2) The Rules and Open Government Committee Report dated May 6, 2015.

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

- 2.4 Mayor and Council Excused Absence Requests.**

There was no report.

- 2.5 City Council Travel Reports.**

There was no report.

- 2.6 Report from the Council Liaison to the Retirement Boards.**

There was no report.

- 2.7 Approve the Second Amendment to the Sublease Agreement between the City of San José and the County of Santa Clara for the use of City Property for the Household Hazardous Waste Collection Program. CEQA: Mitigated Negative Declaration, File No. PP09-138. Council District 3. (Environmental Services) (Deferred from 5/19/15 – Item 2.12)**

Action: Deferred to June 16, 2015 per Administration.

- 2.8 Approve an ordinance amending Title 9 of the San José Municipal Code to add a new Chapter 9.46 to regulate tobacco product sampling. CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy that involves no changes in the physical environment. (City Attorney)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated May 21, 2015, recommending approval of an ordinance.

Council Member Johnny Khamis expressed opposition to approve an ordinance to regulate tobacco product sampling and urged his colleagues to vote against this.

Motion: Vice Mayor Rose Herrera moved approval of the Staff recommendations to approve an ordinance. Council Member Magdalena Carrasco seconded the motion.

Council Member Ash Kalra and Council Member Raul Peralez expressed support to the motion on the floor.

2.8 (Cont'd.)

Substitute Motion: Council Member Johnny Khamis moved approval to deny the ordinance. Council Member Pierluigi Oliverio seconded the motion.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Speaking in support to the Staff recommendations were Imad Sawaya, Carol Baker, Patricia Brown, Tobacco Free Coalition; Donovan Seymour, Brian Davis, Devin Wakefield, Butt Out Of Our Bars Coalition; Curtis Ferea, Jim Murphy, American Cancer Society; Ray Perez, Gabrielle Antolovich, Voices United/Billy DeFrank Center; David Wall, Shaunn Cartwright, Reverend Jethroe Moore and Ross Signorino.

On a call for the question, the substitute motion failed. (2-9. Noes: Carrasco, Herrera, Jones, Kalra, Matthews, Nguyen, Peralez, Rocha; Liccardo.)

Action: On a call for the question, the original motion carried, Ordinance No. 29576, entitled: “An Ordinance of the City of San José Amending Title 9 of the San José Municipal Code To Add a New Chapter 9.46 to Regulate Tobacco Product Sampling”, was passed for publication. (9-2. Noes: Khamis, Oliverio.)

2.9 **As recommended by the Transportation and Environment Committee on May 4, 2015, accept the status report on the City’s Deferred Maintenance and Infrastructure Backlog. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Public Works)** **[Transportation and Environment Committee referral 5/4/15 – Item D(3)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated May 21, 2015, transmitting the recommendations of the Transportation and Environment Committee.

Action: The status report on the City’s Deferred Maintenance and Infrastructure Backlog was accepted. (11-0.)

2.10 **Approve the Agreement with Moore Iacofano Goltsman for Consultant Services for the Three Creeks Trail (Lonus Street to Minnesota Avenue) project from the date of execution through December 31, 2018, in the amount of \$500,000. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. Council District 6. (Public Works)**

Documents Filed: City Council Action Request from Deputy Director of Transportation Michael O’Connell, dated May 11, 2015, recommending approval of the agreement.

Action: The Agreement with Moore Iacofano Goltsman for Consultant Services for the Three Creeks Trail (Lonus Street to Minnesota Avenue) project from the date of execution through December 31, 2018, in the amount of \$500,000 was approved. (11-0.)

- 2.11 (a) Approve award of a construction contract for the 7873 - 2015 Street Sealing Project, to the lowest responsive bidder, Graham Contractors, Inc. in the amount of \$4,527,360.**
- (b) Approve a ten percent contingency in the amount of \$452,736.**
CEQA: Exempt, File No. PP11-035. (Transportation)

Documents Filed: Memorandum from Interim Director of Transportation James Ortbal, dated May 11, 2015, recommending approval of the contract with contingency.

Action: A construction contract for the 7873 - 2015 Street Sealing Project, to the lowest responsive bidder, Graham Contractors, Inc. in the amount of \$4,527,360, with related contingency was approved. (11-0.)

- 2.12 Approve the Fourth Amendment to the Route 87 Freeway Project Right of Way Cooperative Agreement between the State of California and the City of San José, extending the termination date of the agreement to December 30, 2016. CEQA: Route 87 Freeway Project EIR, Resolution No. 65071. Council District 3. (Transportation)**

Documents Filed: City Council Action Request from Interim Director of Transportation James Ortbal, dated May 11, 2015, recommending adoption of a resolution.

Action: The Fourth Amendment to the Route 87 Freeway Project Right of Way Cooperative Agreement between the State of California and the City of San José, extending the termination date of the agreement to December 30, 2016 was approved.

- 2.13 Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:**
- (a) Increase the Sidewalk Repairs City-wide Expenses appropriation by \$300,000;**
- (b) Increase the estimate for Other Revenue by \$300,000.**
CEQA: Exempt, File No. PP14-069, Citywide Street Maintenance, Repair and Improvements of existing streets. (Transportation/City Manager)

Documents Filed: Memorandum from Interim Director of Transportation James Ortbal and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 15, 2015, recommending appropriation ordinance and funding sources resolution amendments.

Public Comments: David Wall expressed opposition to the Staff recommendations.

2.13 (Cont'd.)

Action: Ordinance No. 29577, entitled: An Ordinance of the City of San José Amending Ordinance No. 29431 To Appropriate Monies in the General Fund for Sidewalk Repairs Citywide Expenses; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77363, 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.)

- 2.14 As recommended by the Rules and Open Government Committee on May 27, 2015:**
- (a) Approve the Rainbow Flag Ceremony as a City Council sponsored Special Event.**
 - (b) Approve and accept donations from various individuals, businesses or community groups to support the event.**

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Oliverio)

[Rules Committee referral 5/27/15 – Item G(1)(a)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated May 28, 2015, transmitting the recommendations of the Rules and Open Government Committee.

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

END OF CONSENT CALENDAR

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Accept the Progress Report on Homeless Housing Initiatives. CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making. (Housing)**

Documents Filed: (1) Memorandum from Interim Director of Housing Jacky Morales-Ferrand, dated May 15, 2015, recommending acceptance of the progress report. (2) Letter from Pam Mastrocola, Affordable Housing Network, dated June 1, 2015, expressing support to the proposals put forth by the Housing Department.

Interim Director of Housing Jacky Morales-Ferrand offered the report on the Homeless Housing Initiatives.

Homelessness Response Team Manager Ray Bramson and Interim Director of Housing Jacky Morales-Ferrand responded to Council questions and concerns.

4.1 (Cont'd.)

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing support to the Progress Report on Homeless Housing Initiatives were Eileen Hunter, Susanna Beouchan, Gwen Myers, Women's Gathering Place; Esequiel Sanchez, Arcadia, Ricardo Lopez, Benjamin Victor DeSoto, Robert Aguirre, Pat Farrow, Phil Olmstead, Bill Black, Sandy Perry, CHAM; Jolene Jones, Victor Lecha, Ron Johnson, Affordable Housing Network; Jethroe Moore, Tom Linebarger, James Lee, Rise Up West; David Kars, Moria Merriweather, Shaunn Cartwright, Richard Loek, Bruce Roberts, Anthony King, Sacred Heart Housing Action Committee; David Wall, Yolanda Gutierrez, Phil Mastrocola, Karen Addato, Breakthrough Outreach; Mahsa K., Jamime Arias, Ross Signorino and Jennifer Loving, Destination Home.

Council discussion ensued.

Action: Upon motion by Council Member Raul Peralez, seconded by Vice Mayor Rose Herrera and carried unanimously, the Progress Report on Homeless Housing Initiatives was accepted. (10-0-1. Absent: Kalra.)

- 4.2 (a) **Adopt a resolution adopting the Negative Declaration for the Rotten Robbie #2 Replacement Project.**
- (b) **Consider an ordinance rezoning the real property located at the southwest corner of Saratoga Avenue and Williams Road (1005 Saratoga Avenue) from the CP-Commercial Pedestrian Zoning district to the CP(PD) Planned Development Zoning District to allow for a gas station and convenience store use; and a Planned Development Permit, to allow the demolition of an existing gas station, including the removal and replacement of existing underground gas tanks, and the construction of a new gas station with a 3,200 square foot convenience store with the off-sale of alcohol; and a determination of a Public Convenience or Necessity on a 0.64 gross acre site (Robinson Oil Corporation, Owner).**

CEQA: Negative Declaration to be adopted. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)
PDC14-009/PD14-039/ABC14-008 – District 1

Documents Filed: (1) Memorandum from Council Member Chappie Jones and Council Member Raul Peralez, dated May 29, 2015, recommending adoption of a resolution. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC14-009/PD14-039/BC14-008 dated March 30, 2015. (3) Memorandum from Planning Commission Secretary Harry Freitas, dated April 20, 2015, transmitting the Planning Commission recommendation. (4) Memorandum from City Attorney Richard Doyle, dated June 1, 2015, providing information regarding the City's ability to control or limit the sale of alcohol at gasoline service station mini marts.

4.2 (Cont'd.)

Documents Filed: (Cont'd.) (5) Supplemental memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated June 1, 2015, providing clarification on the City's policy for the off-sale of alcohol. (6) Proof of Publication of Notice of Public Hearing, executed on March 20, 2015, submitted by the City Clerk. (7) Letter from Robert Varich, dated Ma 31, 2015, expressing support to the Staff recommendations.

Director of Planning, Building and Code Enforcement Harry Freitas offered a brief Staff report.

Mayor Sam Liccardo pointed out that it has been eight years since Council approved this particular land use.

Tom Robinson, Robinson Oil, Applicant, spoke to the merits of the project.

Motion: Council Member Chappie Jones moved approval of the memorandum he cosigned with Council Member Raul Peralez and the Staff recommendations. Council Member Raul Peralez seconded the motion.

Vice Mayor Rose Herrera and Council Members Khamis and Matthews expressed support to the motion on the floor.

Mayor Sam Liccardo opened the Public Hearing.

Public Comments: Esmeralda Campos, Erin Robinson Graziosi, Reilly Muser, Robinson Oil and David Wall expressed support to the motion on the floor.

Mayor Sam Liccardo closed the Public Hearing.

City Attorney Richard Doyle clarified that the ordinance and the resolution

Action: On a call for the question, the motion carried, the memorandum from Council Member Chappie Jones and Council Member Raul Peralez, dated May 29, 2015 was approved, accepting the Staff recommendations. Resolution No. 77364, entitled: "A Resolution of the Council of the City of San José Adopting the Rotten Robbie #2 Replacement Project Negative Declaration, For Which an Initial Study Was Prepared, All In Accordance with the California Environmental Quality Act, As Amended", was tentatively adopted, with an adoption on June 16, 2015. Ordinance No. 29578, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.64 Gross Acres Situated at the Southwest Corner of Saratoga Avenue and Williams Road (1005 Saratoga Avenue) From the CP Commercial Pedestrian Zoning District to the CP Commercial Pedestrian Zoning District (PD) Planned Development Zoning District" was passed for publication, with a second hearing and adoption on June 16, 2015. (8-2-1. Noes: Oliverio; Liccardo. Absent: Kalra.)

- 4.3 (a) **Approve an ordinance amending Chapter 14.30 of Title 14 the San José Municipal Code to clarify the scope of the inclusion of the San José Flea Market site in the US-101/Oakland/Mabury Transportation Policy.**
- (b) **Adopt a resolution approving an amendment to the US-101/Oakland/Mabury Transportation Policy to align the San José Flea Market site's transportation mitigation payment schedule with both the US-101/Mabury Road Interchange project schedule and the phased development of the Flea Market Site.**

CEQA: Addendum to the Final Environmental Impact Report for the San José Flea Market General Plan Amendment and Planned Development Rezoning Project (Resolution No. 73956) and to the King & Dobbin Transit Village and US-101/Oakland/ Mabury Transportation Development Policy Environmental Impact Report (Resolution No. 74195.1). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0). Council Districts 3 and 4. (Planning, Building and Code Enforcement/Transportation)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 2, 2015, recommending approval of the Staff recommendations with modifications as described in "Action" on Pages 14 and 15. (2) Memorandum from Planning Commission Secretary Harry Freitas, dated May 11, 2015, transmitting the recommendation of the Planning Commission. (3) Proof of Publication of Notice of Public Hearing, executed on April 17, 2015, submitted by the City Clerk.

Director of Planning, Building and Code Enforcement Harry Freitas presented introductory remarks. Deputy Director of Transportation Planning and Project Delivery Paul Smith provided the report.

Erik Schoennauer, representing Bumb and Associates (The Flea Market) spoke to the merits of the project.

Mayor Sam Liccardo opened the public hearing.

Public Comments: David Wall expressed opposition to the Staff recommendations.

Action: Upon motion by Council Member Raul Peralez, seconded by Vice Mayor Rose Herrera and carried unanimously, the memorandum from Mayor Sam Liccardo, dated June 2, 2015, was approved, approving the Staff recommendations to amend the US 101/Oakland/Mabury Transportation Development Policy with the following modifications: (1) Pursuant to the approved Planned Development Permit (PD12-031) allow Phases IIa, IIb and IIc, which provide for 495 residential units north of Berryessa to proceed, with the negotiated phased contribution of \$7.8 Million towards the Project Study Report/Project Report, Final Design and Environmental Impact Report for the US 101/Mabury Interchange. (2) Defer consideration of Phase IIc and Phase III as outlined in the Policy and direct Staff to return to Council in September 2015 with alternatives to increase industrial/commercial space beyond the approved 365,600 square feet,

4.3 (Action Cont'd.)

particularly on the south side of Berryessa. (3) Direct Staff to consider and report back to Council on: (a) Developing commercial uses on the proposed 3.5 acre school site located north of Berryessa, if the Berryessa Unified School District determines that a school will not be built as currently proposed. (b) Allocating the 115 industrial trips included in the Policy to the Flea Market to offset any additional trips at the interchange in exchange for increasing commercial/industrial capacity. (c) The nature of the environmental clearance required to advance optimal development scenarios on the south side of Berryessa and potential adjustment of traffic mitigation payments for the proposed development. (d) Creating a mechanism for check-in with the Council prior to proceeding with any development on the south side of Berryessa; Ordinance No. 29579, entitled: “An Ordinance of the City of San José Amending Chapter 14.30 of Title 14 of the San José Municipal Code in Order to Acknowledge the Inclusion of the Flea Market Site and Mitigation Measures Related to the Flea Market Site in the U.S.-101/Oakland/Mabury Transportation Development Policy”, was passed for publication and Resolution No. 77365, entitled: “A Resolution of the Council of the City of San José Amending the U.S.-101/Oakland/Mabury Transportation Development Policy to: (1) Align the San José Flea Market Site’s Transportation Mitigation Payment Schedule and (2) Restructure the San José Flea Market Site’s Interchange Improvement Mitigation Payments to Align with the Phased Development of the Site”, was adopted. (8-0-3. Absent: Carrasco, Jones, Kalra.)

RECESS/RECONVENE

The City Council recessed at 5:55 p.m. from the afternoon Council Session and reconvened at 6:24 p.m. in the Council Chambers, City Hall.

Present: Council Members - Carrasco, Herrera, Jones, Khamis, Matthews, Nguyen, Peralez, Rocha (6:39 p.m.); Liccardo.

Absent: Council Members - Kalra, Oliverio. (Excused)

NEIGHBORHOOD SERVICES

5.1 As recommended by the Neighborhood Services and Education Committee on May 14, 2015, accept the report on Parks, Recreation and Neighborhood Services Department Cost Recovery Fee Programs. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (City Auditor)

Documents Filed: (1) Memorandum from Council Member Magdalena Carrasco, dated June 1, 2015, recommending acceptance of the Staff recommendations with further direction to the City Manager as described in “Action” on Page 16. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated May 21, 2015, transmitting the recommendations of the Neighborhood Services and Education Committee.

5.1 (Cont'd.)

City Auditor Sharon W. Erickson offered the report on the Parks, Recreation and Neighborhood Services Department Cost Recovery Fee Programs. Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. presented the response.

Motion: Council Member Magdalena Carrasco moved approval of her memorandum dated June 1, 2015, recommending acceptance of the Staff recommendations with further direction to the City Manager as described in "Action". Vice Mayor Rose Herrera seconded the motion.

Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Deputy Director Suzanne Wolf responded to Council questions.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: David Wall presented comments on the Cost Recovery Fee Programs.

Action: On a call for the question, the motion carried unanimously, the memorandum from Council Member Magdalena Carrasco, dated June 1, 2015, was approved, accepting the Staff recommendations, with the City Manager directed to: (1) Track recently implemented changes to the Parks, Recreation and Neighborhood Services scholarship program as they relate to which programs and facilities use the scholarship program most, as well as community, staff and partner feedback about the scholarship program. (2) Analyze which Parks, Recreation and Neighborhood Services programs and/or site are at capacity. (3) Determine the viability of further reducing fees for qualifying community members, while taking into account the potential need for additional staffing, facility use, operation and maintenance and etc. (4) Report these findings and analysis to the Neighborhood Services and Education Committee in the Fall of 2015. (5) Return to the Neighborhood Services and Education Committee with a comprehensive outreach plan with the goal of utilizing the scholarship fund in its entirety each year. (9-0-2. Absent: Kalra, Oliverio.)

- 5.2
- (a) **Approve the Communications Hill 2 Phase I Parks Master Plan.**
 - (b) **Approve a Turnkey Parkland Agreement for Tentative Map No. PT14-034 with KB Home South Bay Inc., and MTA Properties, LP, to construct park, trail, and staircase improvements and dedicate approximately four acres of parkland to the City as part of the Communications Hill 2 Phase I Project.**
 - (c) **Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:**
 - (1) **Establish the Communications Hill 2 Turnkey Park Reimbursement to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,809,000.**
 - (2) **Decrease the Communications Hill Reserve by \$294,000.**

- 5.2 (c) (3) **Decrease the Future PDO/PIO Projects Reserve appropriation by \$1,515,000.**
- (d) **Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #7:**
- (1) **Establish the Communications Hill 2 Turnkey Park Reimbursement to the Parks, Recreation and Neighborhood Services Department in the amount of \$291,000.**
 - (2) **Decrease the Trail: Three Creeks (Bellevue Park Expansion) Land Acquisition appropriation by \$291,000.**

CEQA: Exempt, File No. PDC13-009, Communications Hill 2 Project Final Subsequent Environmental Impact Report, Resolution No. 77172 – Certified September 30th, 2014. Council District 7. (Parks, Recreation and Neighborhood Services/City Manager)

Documents Filed: (1) Memorandum from Council Member Tam Nguyen, dated May 29, 2015, recommending approval of the Staff recommendations. (2) Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 11, 2015, recommending approval of the Master Plan and Turnkey Parkland Agreement and adoption of appropriation ordinance amendments. (3) Statement and Declaration of Conflict of Interest Form from Council Member Johnny Khamis, dated June 2, 2015, disclosing that he owns property at Communications Hill.

Council Member Johnny Khamis recused himself from participating in the Council discussion and voting of this item and disclosed that he owns property at Communications Hill.

Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. presented the report.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: David Wall expressed opposition to the Staff recommendations.

Action: Upon motion by Council Member Tam Nguyen, seconded by Council Member Chappie Jones and carried unanimously, the Communications Hill 2 Phase I Parks Master Plan and a Turnkey Parkland Agreement for Tentative Map No. PT14-034 with KB Home South Bay Inc., and MTA Properties, LP, to construct park, trail, and staircase improvements and dedicate approximately four acres of parkland to the City as part of the Communications Hill 2 Phase I Project were approved, Ordinance No. 29580, entitled: An Ordinance of the City of San José Amending Ordinance No. 29431 To Appropriate Monies in the Subdivision Park Fund for the Communications Hill 2 Turnkey Park Reimbursement to the Parks, Recreation and Neighborhood Services Department; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”

5.2 (Action Cont'd.)

and Ordinance No. 29581, entitled: An Ordinance of the City of San José Amending Ordinance No. 29431 To Appropriate Monies in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #7 for the Communications Hill 2 Turnkey Park Reimbursement to the Parks, Recreation and Neighborhood Services Department; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” were adopted. (8-0-2-1. Absent: Kalra, Oliverio. Abstain: Khamis.

5.3 As recommended by the Rules and Open Government Committee on May 27, 2015:

- (a) **Direct the administration to report back in June on the costs, possible funding, and timing of developing a park master plan, possible expansion, and phased improvements for Alviso Park.**
- (b) **Direct the administration to work immediately with the Alviso community to form an Alviso Park Master Plan Committee to work with and advise the City on the plan.**
- (c) **Direct the administration to set a timeline that will meet all the requirements of the Settlement Agreement, recently signed by the Alviso community, the Trammell Crow Company, and the City of San José.**

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities. (Mayor/Matthews)

[Rules Committee referral 5/27/15 – Item G(4)]

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated May 28, 2015, transmitting the recommendations of the Rules and Open Government Committee with direction as described below in “Action”. (2) Six emails from the public all dated June 2, 2015 expressing support to the Staff recommendations.

Motion: Council Member Margie Matthews moved approval of the recommendations of the Rules and Open Government Committee and the memorandum she cosigned with Mayor Sam Liccardo, dated May 20, 2015, with direction as described below in “Action”. Vice Mayor Rose Herrera seconded the motion.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: David Wall expressed support to the Staff recommendations.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Sam Liccardo and Council Member Margie Matthews, dated May 20, 2015, was approved, with the following direction: (1) The Administration was directed to report back in June on the costs, possible funding and timing of developing a park master plan, possible expansion and phased improvements for Alviso Park. (2) The Administration was directed to work immediately with the Alviso Community to form an Alviso Park Master Plan Committee to work with and advise the City on the plan. (3) The Administration was directed to set a timeline that will meet all the requirements of the Settlement Agreement recently signed by the Alviso Community, the Trammell Crow Company and the City of San José. (9-0-2. Absent: Kalra, Oliverio.)

TRANSPORTATION & AVIATION SERVICES

- 6.1 Report on bids and award of contract for the 7714 - Mineta San José International Airport - Airfield Improvements 2015 Project to the low bidder, Granite Rock Company, to include the base bid in the amount of \$2,700,170, and approval of a contingency in the amount of \$270,017. CEQA: Resolution Nos. 67380 and 71451, File No. PP14-066. (Airport/Public Works)
(Deferred from 5/19/15 – Item 6.2)**

Item 6.1 was heard after Item 9.2.

Interim Director of Public Works Barry Ng and Director of the Office of Quality Assurance Nina Grayson presented the report and responded to Council questions and concerns.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Walter Wilson and Reginald Swilley, Minority Business Consortium and David Wall expressed concerns on several issues.

Motion: Council Member Chappie Jones moved approval to continue Item 6.1 to June 9, 2015 in order allow Staff time to provide additional information to the Council, including clarification on conversations with Nina Grayson and the FAA, a supplemental Staff report covering Standard practices and explanations on the urgency of the project. Vice Mayor Rose Herrera seconded the motion.

Action: On a call for the question, the motion carried unanimously, Item 6.1 was continued to June 9, 2015. (8-0-3. Absent: Kalra, Oliverio, Peralez.)

- 6.2 (a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Taxi San Jose to provide on-demand ground transportation dispatch and management services at the Norman Y. Mineta San José International Airport for the period from August 1, 2015 through August 1, 2020, with options for the City Manager to extend the agreement for up to five (5) additional one-year periods through August 1, 2025.**
- (b) Adopt a resolution authorizing the City Manager to exercise up to five (5) one-year options to extend the agreement through August 1, 2025.**

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

Action: Deferred to June 23, 2015 per Administration and Orders of the Day.

**6.3 Approve a Management and Operating Plan for Transportation Network Companies that meet all requirements necessary to issue a Ground Transportation Permit at the Norman Y. Mineta San José International Airport. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)
(Deferred from 4/14/15 – Item 6.1 and 5/19/15 – Item 6.1)**

Item 6.3 was heard after Item 6.1.

Documents Filed: Replacement memorandum from Mayor Sam Liccardo, dated June 2, 2015, recommending deferring Item 6.3 to June 23, 2015 for Council consideration of regulatory options that would accompany transportation network company (TNC) operation in San José. The City Manager shall provide information to the Council response to the following questions as described below in “Action”.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing comments about the Staff recommendations, LYFT, and other issues were Michelle Gutto, Michelle Arzaga, Angie Moehring, Mike Masserman, Rick Porter and Nathan Yap.

Mayor Sam Liccardo presented highlights of his memorandum dated June 2, 2015.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Chappie Jones and carried unanimously, the replacement memorandum from Mayor Sam Liccardo, dated June 2, 2015, was approved, continuing Item 6.3 to June 23, 2015 for Council consideration of regulatory options that would accompany Transportation Network Companies (TNC’s) operation in San José. The City Manager shall provide information to the Council responsive to the following questions: (1) Can the City prohibit the operation of TNC’s at Mineta San José International Airport of TNC’s with outstanding California Public Utilities Commission (CPUC) enforcement or disciplinary actions? Can the Airport easily determine which TNC’s remain subject to those proceedings? (2) In light of CPUC regulatory preemption, does the City have the ability to assess fees upon TNC’s above the standard \$2.30 per trip fee at the airport? (3) Will TNC drivers be required to obtain a San José Business License and pay a license fee to the City? If not, why not? (4) Which of the regulatory requirements listed on Page 2-3 of the Staff Report are imposed by the CPUC and which will be imposed by the City? (5) Are taxis subjected to more or less stringent regulations over such safety issues as driver fingerprinting, background checks, vehicle inspections, driver safety classes and the like? (6) Are there additional safety or other regulatory requirements that other cities impose upon TNC’s that San José is intentionally declining to impose? If so, why? (7) To what extent does the siting of pick-up locations at the airport favor one model or another of operation? (8) Staff has determined that TNC’s and taxis will be accorded specific areas in the Airport for passenger pick-ups. Yet TNC operations today routinely pick up passengers at the San José Airport in violation of the law and they routinely do so in front

6.3 (Action Cont'd.)

of the baggage claim entrance, evading the monitoring by City Staff. Will we need additional Staff to monitor TNC operators to ensure that they will restrict their operations to designated areas, rather than gaining an unfair advantage over taxis? (9) Are there other unique regulatory burdens that TNC operators impose on the San José Airport? Additional data collection burdens? Additional monitoring, such as at designated pick-up areas? (10) Will taxis utilizing an on-call app be able to “opt-out” of the dispatch model and dispatch fees and thereby pick up passengers in the same areas as TNC’s? (11) Is the City able to require more stringent background checks for drivers servicing the Airport, such as those that are fingerprint based? (12) Is the City able to place a cap on the mileage of the vehicles used to service the Airport? (13) Is the City able to collect data on license suspensions for those drivers servicing the Airport? (14) Will Airport Staff collect any of the data required by the CPUC, such as reports providing accessible vehicles, service by Zip Code, problems with drivers and drivers completing a training course. (15) Does Staff propose conducting audits of any of the reports/data produced and if so, at what frequency? (6-0-5. Absent: Carrasco, Kalra, Oliverio, Peralez, Rocha.)

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) **Accept the staff report on the San José-Santa Clara Regional Wastewater Facility (RWF) Ten-Year Funding Strategy.**
- (b) **Approve staff recommendation to have all agencies contribute to a 60 day operating reserve beginning in FY 2016-17; direct staff to continue to work with all agencies on optimal reserve levels for operational purposes.**
- (c) **Direct staff to pursue State Revolving Fund loans for RWF capital improvement projects to the maximum extent possible.**
- (d) **Direct staff to continue to work with City of Santa Clara (Santa Clara) and all tributary agencies to confirm participation in a commercial paper program and/or long term revenue bonds through the Clean Water Financing Authority (CWFA), by August 2015.**
- (e) **Direct staff to work with Santa Clara and all tributary agencies to amend the 1983 Master Agreement to incorporate terms related to operating reserve contributions, as well as terms related to financing of the RWF improvements through the CWFA.**

CEQA: Not a Project, File PP10-069(a), City Organizational & Administrative Activities. (Environmental Services/Finance)

Documents Filed: (1) Replacement memorandum from Director of Environmental Services Kerrie Romanow and Director of Finance Julia H. Cooper, dated April 27, 2015, with additional information from the Treatment Plant Advisory Committee. (2) Letter from the Treatment Plant Advisory Committee Secretary Kerrie Romanow, dated May 14, 2015, expressing concurrence with the Staff recommendations and additional information.

7.1 (Cont'd.)

Assistant Director of Environmental Services Ashwini Kantak and Director of Finance Julia H. Cooper presented the report and responded to Council questions and concerns.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: David Wall expressed opposition to the 10 year Water Pollution Control Plan. Blair Beekman provided various comments.

Action: Upon motion by Council Member Margie Matthews, seconded by Vice Mayor Rose Herrera and carried unanimously, the Staff recommendations were approved as described in Item 7.1 on Page 21, including the replacement memorandum from Director of Environmental Services Kerrie Romanow and Director of Finance Julia H. Cooper, dated April 27, 2015. (8-0-3. Absent: Kalra, Oliverio, Peralez.)

7.2 Accept the following staff recommendations on the Biosolids Transition Strategy for the San José-Santa Clara Regional Wastewater Facility:

(a) Near-term recommendations:

- (1) **Proceed with implementation of the Digested Sludge Dewatering Facility and the Lagoon and Drying Bed Retirement projects as shown in the 2015-2016 Proposed Capital Budget and 2016-2020 Capital Improvement Program.**
- (2) **Locate the Digested Sludge Dewatering Facility at Site A.**
- (3) **Direct staff to bring back recommendations on the size and makeup of the Biosolids Management Team for City Council consideration as part of the annual budget process for 2016-2017.**

(b) Long-term recommendations:

- (1) **Implement any future on-site processing facilities considering conditions at the time including starting small with pilots, demonstrations, and phasing and potentially participating in regional facilities and emerging technologies.**

CEQA: File No. PP11-043, The San José-Santa Clara Regional Wastewater Facility Master Plan Final Environmental Impact Report; Resolution Number 76858 approved on 11/19/2013. (Environmental Services)

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow, dated May 1, 2015, recommending acceptance of the report. (2) Letter from the Treatment Plant Advisory Committee Secretary Kerrie Romanow, dated May 14, 2015, expressing concurrence with the Staff recommendations.

Assistant Director of Environmental Services Ashwini Kantak, Jay Witherspoon, CH2MHill and Bruce Petrik, MWH presented the report.

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

7.2 (Cont'd.)

Extensive Council discussion ensued.

Mayor Sam Liccardo opened the floor for public testing.

Public Comments: David Wall expressed opposition to the Staff recommendations.

Action: On a call for the question, the motion carried unanimously, the Staff recommendations on the Biosolids Transition Strategy for the San José-Santa Clara Regional Wastewater Facility were accepted. (8-0-3. Absent: Kalra, Oliverio, Peralez.)

REDEVELOPMENT – SUCCESSOR AGENCY

- 9.1 (a) **Adopt a resolution by the Council of the City of San José (the “City”) authorizing the Director of Finance and other authorized officers of the City, who routinely conduct investment management activity on behalf of the City, to order the deposit or withdrawal of monies in the Local Agency Investment Fund on behalf of the City and repealing Resolution No. 76153.**
- (b) **Adopt a resolution by the Board of the Successor Agency to the Redevelopment Agency of the City of San José (the “Successor Agency”) authorizing the Chief Financial Officer of the Successor Agency and the Director of Finance and other authorized officers of the City, as Successor Agency, who routinely conduct investment management activity on behalf of the Successor Agency, to order the deposit or withdrawal of monies in the Local Agency Investment Fund on behalf of the Successor Agency and repealing Successor Agency Resolution No. 7002.**

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

(Deferred from 5/19/15 – Item 9.1)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated April 28, 2015, recommending adoption of resolutions.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, Resolution No. 77366, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Finance and Other Authorized Officers of the City of San José, Who Routinely Conduct Investment Management Activity on Behalf of the City, To Order the Deposit or Withdrawal of Monies in the Local Agency Investment Fund on Behalf of the City and Repealing Resolution No. 76153” and Successor to the Redevelopment Agency Resolution No. 7038, entitled: “A Resolution of the Council of the City of San José Acting in Its Capacity as the Successor Agency to the Redevelopment Agency of the City of San José Authorizing the Director of Finance and Other Authorized Designees of the City of San

9.1 (Cont'd.)

José, as Successor Agency Who Routinely Conduct Investment Management Activity on Behalf of the Successor Agency To Order the Deposit or Withdrawal of Monies in the Local Agency Investment Fund on Behalf of the Successor Agency and Repealing Resolution No. 7002”, were adopted. (8-0-3. Absent: Kalra, Oliverio, Peralez.)

9.2 Adopt resolutions by the Successor Agency Board to:

- (a) Approve the Administrative Budget for July 1 through December 31, 2015**
- (b) Approve the Recognized Obligation Payment Schedule 15-16A and authorize payment of expenditures for items on ROPS 15-16A, which details the obligations of the Successor Agency for the period of July 1, 2015 through December 31, 2015, as revised by the California Department of Finance.**

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

(Deferred from 5/19/15 – Item 9.2)

Documents Filed: Memorandum from City Manager/Executive Director Norberto Dueñas, dated May 8, 2015, recommending adoption of resolutions.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis and carried unanimously, Successor to the Redevelopment Agency Resolution No. 7039, entitled: “A Resolution of the Successor Agency to the Redevelopment Agency of the City of San José Approving the Administrative Budget for July 1, 2015 through December 31, 2015” and Successor to the Redevelopment Agency Resolution No. 7040, entitled: “A Resolution of the Successor Agency to the Redevelopment Agency of the City of San José Approving the Recognized Obligation Payment Schedule 15-16A and Authorizing Payment of Expenditures for Items on ROPS 15-16A Which Details the Obligations of the Successor Agency for the Period of July 1, 2015 through December 31, 2015”, were adopted. (8-0-3. Absent: Kalra, Oliverio, Peralez.)

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>
10262	1590 Berryessa Rd	4	Flea Market Inc	6 / 45	MFA	Approval

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10313	Timber Crest Dr. and Almaden Rd.	10	Timber Crest Venture, LLC	8 Lots/ 7 Units	SFD

OPEN FORUM

- (1) David Wall offered comments about the Audit of Curbside Recycling heard at the June 1, 2015 Transportation and Environment Committee Meeting.
- (2) Blair Beekman opined about the UAS Drone Program.

ADJOURNMENT

The Council of the City of San José was adjourned at 8:41 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

smd/06-02-15 MIN

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