

## MINUTES OF THE CITY COUNCIL

**SAN JOSE, CALIFORNIA**

**TUESDAY, APRIL 07, 2015**

The Council of the City of San José convened in Regular Session at 9:04 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 9:05 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) IAFF Local 230 v. City of San José; 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. (2) 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. (3) 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. (4) 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

## CLOSED SESSION (Cont'd.)

No: SF-CE-972-M; Amount of Money or Other Relief Sought: Damages According to Proof. (5) 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. (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 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. (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 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. (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 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-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. (12) Citizens Against Airport Pollution v. City et al. Names of Parties Involved: Citizens Against Airport Pollution, an unincorporated association and Does 1 to 5, City of San José, City Council of the City of San José and Does 6 to 10, Does 10 to 30, Real Parties in Interest; Court: Superior Court of California, County of Santa Clara; Sixth Appellate District, San José Division; Case No: 1-10-CV-177290, HO038781; Amount of Money or Other Relief Sought: City to set aside and void approvals relating to 8<sup>th</sup> addendum to Airport Master Plan. (13) SJJC Aviation Services, LLC v. City of San José, et al. SJJC Aviation Services, LLC, City of

## **CLOSED SESSION (Cont'd.)**

San José City Council of the City of San José, Does 1 through 25; Court: Superior Court of California, County of Santa Clara; Sixth Appellate District, San José Division; Case No: 1-13CV246057, HO41946; Amount of Money or Other Relief Sought: Damages according to proof. (14) Shahrivar, Farid v. City, et al. Names of Parties Involved: Farid Shahrivar, City of San José, a municipality, Rodney Rapson, an individual, David Sykes, an individual, Harry Frietas, an individual, Katherine Jensen, an individual, David Printy, an individual, Danny Tsao, an individual, Katrina Allen, an individual, Doug Baker, an individual, Alex Gurza, an individual, Saran Nunes, an individual, Les White, an individual, Allen Demers, an individual, Rajiv Das, an individual, Steve Pagan, an individual, Angela Chen, an individual, Mark Danaj, an individual, Robert Fabela, an individual, Susan Lacy, an individual and Does 1 though 45; Court: United States District Court, Oakland Division; Case No: CV-10-01029 PSG; Amount of Money or Other Relief Sought: Damages according to proof. (15) Great Oaks Water, Inc., v. City, et al. Names of Parties Involved: Great Oaks Water Company, Inc., John W.S. Roeder, Betty B. Roeder, Betty B. Roeder Trust A and William C. Miller, Jr. and Betty B. Roeder, Trustees of the Walter S. Roeder Trust B, the City of San José, the San José Redevelopment Agency, Southbay Water Recycling, Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-04-CV012008; Amount of Money or Other Relief Sought: Damages According to Proof. (16) San Francisco Baykeeper v. City, et al. Names of Parties Involved: San Francisco Baykeeper, City of San José, San José Department of Transportation, San José Public Works Department, San José Environmental Services Department; Court: U.S. District Court, Northern District of California, San José Division; Case No: 15-CV-00642-HRL; Amount of Money or Other Relief Sought: Declaratory Relief, Injunctive Relief. (17) County of Alameda, et al. v. AMBAC Financial, et al. Names of Parties Involved: County of Alameda, City and County of San Francisco, City of Los Angeles, Los Angeles Department of Water and Power, Los Angeles World Airports, City of Oakland, City of Richmond, Redwood City, East Bay Municipal Utility District, City of Sacramento, Sacramento Suburban Water District, Sacramento Municipal Utility District, City of San José, City of Stockton, The Redevelopment Agency of the City of Stockton, The Public Financing Authority of the City of Stockton, County of Tulare, The Regents of the University of California, The Redevelopment Agency of the City of San José, AMBAC Financial Group, Inc., AMBAC Assurance Corporation, MBIA, Inc., MBIA Insurance Corporation, MBIA Insurance Corp. of Illinois, aka National Public Finance Guarantee Corporation, Syncora Guarantee, Inc., fka XL Capital Assurance, Inc., Financial Guaranty Insurance Company, Financial Security Assurance, Inc., CIFG Assurance North America, Inc., Assured Guaranty Corp., Jason Kissane, Does 1-50; Court: Superior Court of California, In and for the City and County of San Francisco; Case No: CJC-08-04555; Amount of Money or Other Relief Sought: Damages According to Proof. (18) RDA/City vs. Back of America, N.A., et al. Names of Parties Involved: City of San José, The San José Redevelopment Agency, Bank of America, N.A. Merrill Lynch & Co., Inc., UBS AG, UBS Financial Services, Inc., UBS Securities, LLC, MBIA, Inc., Citibank, N.A., Citigroup Financial Products Inc., Citigroup Global Markets Holdings Inc., Morgan Stanley, Rabobank Group, Bayerische, Landesbank Gironzentrale, Piper Jaffray & Co., Societe Generale SA,

**CLOSED SESSION (Cont'd.)**

Financial Security Assurance, Inc., Assured Guaranty US Holdings Inc., Dexia S.A. National Westminster Bank, PLC, Natixis Funding Corp., Natixis S.A., the Goldman Sachs Group, Inc., Goldman Sachs Mitsui Marine Derivative Products, LP, Goldman Sachs Bank USA, CDR Financial Products, Winters and Co., Advisors, LLC, George K. Baum & Co., Sound Capital Management, Inc., Investment Management Advisory Group, Inc., First Southwest Company, PFM Investment, LLC, PFM Asset Management LLC; Court: U.S. District Court, Northern District of California; Case No: CV 10 2199; Amount of Money or Other Relief Sought: Damages According to Proof. (19) Sipple, et al. v. City of Alameda, et al. Names of Parties Involved: Donald Sipple, John Simon, Karl Simonsen, Christopher Jacobs, Settlement Class Representatives, New Cingular Wireless PCS LLC, City of Alameda, County of Alameda, City of Albany, City of Alhambra, City of Arcadia, City of Baldwin Park, City of Beaumont, City of Bell, City of Bellflower, City of Benecia, City of Berkeley, City of Burbank, City of Calabasas, City of Cathedral, City of Ceres, City of Chico, City of Chula Vista, City of Citrus Heights, City of Claremont, City of Colton, City of Compton, City of Covina, City of Cudahy, City of Culver City, City of Cupertino, City of Daly City, City of Desert Hot Springs, City of Dinuba, City of Downey, City of East Palo Alto, City of El Cerrito, City of El Monte, City of El Segundo, City of Emeryville, City of Eureka, City of Exeter, City of Fairfax, City of Fairfield, City of Gardena, City of Gilroy, City of Glendale, City of Gonzales, City of Greenfield, City of Grover Beach, City of Guadalupe, City of Gustine, City of Hawthorne, City of Hayward, City of Hercules, City of Hermosa Beach, City of Holtville, City of Huntington Beach, City of Huron, City of Indio, City of Inglewood, City of Irwindale, City of La Habra, City of Lakewood, City of La Palma, City of La Verne, City of Lawndale, City of Lindsey, City of Long Beach, City of Los Alamitos, City of Los Altos, City of Los Angeles, Los Angeles County, City of Lynwood, City of Malibu, City of Mammoth Lakes, City of Maywood, City of Menlo Park, City of Modesto, City of Montclair, City of Monterey, City of Monterey Park, City of Moreno Valley, City of Mountain View, City of Norwalk, City of Oakland, City of Orange Cove, City of Oroville, City of Pacific Grove, City of Palm Springs, City of Palo Alto, City of Paramount, City of Pasadena, City of Pico Rivera, City of Piedmont, City of Pinole, City of Placentia, City of Pleasant Hill, City of Pomona, City of Port Hueneme, City of Porterville, City of Rancho Palos Verde, City of Redondo Beach, City of Redwood City, City of Rialto, City of Richmond, City of Riverside, City of Sacramento, City of Salinas, City of San Bernardino, City of Buenaventura (Ventura), City of San Francisco, City of San Gabriel, City of San José, City of San Leandro, City of San Luis Obispo, City of San Marino, City of San Pablo, City of Sanger, City of Santa Ana, City of Santa Barbara, City of Santa Cruz, City of Santa Monica, City of Seal Beach, City of Seaside, City of Sierra Madre, City of Soledad, City of South Pasadena, City of Stanton, City of Stockton, City of Sunnyvale, City of Torrance, City of Tulare, City of Waterford, City of Watsonville, City of Westminster, City of Whittier, City of Winters, City of Woodlake, Does 1-50; Court: Superior Court of California, County of Los Angeles; Case No: BC462270; Amount of Money or Other Relief Sought: Damages according to proof. (20) Seibert v. City of San José. Names of Parties Involved: Grant Seibert, City of San José, San José Civil Service Commission, Debra Figone as San José City Manager, Alex Gurza as San

## CLOSED SESSION (Cont'd.)

José Director of Employee Relations, William McDonald as Fire Chief for the San José Fire Department, Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-11CV 204096; Amount of Money or Other Relief Sought: Damages According to Proof. (21) Debra Ward and Patricia Tapia, v. City, Fire Chief William McDonald, et al. Names of Parties Involved: Debra Ward, Patricia Tapia, City of San José, Fire Chief William McDonald; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV203561; Amount of Money or Other Relief Sought: Damages According to Proof. (22) California Building Industry Association v. City, et al. Names of Parties Involved: California Building Industry Association, A California Nonprofit Corporation, City of San José, A California Municipal Corporation, City Council and Mayor of the City of San José, Does 1-200; Court: Superior Court of California, County of Santa Clara; Case No: 1-10-CV-167289; Amount of Money or Other Relief Sought: Declaratory and injunctive relief. (23) Cu Thanh Nguyen v. City of San José. Names of Parties Involved: Cu Thank Nguyen, City of San José. Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-268209; Amount of Money or Other Relief Sought: Damages According to Proof. (24) Heather Seacrist v. City of San José. Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-264010; Amount of Money or Other Relief Sought: Damages According to Proof. (25) Fetsum K. Zewoldemarian v. City. Names of Parties Involved: Fetsum K. Zewoldemarian, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-258237; Amount of Money or Other Relief Sought: Damages According to Proof. (26) Andy's BP, Inc. et al. v. City of San José, et al. Names of Parties Involved: Andy's BP, Inc. A California Corporation, Sabek, Inc., A California Corporation, Andy Saberi, an individual, Transportation and Environment Committee City of San José, Joseph Horwedel, individually, Amir Shirazi, individually, dba Moe's Stop, Amir Shirazi, Trustee for the Mohammad M. Shirazi Living Trust, Does 1-25; Court: U.S. District Court, Northern District of California, San José Division; Case No: 12-CV-01631 LHK; Amount of Money or Other Relief Sought: Damages According to Proof. (27) Berg & Berg Enterprises, LLC v. City, et al. Names of Parties Involved: Berg & Berg Enterprises, LLC, City of San José, San José City Council, Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 1-07-CV-091955; Amount of Money or Other Relief Sought: Damages According to Proof. (28) California Clean Energy Committee v. City, et al. Names of Parties Involved: California Clean Energy Committee, City of San José, Does 1-50, FWSH Partners II, LLC, Edward D. Storm, Does 51-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV-212623; Amount of Money or Other Relief Sought: Injunctive relief. (29) City of Milpitas v. City, et al. Names of Parties Involved: City of Milpitas, a public entity, City of San José, public entity, Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233069; Amount of Money or Other Relief Sought: Petition for writ of mandate. (30) Stand for San José, et al. v. City, et al. Names of Parties Involved: Stand for San José, Eileen Hannan, City of San José, City Council of the City of San José, Redevelopment Agency of the City of San José, Diridon Development Authority; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV-214196; Amount of Money or Other Relief Sought: Injunctive relief. (31) Stand for

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San José, et al. v. City, et al. Names of Parties Involved: Stand for San José, Eileen Hannan, Michelle Brenot, Robert Brown, Robert Shields, City of San José, City Council of the City of San José, Successor Agency to the Redevelopment Agency of the City of San José, Successor Agency Oversight Board, Diridon Development Authority, Does 1-10, inclusive, Athletics Investment Group, LLC, Does 1-20, inclusive; Court: Superior Court of California, In and For the County of Santa Clara; Case No: 1-13-CV-250372; Amount of Money or Other Relief Sought: Writ of Mandamus and Complaint for Declaratory Relief and Injunction Relief and for Attorneys Fees. (32) Stand for San José, et al. v. City, et al. Names of Parties Involved: Stand for San José, Eileen Hannan, Michelle Brenot, Robert Brown, Karen Shirey, Fred Shirey, Robert Shields, City of San José, Successor Agency to the Redevelopment Agency of the City of San José, Oversight Board of the Successor Agency to the Redevelopment Agency of the City of San José, Diridon Development Authority, Does 1-10; Court: Superior Court of California, In and for the County of Sacramento; Case No: 34-2014-80001905-CU-WM-GDS; Amount of Money or Other Relief Sought: Writ of Mandamus and Complaint for Declaratory Relief and Injunction Relief and for Attorneys Fees. (33) Friends of the Willow Glen Trestle v. City of San José, et al. Names of Parties Involved: Friends of the Willow Glen Trestle, an unincorporated association, City of San José, City Council of the City of San José; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No: 1-14-CV-260439; Amount of Money or Other Relief Sought: Damages According to Proof. (34) Alemayehu v. City of San José, et al. Names of Parties Involved: Dawit Alemayehu, the City of San José, the City of San José Police Department, a municipal corporation, Officer Jorge Garibay #4218, a sworn San José Police Officer and as an individual, Sergeant D. Tran Badge #3269, a San José Police Officer and as an individual, Does 1-40; Court: U.S. District Court, Northern Division; Case No: C14-1738 EJD; Amount of Money or Other Relief Sought: Damages According to Proof. (35) Binkovich v. Barthelmy, et al. Names of Parties Involved: Aleksandr Binkovich, City of San José, Officer Barthelemy, Officer Grondahl, Officer Panighetti, Officer Craig, Officer Jacob, Officer Bollendorf; Court: U.S. District Court, Northern District of California, San José Division; Case No: C 11-03774 PSG; Amount of Money or Other Relief Sought: Damages According to Proof. (36) Correa v. City of San José, et al. Names of Parties Involved: Thomas Correa, the City of San José, the San José Police Department (SJPD), Michael Sullivan, individually and in his official capacity as Lieutenant, SJPD, Kimberly Hudson, individually and in her official capacity as Sergeant SJPD; Court: U.S. District Court, Northern District of California, San José Division; Case No: CV12-05436 HRL; Amount of Money or Other Relief Sought: Damages According to Proof. (37) Michael Fujikawa, the City of San José, Police Chief Chris Moore, Officers Payne (Badge #3971), Officer Pfiefer (Badge #3951), Officer Jeffrey (Badge #3926), Officer Burke (Badge #3949), Officer Akery (Badge #3495) and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-219612; Amount of Money or Other Relief Sought: Damages According to Proof. (38) Gonzales v. City of San José, et al. Names of Parties Involved: Mary Lou Gonzales, City of San José, as a municipal corporation, SJPD Detective Yvonne Delacruz in her official and individual capacity, SJPD Sgt. Archer, in his official and individual capacity, SJPD Homicide Detective

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Jamie (last name unknown) in his individual and official capacity, SJPD Officers Doe 1 to Doe 7 in their individual and official capacities, SJPD Officers and Detectives and Employees Doe 8-50 in their individual and official capacities; Court: U.S. District Court, Northern District of California, San José Division; Case No: 13-CV-00695-BLF (PSG); Amount of Money or Other Relief Sought: Damages According to Proof. (39) Luis Hernandez and Cindy Calderon v. City of San José, et al. Names of Parties Involved: Luis Hernandez, Cindy Calderon, City of San José, Ernie Alcantar individually and in his official capacity as Captain, SJPD, James Werkema, individually and in his official capacity as Lieutenant, SJPD; Court: U.S. District Court, Northern District of California, San José Division; Case No: CV12-02952 HRL; Amount of Money or Other Relief Sought: Damages According to Proof. (40) Hernandez, Yanira v. City, Geoffrey Evatt Graves, et al. Names of Parties Involved: City of San José, Geoffrey Evatt Graves, Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 114CV270467; Amount of Money or Other Relief Sought: Damages According to Proof. (41) Kerkeles v. City of San José, et al. Names of Parties Involved: Michael Kerkeles, aka Michael Kerk, City of San José, Matthew Christian, Does 1-25; Court: Superior Court of California, County of Santa Clara; Case No: 1-08-CV103523; Amount of Money or Other Relief Sought: Damages According to Proof. (42) Hung Lam v. City of San José, et al. Names of Parties Involved: Hung Lam, individually, through his next friend, Kathy Lam, City of San José, a municipal corporation, Larry Esquivel, in his capacity of Chief of Police for the City of San José, Officer Dondi West, individually and in her official position; Court: U.S. District Court, Northern District of California, San José Division; Case No: 14-CV-00877 PSG; Amount of Money or Other Relief Sought: Damages According to Proof. (43) JoAnn Rice, American Savin, et al. v. City, et al. Names of Parties Involved: JoAnn Rice, America Savin, Perry Nelson, W.N., a minor, by and through his Guardian ad Litem, America Savin, City of San José, San José Police Department, Does 1-10; Court: U.S. District Court; Case No: 2:13-CV-00334-KJM-CKD; Amount of Money or Other Relief Sought: Damages According to Proof. (44) Lori Rodriguez v. City of San José. Lori Rodriguez, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-241669; Amount of Money or Other Relief Sought: Damages According to Proof. (45) Sutter's Place, Inc. dba Bay 101 v. City of San José. Names of Parties Involved: Sutter's Place, Inc. dba Bay 101, City of San José, the Division of Gaming Control; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-258057; Amount of Money or Other Relief Sought: Damages According to Proof. (46) Vasquez v. City, et al. Names of Parties Involved: Ramon Rose Vasquez, Brian Ferrante, Individually and as an Officer of the San José Police Department, Tom Morales, Individually as an Officer of the San José Police Department, Does 1-50; Court: U.S. District Court, Northern District of California, San José Division; Case No: CV10-00948 LKH; Amount of Money or Other Relief Sought: Damages According to Proof. (47) Watson-Stalker, et al. v. City, et al. Names of Parties Involved: Tracy Watson, Renee Stalker, Olivia Stalker, Shafer Watson, Riley Watson, County of Santa Clara, County of Santa Clara Department of Family and Children Services, County of Santa Clara Department of County Counsel, County of Santa Clara District Attorney's Office, Santa Clara Valley Medical Center, Evergreen School District,

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City of San José San José Police Department, Norma Sparks, Yazmina Letona, Sharon Burgan, Jewels Ramirez, Vu Tran, Ann Miller Ravel, Rima Singh, Aaron West, George Kennedy, Clifton Black, Rose Real, Robert Pruitt, Cheryl Harms, Claudia Blodgett, Gary Kishimoto, John Hamilton, Anita Noble, Janet Kahle, Mary Ritter, David Kearns, Rajul Kazi, Rob Davis, William Hoyt, Craig Blank; Court: U.S. District Court, Northern District of California, San José Division; Case No: C06-04029 RMW; Amount of Money or Other Relief Sought: Damages According to Proof. (48) City v. Rossdruiscesenbery Architecture, Inc., et al. Names of Parties Involved: City of San José, Rossdruiscesenbery Architecture, Inc., aka Michael Ross, Charles Drulis Architects and Planners, a purported California corporation, 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. (49) Camacho v. CSJ, et al. Names of Parties Involved: Carolina Camacho, individually and as Successor in Interest to Jessenia Camacho-Torres, deceased, the City of San José, Amy M. Dorr, Sarah R. Cox; Court: Superior Court of California, County of Santa Clara; Court of Appeal of the State of California, Sixth Appellate District; Case No: No. H041762; Amount of Money or Other Relief Sought: Damages According to Proof. (50) Joseph Longtin v. City of San José, et al. Joseph Longtin, City of San José, Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-269410; Amount of Money or Other Relief Sought: Damages According to Proof. (51) Herrera, et al. v. City, et al. Names of Parties Involved: Martha Herrera, Michelle Rodriguez, Jessica Rodriguez, Minors, By and Through Their Guardian Ad Litem Martha Herrera, City of San José, John Doe, John Doe Company, et al; Court: Superior Court of California, County of Santa Clara; Case No: 1-10-CV-165689; Amount of Money or Other Relief Sought: Damages According to Proof. (52) Deanna Smith and Johnny Garcia v. City of San José, Santa Clara Valley Transportation Authority, et al. Names of Parties Involved: Deanna Smith, Johnny Garcia, City of San José, a public entity, Santa Clara Valley Transportation Authority, a public entity, Union Pacific Railroad Company, Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-271771; Amount of Money or Other Relief Sought: Damages According to Proof. (53) Ildio Avila, Angelina Avila, Sonny Avila, a minor, Dominic Avila, a minor, Jovina Avila, a minor v. Oscar Chacon, Mayra Ortega, Blanca Martinez, City of San José. Names of Parties Involved: Ildio Avila, Angelina Avila, Sonny Avila, a minor, Dominic Avila, a minor, Jovina Avila, a minor v. Oscar Chacon, Mayra Ortega, Blanca Martinez, City of San José, Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-245894; Amount of Money or Other Relief Sought: Damages According to Proof. (54) Lisa Blevins v. City of San José. Names of Parties Involved: Lisa Blevins, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV270060; Amount of Money or Other Relief Sought: Damages According to Proof. (55) City of San José v. County of Santa Clara. Names of Parties Involved: City of San José, a municipal corporation, as Successor Agency to the Redevelopment Agency of the City of San José, Vinod K. Sharma, individually, and in his official capacity as Santa Clara County Director of Finance, County of Santa Clara; Court: Superior Court of California, County of Santa Clara; Case No: 34-2012-80001190; Amount of Money or Other Relief



## CLOSED SESSION (Cont'd.)

Sought: Damages According to Proof. (56) Ted Smith v. City, et al. Names of Parties Involved: Ted Smith, City of San José, a municipal entity, San José Redevelopment Agency, a municipal entity, Harry Mavrogenes, in his official capacity as Executive Director of the San José Redevelopment Agency, Mayor Chuck Reed, in his official capacity as Mayor of the City of San José, Pete Constant, in his official capacity as a Council Member for the City of San José, Ash Kalra, in his official capacity as a Council Member for the City of San José, Sam Liccardo, in his official capacity as a Council Member for the City of San José, Pierluigi Oliverio, in his official capacity as a Council Member for the City of San José, Madison Nguyen, in his official capacity as a Council Member for the City of San José, Rose Herrera, in his official capacity as a Council Member for the City of San José, Judy Chirco, in his official capacity as a Council Member for the City of San José, Kansan Chu, in his official capacity as a Council Member for the City of San José, Nora Campos, in his official capacity as a Council Member for the City of San José, Nancy Pyle, in his official capacity as a Council Member for the City of San José, Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No: 1-09-CV-150427; Amount of Money or Other Relief Sought: Damages According to Proof. (57) Vietnamese-American Community of Northern California v. City, et al. Names of Parties Involved: Vietnamese-American Community of Northern California, City of San José, 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. (58) Raymond and Michelle Plata v. City of San José. Names of Parties Involved: Raymond and Michelle Plata, individually and on behalf of other members of a class of similarly situated residents and taxpayers, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-258879; Amount of Money or Other Relief Sought: Declaratory Relief, Injunctive Relief. (B) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Designee Jennifer Schembri; Interim 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;

## **CLOSED SESSION (Cont'd.)**

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.

By unanimous consent, Council recessed from the Closed Session at 11:40 a.m. and reconvened to Regular Session at 1:33 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**

David Perez, Santa Clara County's Poet Laureate recited "Partial Eclipse" for the Invocation. (District 4)

## **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 Pierluigi Oliverio and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (11-0.)

## CEREMONIAL ITEMS

### 1.1 Presentation of a proclamation declaring the month of April 2015 as “Young Child Awareness Month” in the City of San José. (Oliverio) (Rules Committee referral 4/1/15)

Mayor Sam Liccardo and Council Member Pierluigi Oliverio recognized the month of April 2015 as “Young Child Awareness Month” in the City of San José.

## CONSENT CALENDAR

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

### 2.1 Approval of Minutes.

There were none.

### 2.2 (a) **ORD. NO. 29545** – Rezoning certain real property of approximately 8.0 gross acres situated at the southwest corner of West San Carlos and Sunol Streets and extending to Auzerais Avenue from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. **PDC13-004 CEQA: Ohlone Mixed Use EIR Resolution No. 09064, File No. PDC08-061.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29545 executed on March 20, 2015, submitted by the City Clerk.

Action: Ordinance No. 29545 was adopted. (11-0.)

### (b) **ORD. NO. 29546** – Amending Title 20 of the San José Municipal Code to add a new Section 20.80.1915 to Chapter 20.80, to amend Sections 20.20.100 of Chapter 20.20, 20.30.100 and 20.30.140 of Chapter 20.30, 20.40.100 of Chapter 20.40, 20.50.100 of Chapter 20.50, 20.70.100 of Chapter 20.70, 20.75.200 of Chapter 20.75 and 20.100.1230 of Chapter 20.100 related to the issuance of administrative permits for certain modifications to existing wireless towers and base stations consistent with federal law, Section 6409(A) of the Middle Class Tax Relief and Job Creation Act of 2012 and Federal Communications Commission Report and Order FCC-14-153, and to make other technical, non-substantive, or formatting changes within Title 20. CEQA: Not a Project, File No. PP10-068(c), Municipal Code amendments that involve no changes to the physical environment. **Title 20**

**2.2 (b) (Cont'd.)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29546 executed on April 1, 2015, submitted by the City Clerk.

Action: Ordinance No. 29546 was adopted. (11-0.)

**2.3 Approval of Council Committee Reports.**

**(a) Rules and Open Government Committee Report of March 11, 2015. (Mayor)**

**(c) Rules and Open Government Committee Report of March 18, 2015. (Mayor)**

Documents Filed: The Rules and Open Government Committee Reports dated March 11, 2015 and March 18, 2015.

Action: The Rules and Open Government Committee Reports were approved. (11-0.)

**(b) Neighborhood Services and Education Committee Report of March 12, 2015. (Rocha)**

**(d) Public Safety, Finance, and Strategic Support Committee Report of March 19, 2015. (Oliverio)**

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

Action: Deferred to April 14, 2015 per City Clerk.

**2.4 (a) Request for an excused absence for Council Member Carrasco from the Regular Meeting of the Rules and Open Government Committee on March 18, 2015 due to illness.**

**(b) Request for an excused absence for Council Member Carrasco from the Regular Meeting of the Public Safety, Finance, and Strategic Support Committee on March 19, 2015 due to illness.**

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

Documents Filed: Memoranda from Council Member Magdalena Carrasco, dated March 18, 2015 and March 23, 2015, requesting excused absences due to illness.

Action: The absences for Council Member Magdalena Carrasco were 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 As recommended by the Rules and Open Government Committee on March 25, 2015:**
- (a) Retroactively approve the Cesar Chavez Day Flag Raising on March 30, 2015 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, File No. PP10-069(c), City Organizational Activities. (Kalra)  
[Rules Committee referral 3/25/15 – Item G(1)(a)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 25, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Cesar Chavez 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.)

- 2.8 Approve an agreement between the County of Santa Clara and the City of San José for the City’s development and operation of a 1.5 acre community garden site within Martial Cottle Park. CEQA: Exempt, File No. PP14-050. Council District 10. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Interim Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated March 16, 2015, recommending approval of an agreement.

Council Member Johnny Khamis clarified the recommendations in his motion to approve.

Council Member Johnny Khamis moved approval of the Staff recommendations with a clarification to adopt a resolution as described below in “Action”. Council Member Pierluigi Oliverio seconded the motion.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77311, 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 for the City’s Development and Operation of a 1.5 Acre Community Garden Site Within Martial Cottle Park”, was adopted. (11-0.)

- 2.9 Report on bids and award of contract for the 6896 - Sanitary Structures Cover Plate Repair Project to the sole bidder, JMB Construction, Inc., in the amount of \$1,047,160 and approval of a contingency in the amount of \$209,432. CEQA: Exempt, File No. PP15-004. Council Districts 3, 4, and 7. (Public Works)**

**2.9 (Cont'd.)**

Documents Filed: Memorandum from Interim Director of Public Works Barry Ng, dated March 16, 2015, recommending award of the contract to the sole bidder.

Action: The report on bids and award of contract for the 6896 Sanitary Structures Cover Plate Repair Project to the sole bidder, JMB Construction, Inc., in the amount of \$1,047,160, with related contingency, was approved. (11-0.)

**2.10 Adopt a resolution summarily vacating a portion of a Public Service Easement located on private property (APN 434-12-106) on the northwest corner of Palm Street and West Alma Avenue. CEQA: Exempt, File No. PD08-020. Council District 6. (Public Works)**

Documents Filed: Memorandum from Interim Director of Public Works Barry Ng, dated March 16, 2015, recommending adoption of a resolution.

Director of Transportation Hans Larsen responded to questions from Council Member Raul Peralez.

Action: Upon motion by Council Member Raul Peralez, seconded by Council Member Pierluigi Oliverio and carried unanimously, Resolution No. 77312, entitled: “A Resolution of the Council of the City of San José Summarily Vacating a Portion of a 10 Foot Public Service Easement Within a Private Property On the Northwest Corner of Palm Street and West Alma Avenue”, was adopted. (11-0.)

**2.11 Approve an ordinance updating Title 11 of the San José Municipal Code addressing the authority for designating bicycle lanes to align with current practice and in recognition of the City Council’s approval of a City Bike Plan. CEQA: Not a Project, File No. PP10-068(c), Code or policy change that involve no changes in the physical environment. (Transportation)**

Documents Filed: City Council Action Request from Director of Transportation Hans Larsen, dated March 16, 2015, recommending approval of an ordinance.

Action: Ordinance No. 29547, entitled: “An Ordinance of the Council of the City of San José Amending Section 11.08.101 of Title 11 of the San José Municipal Code to Update the Title of the Director of Transportation and Amending Section 11.16.100 of Chapter 11.16 of Title 11 and Repealing Section 11.72.180 of Title 11 Relating to the Creation of Bicycle Lanes”, was passed for publication. (11-0.)

**2.12 Approve an increase to the contract contingency for the 2013 Slurry Seal Project in the amount of \$45,124 for a total contingency amount of \$103,756. CEQA: Exempt, File No. PP11-035. (Transportation)**

Documents Filed: City Council Action Request from Director of Transportation Hans Larsen, dated March 16, 2015, recommending approval of an increase to the contract contingency.

Action: An increase to the contract contingency for the 2013 Slurry Seal Project in the amount of \$45,124 for a total contingency amount of \$103,756 was approved. (11-0.)

**2.13 As recommended by Rules and Open Government Committee on March 25, 2015, approve a support position for SB 9 (Beall) – Greenhouse Gas Reduction Fund: Transit and Intercity Rail Capital Program. CEQA: Not a Project, File No. PP10-069(d), Legislative Positions. (Transportation)  
[Rules Committee referral 3/25/15 – Item G(2)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 25, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: A support position for SB 9 (Beall) – Greenhouse Gas Reduction Fund: Transit and Intercity Rail Capital Program was approved. (11-0.)

**2.14 Approve a grant agreement with Ballet San José Silicon Valley for a special grant in the amount of \$105,000 to support operations. This special grant of \$105,000 will be in addition to the previously awarded grant for FY 2014-2015 in the amount of \$206,768 for a total grant award of \$311,768. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 3. (Economic Development)  
(Rules Committee referral 4/1/15)**

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Welsh, dated March 30, 2015, recommending approval of a grant agreement and noting that the Arts Commission took action to recommend that the City fund the Ballet with a special grant of \$105,000 from Transient Occupancy Tax Funds.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Speaking in support to the Staff recommendations were Rick Holden, San José Arts Commission; Sharon Mandell; and Stephanie Southwick, Jose Carreno, Alan Hinline and Millicent Powers, Ballet San José,

Mayor Sam Liccardo presented his recommendations as described in “Action” on Page 16.

City Attorney Richard Doyle and Director of Cultural Affairs Kerry Adams Hapner responded to Council questions and concerns.

## 2.14 (Cont'd.)

Motion: Council Member Raul Peralez moved approval of the Mayor's recommendations and the Staff recommendations. Vice Mayor Rose Herrera seconded the motion.

Council discussion ensued.

Action: On a call for the question, the motion carried, Mayor Sam Liccardo's recommendations were approved as follows: (a) The grant agreement with Ballet San José Silicon Valley was approved with the following requirements: (1) Convert the special grant of \$105,000 to a challenge grant with a 3:1 fundraising match, specifically from new funds raised from new donors for Phase 3 of the Ballet's fundraising campaign. The donors should be new or renewed, not donated to the Ballet within the last 5 years. (2) The Ballet shall provide documentation of new donors and amounts to the Office of Cultural Affairs Staff. (b) Should the Ballet not demonstrate the ability to raise this amount of funds from new donors, the proportionate amount will be reduced from the Ballet's Operating Grant for next fiscal year and should come to the Council as part of a Manager's Budget Addenda (MBA) in the budget process. (c) The City will monitor Ballet's progress according to the terms and requirements spelled out in the Agreement in Exhibit A: (1) The Ballet will provide written monthly reports on the progress of its fundraising campaign. (2) The report will also include progress on financial, programmatic and capacity-building milestones achieved during the month and those anticipated for the following month. (3) Each monthly report will include updated financial statements including a cash flow projection. (10-1. Noes: Rocha.)

### END OF CONSENT CALENDAR

## STRATEGIC SUPPORT SERVICES

- 3.3 As recommended by the Public Safety, Finance, and Strategic Support Committee on March 19, 2015, accept the Audit on Fund Balance and Reserves. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Auditor)**

Action: Deferred to April 14, 2015 Per Administration.

## COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 As recommended by the Community and Economic Development Committee on February 23, 2015:**
- (a) **Receive a verbal report on the Friends of Levitt San José Exploratory Committee regarding the feasibility of a performance venue in Saint James Park. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports.**



- 4.1 (b) Accept the *Levitt Pavilions Exploratory Committee: Building Community Through Music Report* and endorse the community moving forward with its business planning, fundraising and entity formation. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.**  
**(Economic Development/Parks, Recreation and Neighborhood Services)**  
**[Community and Economic Development Committee 2/23/15 – Item D(2)]**  
**(Deferred from 3/17/15 – Item 4.2 and 3/24/15 – Item 4.2)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Members Peralez and Khamis, dated April 3, 2015, recommending acceptance of the Staff report, endorse the concept of Levitt Pavilion in St. James Park with direction as described in “Action”. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated March 12, 2015, transmitting the recommendations of the Rules and Open Government Committee. (3) Letter from Jack Wimberly Co-Chair, Levitt Pavilions San José Exploratory Committee, dated January 16, 2015, transmitting The Friends of Levitt San José Exploratory Committee *Building Community Through Music Report* dated December 2014. (4) The Environmental Noise Analysis prepared by Bollard Acoustical Consultants, Inc. dated February 5, 2015. (5) Letter from Benjamin Grant, SPUR, dated April 6, 2015, expressing support to the Friends of Levitt Pavilion Exploratory Committee. (6) Letter from Beverley Bryant, Sainte Claire Historic Preservation Foundation, dated April 4, 2015, expressing historic issues and environmental concerns.

Director of Cultural Affairs Kerry Adams Hapner presented opening remarks. Deputy Director of Parks, Recreation and Neighborhood Services Steve Hammack, Levitt Foundation Executive Director Sharon Yazowski and Jack Wimberly Co-Chair, Levitt Pavilions San José Exploratory Committee presented the report.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Speaking in support to Levitt Pavilion were Josh Burroughs, James Reber, San José Parks Foundation; Dana Grover, Horace Mann Neighborhood; Brian Grayson, Preservation Action Council of San José; Reverend David Bird, Trinity Cathedral; Kymberlie Brady, Levitt Exploratory Committee and Scott Knies, San José Downtown Association.

Michael Craig and Shawn Atkisson, Sainte Claire Club and John Luebber expressed concerns citing issues of parking, not enough bathrooms, various crimes and drugs in the park and urged Council to consider the residents living near the park.

Deputy Director of Parks, Recreation and Neighborhood Services Steve Hammack, Director of Cultural Affairs Kerry Adams Hapner and Levitt Foundation Executive Director Sharon Yazowski responded to Council questions and concerns.

Council Members Peralez, Khamis and Matthews expressed support to the joint memorandum.

#### 4.1 (Cont'd.)

Motion: Vice Mayor Rose Herrera moved approval of the memorandum she cosigned with Mayor Sam Liccardo and Council Members Peralez and Khamis, dated April 3, 2015, recommending acceptance of the Staff report, endorse the concept of Levitt Pavilion in St. James Park with direction as described in "Action". Council Member Raul Peralez seconded the motion.

Council Member Pierluigi Oliverio expressed his opinion that Cesar Chavez Park should also be considered as a location for the venue.

Action: On a call for the question, the motion carried, the memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Members Peralez and Khamis, dated April 3, 2015, was approved, approving the following recommendations: (1) Accept the Staff Report and endorse the concept of Levitt Pavilion in St. James Park. (2) Endorse the community proceeding to form a Levitt Pavilion Steering Committee, which will ultimately become an independent, private non-profit "Friends of Levitt San José." The Committee should have representation from the following stakeholders: (a) Residents (including representation from the Horace Mann Neighborhood Association, Historic Hensley Neighborhood Association, Downtown HOA Coalition, San José Downtown Residents Association); (b) Business; (c) Faith Congregations Fronting St. James Park; (d) Historic Preservation; (e) Arts Advocates; (f) Parks Advocates; (g) Valley Transportation Authority; (h) City of San José; (i) Philanthropy; (j) Homeless Service Providers; (k) San José Department. (3) The Levitt Pavilion Steering Committee shall proceed with a fundraising feasibility study and a preliminary business plan for Levitt Pavilion San José. (4) Direct the City Manager to work with the Levitt Pavilion Steering Committee in an advisory role. Additionally, the City Manager is directed to work with the Committee to determine the following: (a) Operating and maintenance cost and sustainable financial plan that would protect the City's General Fund; (b) Location of Levitt Pavilion within St. James Park; (c) Preliminary Pavilion design that is aesthetically consistent with the federal historical district that encompasses St. James Park; (d) Appropriate level of environmental analysis. (5) Return to Council in six months for an update on the work outlined above. (10-1. Noes: Oliverio.)

## NEIGHBORHOOD SERVICES

### 5.1 **As recommended by the Neighborhood Services and Education Committee on March 12, 2015, accept the report on Place-Based Encampment Pilot Status: Story Road encampment response effort. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Housing)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo and Council Members Peralez, Carrasco and Nguyen, dated April 2, 2015, recommending acceptance of the report with further direction as indicated in "Action". (2) Memorandum from City Clerk Toni J. Taber, CMC, dated March 25, 2015, transmitting the recommendations of the Neighborhood Services and Education Committee.

## 5.1 (Cont'd.)

Interim Director of Housing Jacky Morales-Ferrand presented introductory comments. Homelessness Response Manager Ray Bramson and Senior Development Officer Kelly Hemphill presented the report.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing comments and concerns about how to address homelessness were Sandy Perry, CHAM; Moria Merriweather, Shaunn Cartwright, Phil Olmstead, Ron Johnson, Affordable Housing Network; Jaime Arias and Ray Perez.

Interim Director of Housing Jacky Morales-Ferrand responded to Council questions and concerns.

Motion: Council Member Raul Peralez moved approval of the memorandum he cosigned with Mayor Sam Liccardo and Council Members Carrasco and Nguyen, dated April 2, 2015, recommending acceptance of the report with further direction as indicated in "Action". Vice Mayor Rose Herrera seconded the motion.

Council discussion ensued.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Sam Liccardo and Council Members Peralez, Carrasco and Nguyen, dated April 2, 2015, was approved, with the following recommendations and direction: (1) Accept the Staff report and direct the City Manager to return to the Council in May 2015 with an update and initial work plan, including potential obstacles, funding needs and resources, with specific implementation schedules for initiatives targeted to address homelessness in the coming 18 months, including: (a) Motel/Hotel Conversions; (b) Tiny Homes/Micro-Housing Pilot Project; (c) Safe Parking Program; (d) Downtown Supportive Housing Project; (e) Any other projects or programs that might address homelessness within the next 18 months. (11-0.)

## 5.2 As recommended by the Neighborhood Services and Education Committee on March 12, 2015:

- (a) **Accept staff's update on San José Family Camp at Yosemite (Family Camp).**
- (b) **Direct the City Manager to discuss and negotiate with the United States Forest Service to continue operation of the Family Camp program beyond the current lease agreement which is set to expire December 31, 2016.**

**CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (Parks, Recreation and Neighborhood Services)**

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated March 25, 2015, transmitting the recommendations of the Neighborhood Services and Education Committee. (2) Email from David Braunstein, dated March 23, 2015, expressing advocacy for San José Family Camp.

## 5.2 (Cont'd.)

Interim Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. provided introductory remarks. Art Catbagan, Operations Manager, Family Camp at Yosemite, Jennifer Sorrells, Parks, Recreation and Neighborhood Services and Deputy Director of Parks, Recreation and Neighborhood Services Steve Hammack offered the report.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Speaking in support to San José Family Camp were Shirley Keller, David Lovato, San José Job Corps; Seth Connolly, Tuolumne River Trust; Deborah Hollis and Briana Bonsalk.

Motion: Council Member Johnny Khamis moved approval of the Staff recommendations. Council Member Donald Rocha seconded the motion.

Council discussion ensued.

Action: On a call for the question, the motion carried unanimously, the Staff update on San José Family Camp was approved and the City Manager was directed to discuss and negotiate with the United States Forest Service to continue operation of the Family Camp program beyond the current lease agreement which is set to expire December 31, 2016. (9-0-2. Absent: Oliverio, Peralez.)

## TRANSPORTATION & AVIATION SERVICES

### 6.1 **Approve Master Consultant Agreements with two firms, AECOM and Gensler, for on-call engineering, architectural and program management services to support implementation of the Airport Capital Improvement Program for a term from the date of Council approval to June 30, 2020, in an amount not to exceed \$6,000,000 for each Agreement. CEQA: Not a project, File No. PP10-066(d), Consultant Services for Design/Study/Research/ Inspection. (Airport)**

Documents Filed: Memorandum from Director of Aviation Kim Becker Aguirre, dated March 16, 2015, recommending approval of the master consultant agreements.

Action: Upon motion by Council Member Donald Rocha, seconded by Council Member Johnny Khamis and carried unanimously, the Master Consultant Agreements with two firms, AECOM and Gensler, for on-call engineering, architectural and program management services to support implementation of the Airport Capital Improvement Program for a term from the date of Council approval to June 30, 2020, in an amount not to exceed \$6,000,000 for each Agreement were approved. (9-0-2. Absent: Oliverio, Peralez.)

- 6.2 (a) **Approve the award of a construction contract for the 2015 Remove and Replace Asphalt Concrete Pavement Project, to the lowest responsive bidder, MCK Services, Inc. in the amount of \$4,037,950.**
- (b) **Approve a fifteen percent contingency in the amount of \$605,693.**  
**CEQA: Exempt, File No. PP11-035. (Transportation)**

Documents Filed: Memorandum from Director of Transportation Hans Larsen, dated March 16, 2015, recommending approval of the contract with related contingency.

Director of Transportation Hans Larsen presented the Staff report and responded to Council questions and concerns.

Action: Upon motion by Council Member Chappie Jones, seconded by Council Member Ash Kalra and carried unanimously, the award of a construction contract for the 2015 Remove and Replace Asphalt Concrete Pavement Project, to the lowest responsive bidder, MCK Services, Inc. in the amount of \$4,037,950 with related contingency was approved. (9-0-2. Absent: Oliverio, Peralez.)

## **PUBLIC SAFETY SERVICES**

- 8.1 **As recommended by the Public Safety, Finance, and Strategic Support Committee on March 19, 2015, accept the annual report on the impact of cardroom gambling on crime in the San José metropolitan area. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Police)**  
**[Public Safety, Finance, and Strategic Support Committee referral 3/19/15 – D(2)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 25, 2015, transmitting the recommendations of the Public Safety, Finance and Strategic Support Committee.

Action: Upon motion by Council Member Donald Rocha, seconded by Council Member Tam Nguyen and carried unanimously, the annual report on the impact of cardroom gambling on crime in the San José metropolitan area was accepted. (9-0-2. Absent: 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>
10280	5000 Pearl Avenue	9	Pearl Avenue Partners, LP	18 Lots/ 13 Units	SFD	Approve

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lot/Unit</u>	<u>Type</u>
10263	Dove Hill Road	8	Dove Hill of San José, LLC	18 Lots/ 17 Units	SFD
10300	Communications Hill Blvd & Casselino Dr.	7	KB Home, Inc.	177 Lots 314 Units	SFD, MFA

**OPEN FORUM**

- (1) Danny Frietas expressed concern about the overconcentration of massage parlors in his neighborhood. Mayor Sam Liccardo requested that Interim Assistant City Manager David Sykes provide Mr. Frietas with contact information in Code Enforcement.
- (2) Carol Yeakel voiced her own personal issues.
- (3) Blair Beekman expressed views about streamlining and efficiency in City government and opined about the drone program.

**ADJOURNMENT**

The Council of the City of San José was adjourned at 7:01 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk

smd/04/07/15 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.