

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MARCH 17, 2015

The Council of the City of San José convened in Regular Session at 9:08 a.m. in the Council Chambers at City Hall.

Present: Councilmembers - Carrasco, Herrera, Jones, Kalra, Khamis, Matthews, Nguyen, Oliverio, Peralez, Rocha.

Absent: Councilmembers - Liccardo. (Excused)

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

Documents Filed: Email correspondence from Jon Max Reger, dated February 27, 2015.

Public Comments: Jon Max Reger, addressing his letter of February 27, 2015 offered criticism regarding the 'extended step freeze'.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:10 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) In re: Claim of Cunningham; Amount of Money or Other Relief Sought: Administrative Appeal; (2) IAFF Local 230 v. City of San José; Names of Partie(s) Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-969-M; Amount of Money or Other Relief Sought: Damages According to Proof; (3) IFPTE Local 21 v. City of San José; Names of Partie(s) Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages According to Proof; (4)

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American Federation of State, County & Municipal Employees, et al. v. City; Names of Partie(s) Involved: American Federation of State, County & Municipal Employees, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof; (5) American Federation of State, County & Municipal Employees, et al. v. City; Names of Partie(s) Involved: American Federation of State, County & Municipal Employees, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-972-M; Amount of Money or Other Relief Sought: Damages According to Proof; (6) OE#3 v. City of San José; Names of Partie(s) Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-900-M; (7) 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. (8) 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. (9) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574; Amount of Money or Other Relief Sought: Challenge to Measure B. (12) 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; (13) Citizens Against Airport Pollution v. City, et al.; Names of Partie(s)

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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; (14) SJJC Aviation Services, LLC v. City of San José, et al.; Names of Partie(s) Involved: SJJC Aviation Services, LLC v. City of San José; City Council of the City of San José and Does 1 through 25; Court: Superior Court of California, County of Santa Clara.; Sixth Appellate District, San José Division; Case No: 1-13-CV-246057; H041946; Amount of Money or Other Relief Sought: Damages According to Proof; (15) Shahrivar, Farid v. City, et al.; Names of Partie(s) Involved: Farid Shahrivar, City of San José, a municipality; Rodney Rapson, and individual; David Sykes, an individual; Harry Freitas, an individual; Katherine Jensen, and individual; David Printy, an individual; Danny Tsao, an individual; Katrina Allen, an individual; Dough Baker, an individual; Alex Gurza, an individual; Sarah Nunes, an individual; Les White, an individual; Allen Demers, an individual; Rajiv Das, an individual; Adam Stempel, an individual; Steve Pagan, an individual; Angela Chen, an individual; Mark Danaj, an individual; Robert Fabela, an individual; Susan Lacy and Does 1 through 45; Court: U.S. District Court, Oakland Division; Case No.: CV-10-01029 PSG; Amount of Money or Other Relief Sought: Damages According to Proof; (16) Great Oaks Water, Inc. v. City, et al.; Names of Partie(s) 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 through 100; Court: Superior Court of California, County of Santa Clara; Case No: 1-04-CV-012008; Amount of Money or Other Relief Sought: Damages According to Proof; (17) San Francisco Baykeeper v. City, et al.; Names of Partie(s) Involved: San Francisco Baykeeper; City of San José, San José Department of Transportation; San José Public Works Department; San José Environmental Services Department; United States District Court, Northern District of California; Case No.: 15-CV-00642-HRL; Amount of Money or Other Relief Sought: Damages According to Proof; Declaratory Relief, Injunctive Relief; (18) County of Alameda, et al. v. AMBAC Financial, et al.; Names of Partie(s) 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 Corporation of Illinois, a/k/a Natinoal Public Finance Guarantee Corporation; Syncora Guarantee, Inc., f/k/a XL Capital Assurance, Inc.; Financial Guaranty Insurance Company; Financial Security Assurance, Inc.; CIFG Assurance North America, Inc.; Assured Guaranty Corp.; Jason Kissane; Does 1 through 50; Court: Superior Court of California, in and for the City and County of San Francisco; Case No: CJC-08-004555; Amount of Money or Other Relief Sought: Damages According to Proof; (19) RDA/City vs. Bank of America, N.A., et al; Names of Partie(s) Involved: City of San José; the San José Redevelopment Agency, Bank of America, N.A.

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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 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, L.P., Goldman Sachs Bank USA, CDR Financial Products, Winters & Co., Advisors, LLC, George IK. Baum & Co., Sound Capital Management, Inc., Investment Management Advisory Group, Inc., First Southwest Company, PFM Investment, LLC., PFM Asset Management LLC; United States District Court, Northern District of California; Case No. CV 10 2199; Amount of Money or Other Relief Sought: Damages According to Proof; (20) Sipple, et al. v. City of Alameda, et al.; Names of Partie(s) 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 Grove, 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 Pinol, 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, Richmond, City of Riverside, City of Sacramento, City of Salinas, City of San Bernardino, City of Buena Ventura (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 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; (21) Seibert v. City of San José; Names of Partie(s) Involved: Grant Seibert, City of San

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José, San José Civil Service Commission, Debra Figone as San José City Manager, Alex Gurza as San José Director of Employee Relations, William McDonald as Fire Chief for San José Fire Department, Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV-204096; Amount of Money or Other Relief Sought: Damages According to Proof; (22) Ward, Debra and Patricia Tapia v. City, Fire Chief William McDonald, et al.; Names of Partie(s) 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-CV-203561; Amount of Money or Other Relief Sought: Damages According to Proof; (23) California Building Industry Association v. City, et al.; Names of Partie(s) 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: Damages Declaratory and injunctive relief; (24) Nguyen, Cu Thanh v. City of San José; Names of Partie(s) Involved: Cu Thanh 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; (25) Heather Seacrist v. City, et al.; Names of Partie(s) Involved: Heather Seacrist; 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; (26) Zewoldemariam, Fetsum K. v. City; Names of Partie(s) Involved: Fetsum Zewoldemariam, 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; (27) Andy's BP, Inc. et al, v. City of San José, et al; Names of Partie(s) Involved: Andy's BP, Inc., a California corporation, Sabek, Inc., a California corporation and Andy Saberi, an individual, the City of San José, Joseph Horwedel, individually, and Amir Shirazi, individually and dba Moe's Stop, and Amir Shirazi, as Trustee for the Mohammad M. Shirazi Living Trust, and Does 1-25; Court: U.S. District Court, San José Division; Case No.: 12-CV-01631 LHK; Amount of Money or Other Relief Sought: Damages According to Proof; (28) Berg & Berg Enterprises, LLC v. City, et al.; Names of Partie(s) Involved: Berg & Berg Enterprises, LLC, City of San José; San José City Council, and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 1-07-CV-091955; (29) California Clean Energy Committee v. City, et al.; Names of Partie(s) Involved: California Clean Energy Committee, City of San José; Does 1-50; FWSH Partners II, LLC; Edward D. Storm; and 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; (30) City of Milpitas v. City, et al.; Names of Partie(s) Involved: City of Milpitas, a public entity, City of San José, a public entity and 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; (31) Stand for San José, et al. v. City, et al.; Names of Partie(s) Involved: Stand for San José and 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: Santa Clara County Superior Court; Case No.: 1-11-CV-214196; Amount of Money or

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Other Relief Sought: Injunctive relief; (32) Stand for San José, et al. v. City, et al.; Names of Partie(s) Involved: Stand for San José; Eileen Hannan; Michelle Brenot; Robert Brown and 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 through 10, inclusive; Athletics Investment Group, LLC; Does 1 through 20, inclusive; Court: Superior Court of California, 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 Attorney's Fees; (33) Stand for San José, et al. v. City, et al.; Names of Partie(s) Involved: Stand for San José; Eileen Hannan; Michelle Brenot; Robert Brown, Karen Shirey; Fred Shirey; and 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 through 10; Court: Superior Court for the State 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 Attorney's Fees; (34) Friends of the Willow Glen Trestle, an unincorporated association; City of San José and City Council of the City of San José; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No: 1-14-CV-260436; Amount of Money or Other Relief Sought: Damages According to Proof; (35) Alemayehu v. City of San José, et al.; Names of Partie(s) Involved: Dawit Alemayehu; the City of San José and the City of San José Police Department, a municipal corporation; Officer Jorge Garibay #4218; a sworn San José police officer and as an individual; Sgt. D. Tran Badge #3269k, a San José police officer and as an individual; and Does 1 through 40; United States District Court, Northern Division; Case No.: C14-1738 EJD; Amount of Money or Other Relief Sought: Damages According to Proof; (36) Binkovich v. Barthelmy, et al.; Names of Partie(s) Involved: Aleksandr Binkovich, City of San José, Officer Barthelemy, Officer Grondahl, Officer Panighetti, Officer Craig, Officer Jacob and Officer Bollendorf; United States District Court, Northern District of California; Case No.: C-11-03774 PSG; Amount of Money or Other Relief Sought: Damages According to Proof; (37) Correa v. City of San José, et al.; Names of Partie(s) 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, San José Division; Case No.: CV-12-05436 HRL; Amount of Money or Other Relief Sought: Damages According to Proof; (38) Fujikawa, Michael v. City, Chief Chris Moore, et al.; Names of Partie(s) Involved: Michael Fujikawa, the City of San José Police Chief Chris Moore, Officers Payne (Badge No. 3971), Officer Pfiefer (Badge No. 3951), Officer Jeffrey (Badge No. 3926), Officer Burke (Badge No. 3949), Officer Akery (Badge No. 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; (39) Gonzales v. City of San José, et al; Names of Partie(s) 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 Jamie (last name unknown) in his

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individual and official capacity; SJPD Officers Doe 1 to Doe 7 in their individual and official capacities; SJPD Officers and Detectives and Employees 8-50 in their individual and official capacities; United States District Court, Northern District of California; Case No.: 13-CV-00695-BLF (PSG); Amount of Money or Other Relief Sought: Damages According to Proof; (40) Hernandez, Luis & Cindy Calderon v. City of San José, et al.; Names of Partie(s) Involved: Luis Hernandez, Cindy Calderon, City of San José, Ernie Alcantar individually and in his official capacity as Captain, SJPD; and James Werkema, individually and in his official capacity as Lieutenant, SJPD; Court: U.S. District Court, San José Division; Case No. CV-12-02952 HRL; Amount of Money or Other Relief Sought: Damages According to Proof; (41) Hernandez, Yanira v. City, Geoffrey Evatt Graves, et al.; Names of Partie(s) Involved: City of San José, Geoffrey Evatt Graves, and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-270467; Amount of Money or Other Relief Sought: Damages According to Proof; (42) Kerkeles v. City of San José, et al.; Names of Partie(s) Involved: Michael Kerkeles, a.k.a. Michael Kerk, City of San José, Matthew Christian, and Does 1 through 25; Court: Superior Court of California, County of Santa Clara; Case No: 1-08-CV-103523; Amount of Money or Other Relief Sought: Damages According to Proof; (43) Hung Lam v. City of San José, et al.; 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; United States District Court, Northern District of California; Case No.: 14-CV-00877 PSG; Amount of Money or Other Relief Sought: Damages According to Proof; (44) Rice, JoAnn, America Savin, et al. v. City, et al.; JoAnn Rice, America Savin, Perry Nelson and W.N. a minor by and through his Guardian ad Litem, American Savin, City of San José, San José Police Department, Does 1-10; Court: U.S. District Court; Case No.: 2:13-CV-00334-KJM-CKDk Amount of Money or Other Relief Sought: Damages According to Proof; (45) Rodriguez, Lori v. City of San José; Names of Partie(s) Involved: 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; (46) Sutter's Place, Inc. dba Bay 101 v. City of San José; Names of Partie(s) 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; (47) Vasquez v. City. Et al.; Names of Partie(s) Involved: Ramon José Vasquez, Brian Ferrante, Individually and as an Officer of the San José Police Department and Tom Morales, individually as an Officer of the San José Police Department, Does 1 through 50; United States District Court, Northern District of California; Case No. CV10-00948 LKH; Amount of Money or Other Relief Sought: Damages According to Proof; (48) Watson – Stalker, et al. v. City, et al.; Names of Partie(s) 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; 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;

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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; United States District Court, Northern District of California; Case No. C06-04029 RMW; Amount of Money or Other Relief Sought: Damages According to Proof; (49) City v. Rossdruiscesenbery Architecture, Inc., et al; Names of Partie(s) Involved: City of San José, Rossdruiscesenbery Architecture, Inc., aka Micheal Ross Charles Drulis Architects & Planners a purported California corporation; and 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; (50) Camacho v. CSJ, et al.; Names of Partie(s) 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: 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; (51) Longtin, Joseph v. City of San José, et al.; Names of Partie(s) Involved: Joseph Longtin; City of San José, and Does 1-10; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No: 1-14-CV-269410; Amount of Money or Other Relief Sought: Damages According to Proof; (52) Herrera, et al. v. City, et al.; Names of Partie(s) Involved: Martha Herrera, Michelle Rodriguez, Jessica Rodriguez, Minors, by and through their Guardian ad Litem Martha Herrera; City of San José, John Doe and John Doe Company, et al.; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No: 1-10-CV-165689; Amount of Money or Other Relief Sought: Damages According to Proof; (53) Smith, Deanna and Johnny Garcia v. City of San José, Santa Clara Valley Transportation Authority, et al.; Names of Partie(s) Involved: Deanna Smith and Johnny Garcia, City of San José, a public entity; Santa Clara Valley Transportation Authority, a public entity; Union Pacific Railroad Company, and 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; (54) Avila, Ilidio, Angelina Avila; Sonny Avila, a minor; Dominic Avila, a minor; Jovina Avila, a minor v. Oscar Chacon, Mayra Ortega, Blanca Martinez, and City of San José; Names of Partie(s) Involved: Ilidio Avila, Angelina Avila, Sonny Avila, a minor, Dominic Avila, a minor and Jovina Avila, a minor, Oscar Chacon, Mayra Ortega, and Blanca Martinez and the City of San José and 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; (55) Blevins, Lisa v. City of San José; Names of Partie(s) Involved: Lisa Blevins, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-270060; Amount of Money or Other Relief Sought: Damages According to Proof; (56) City of San José v. County of Santa Clara; Names of Partie(s) 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 Sacramento; Case No: 34-2012-80001190; (57) Ted Smith v. City, et al.; Names of Partie(s) 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

CLOSED SESSION (Cont'd.)

Reed, in his official capacity as Mayor of the City of San José, Pete Constant, in his official capacity as a Councilmember for the City of San José; Ash Kalra, in his official capacity as a Councilmember for the City of San José; Sam Liccardo in his official capacity as a Councilmember for the City of San José; Pierluigi Oliverio, in his official capacity as a Councilmember for the City of San José; Madison Nguyen, in her official capacity as a Councilmember for the City of San José; Rose Herrera, in her official capacity as a Councilmember for the City of San José; Judy Chirco, in her official capacity as a Councilmember for the City of San José; Kansen Chu in his official capacity as a Councilmember for the City of San José; Nora Campos, in her official capacity as a Councilmember for the City of San José; Nancy Pyle, in her official capacity as a Councilmember for the City of San José; and 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; (58) Vietnamese-American Community of Northern California v. City, et al.; Names of Partie(s) 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; (59) Plata, Raymond and Michelle v. City of San José; Names of Partie(s) 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: for declaratory and injunctive relief according to proof; (B) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: 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.; 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

CLOSED SESSION (Cont'd.)

Agreement between City of San José and IBEW; (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc.; Name of Existing Wages Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 12:20 p.m. and reconvened to Regular Session at 1:30 p.m. in the Council Chambers.

Present: Councilmembers - Carrasco, Herrera, Jones, Kalra, Khamis, Matthews, Nguyen, Oliverio, Peralez, Rocha.

Absent: Councilmembers - Liccardo. (Excused)

INVOCATION

Very Reverend David Bird Daen, from Trinity Cathedral, presented the Invocation.

PLEDGE OF ALLEGIANCE

Vice Mayor Herrera led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Councilmember Nguyen, seconded by Councilmember Khamis and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (10-0-1. Absent: Liccardo.)

CEREMONIAL ITEMS

1.1 Presentation of a commendation to Pamela Anderson-Brulé for being recognized as the first woman in Santa Clara County to be elevated to the College of Fellows in the American Institute of Architects. (Herrera)

Vice Mayor Herrera recognized Pamela Anderson-Brulé for being the first woman in Santa Clara County to be elevated to the College of Fellows in the American Institute of Architects.

1.2 Presentation of a commendation to the San José Symphonic Choir for their 90 years of operation in the City of San José. (Mayor)

Vice Mayor Herrera presented a commendation to the San José Symphonic Choir for their 90 years of operation in the City of San José.

CONSENT CALENDAR

- 2.1**
- (a) Regular Minutes of December 2, 2014.**
 - (b) Regular Minutes of December 9, 2014.**
 - (c) Regular Minutes of December 16, 2014.**
 - (d) Regular Minutes of December 19, 2014.**
 - (e) Special Minutes of December 30, 2014.**

Documents Filed: (1) Regular Minutes of December 2, 9, 16 and 19, 2014. (2) Special Minutes of December 30, 2014.

Action: The Council Minutes were approved. (10-0-1. Absent: Liccardo.)

2.2 Final Adoption of Ordinances

None provided.

- 2.3**
- (a) Public Safety, Finance, and Strategic Support Committee Report of February 19, 2015. (Oliverio)**
 - (b) Community and Economic Development Committee Report of February 23, 2015. (Khamis)**
 - (c) Rules and Open Government Committee Report of February 25, 2015. (Mayor)**

Documents Filed: (1) Public Safety, Finance, and Strategic Support Committee Report dated February 19, 2015. (2) Community and Economic Development Committee Report dated February 23, 2015. (3) Rules and Open Government Committee Report dated February 25, 2015.

Action: The Council Committee Reports were accepted. (10-0-1. Absent: Liccardo.)

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

- 2.7 (a) Approve the Great American Litter Pick-up as a City Council sponsored Special Event and approve the expenditure of funds; and**
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: File No. PP13-056, Public Project exemption for activities associated with Citywide Litter Clean-up Activities. (City Clerk)

Documents Filed: Replacement memorandum from City Clerk Toni J. Taber, dated March 10, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Great American Litter Pick-up as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-0-1. Absent: Liccardo.)

- 2.8 (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:**

- (1) Increase the appropriation to the Office of Economic Development for Cultural Affairs Special Projects in the amount of \$10,000; and**
(2) Increase the estimate for Other Revenue by \$10,000.

- (b) Adopt a resolution authorizing the City Manager or his designee to execute a Continuation and Second Amendment to the Agreement for Public Art Management Services between the City of San José and Mel Chin Studios to extend the term to December 31, 2016, to increase the rate of compensation and scope of work, and increase the total maximum compensation to be paid to City to \$96,500.**

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

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Welsh and Interim Senior Deputy City Manager/Budget Director Jennifer Maguire, dated February 23, 2015, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

2.8 (Cont'd.)

Action: Ordinance No. 29543, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the General Fund for Cultural Affairs Special Projects; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 77310, 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”; and Resolution No. 77304, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or His Designee to Execute a Continuation and Second Amendment to the Agreement for Public Art Management Services with Mel Chin Studios, to Extend the Term to December 31, 2016, Increase the Rate of Compensation and Scope of Work, and Increase the Total Maximum Compensation to be Paid to the City to \$96,500”, were adopted. (10-0-1. Absent: Liccardo.)

- 2.9**
- (a) Approve the Third Amendment to the Master Agreement with CH2M HILL, for engineering services for the San José-Santa Clara Regional Wastewater Facility, extending the term from June 30, 2015 to December 31, 2017, at no additional cost to the City, for a total budgeted amount of \$4,000,000.**
 - (b) Approve the Second Amendment to the Master Agreement with GHD, for engineering services for the San José-Santa Clara Regional Wastewater Facility, extending the term from June 30, 2015 to December 31, 2016, at no additional cost to the City, for a total budgeted amount of \$1,500,000.**

CEQA: Plant Master Plan EIR, Resolution No. 76858, adopted 11/19/2013. (Environmental Services)

Documents Filed: (1) City Council Action Request from Assistant Director of the Environmental Services Ashwini Kantak for Secretary to the Treatment Plant Advisory Committee Kerrie Romanow, dated March 17, 2015, recommending approval of Amendments to Master Agreements. (2) Letter from Kerrie Romanow, Secretary to the Treatment Plant Advisory Committee, dated March 12, 2015, stating concurrence with the Staff recommendation.

Action: The Third Amendment to the Master Agreement with CH2M HILL, for engineering services for the San José-Santa Clara Regional Wastewater Facility, extending the term from June 30, 2015 to December 31, 2017, at no additional cost to the City, for a total budgeted amount of \$4,000,000; and the Second Amendment to the Master Agreement with GHD, for engineering services for the San José-Santa Clara Regional Wastewater Facility, extending the term from June 30, 2015 to December 31, 2016, at no additional cost to the City, for a total budgeted amount of \$1,500,000, were approved. (10-0-1. Absent: Liccardo.)

- 2.10**
- (a) Approve an agreement with Edenbridge Capital Partners, LP to perform and fund a maintenance district annexation for the maintenance of landscape and open space improvements for an area within the Silver Creek Valley area.**
 - (b) Adopt a resolution of intention to annex territory into existing Zone C of Maintenance District 15 (Silver Creek Valley), and directing the Director of Public Works to create and file an engineer’s report.**
 - (c) Adopt the following 2014-2015 Appropriation Ordinance amendments and Funding Sources Resolution amendments in the Maintenance District No. 15 Fund:**
 - (1) Increase the estimate for Earned Revenue by \$15,000; and**
 - (2) Establish an appropriation to the Department of Public Works for the Maintenance District No. 15 Annexation Project in the amount of \$15,000.**

CEQA: Mitigated Negative Declaration, File No. PDC09-007. Council District 8. (Public Works/City Manager)

Documents Filed: Memorandum from Interim Director of Public Works Barry Ng and Interim Senior Deputy City Manager/Budget Director Jennifer Maguire, dated February 23, 2015, recommending approval of an agreement, and adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Action: Resolution No. 77305, entitled: “A Resolution of the Council of the City of San José Declaring its Intention to Annex Territory into Zone C of Maintenance District 15 (Silver Creek Valley); Ordinance No. 29544, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the Maintenance District No. 15 Fund for the Maintenance District No. 15 Annexation Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; and Resolution No. 77306, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 77037 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2014-2015 to Adjust Revenues in the Maintenance District No. 15 Fund”, were adopted. (10-0-1. Absent: Liccardo.)

- 2.11 Appoint Joe Horwedel to the vacant District 1 position on the Neighborhoods Commission to an unexpired term ending June 30, 2018. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 11, 2015, recommending appointing Joe Horwedel to the vacant District 1 position on the Neighborhoods Commission to an unexpired term ending June 30, 2018. (10-0-1. Absent: Liccardo.)

STRATEGIC SUPPORT SERVICES

3.1 Report of the Interim City Manager, Norberto Dueñas (Verbal Report).

Interim Successor Agency Executive Officer Norberto Duenas congratulated the Mayor and City Staff for a successful State of the City celebration and expressed gratitude for the Staff's strong representation at the resource fair. He acknowledged National Sunshine Week and commended the City of San José's participation in developing leading edge policies and a culture to support transparency in government.

3.3 Accept the Semi-Annual Recommendation Follow-Up Report on all Outstanding Audit Recommendations for the Six Months Ended December 31, 2014. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (City Auditor)

Documents Filed: Memorandum from City Auditor Sharon Erickson, dated March 6, 2015, providing the Semi-Annual Recommendation Follow-Up Report.

City Auditor Sharon Erickson provided a brief verbal report and responded to questions from Council.

Action: Upon motion by Councilmember Khamis, seconded by Councilmember Rocha and carried unanimously, the Semi-Annual Recommendation Follow-Up Report on all Outstanding Audit Recommendations for the Six Months Ended December 31, 2014, was accepted. (10-0-1. Absent: Liccardo.)

3.4 As recommended by the Rules and Open Government Committee on March 11, 2015, consider the request by Leslye Corsiglia, the former Director of Housing for a Waiver of the Revolving Door Restrictions for consultant work with the City of San José Health Trust of Santa Clara County. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Attorney)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated March 13, 2015, transmitting the recommendations of the Rules and Open Government Committee.

City Attorney Richard Doyle provided correction to the agenda language, indicating that it should read as a "...request from former Director of Housing Leslye Corsiglia for a waiver of the Revolving Door Restrictions for consultant work with the *Health Trust of Santa Clara County*".

Vice Mayor Herrera indicated Mayor Liccardo's support for this recommendation.

Motion: Councilmember Oliverio moved approval of the recommendation of the Rules and Open Government Committee to approve the request as indicated below in "Action". Vice Mayor Herrera seconded the motion.

3.4 (Cont'd.)

Councilmember Khamis indicated that he could not support the motion on the floor, as he feels it does not follow the 'rule of the law'. Councilmember Jones also offered that this recommendation is not consistent with the City's standards and would not be supporting the motion.

Former Director of Housing Leslye Corsiglia spoke to the Councilmembers' concerns and confirmed that she would be doing no lobbying in the role of consultant with the Health Trust of Santa Clara County.

Action: The recommendation of the Rules and Open Government Committee on March 11, 2015, to approve the request of Leslye Corsiglia, former Director of Housing for a Waiver of the Revolving Door Restrictions for consultant work with the Health Trust of Santa Clara County was approved. (8-2-1. Noes: Jones, Khamis. Absent: Liccardo.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Consideration of an ordinance rezoning the real property located at the southwest corner of West San Carlos Street and Sunol Street (860 West San Carlos Street) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow for specific changes to previously approved Development Standards, most notably: eliminating the minimum building height, lowering the minimum amount of commercial square footage from 24,000 to 14,000, and requiring standard conformance with the City's parkland dedication requirements, for the subject 8.0 gross acre site (Santa Clara County Transit District, Owner). CEQA: Ohlone Mixed Use EIR Resolution No. 09064, File No. PDC08-061. Planning Commission recommends approval (5-0-1). (Planning, Building and Code Enforcement)
PDC13-004 – District 6**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC13-004, dated January 16, 2015. (2) Memorandum from Planning Commission Secretary Harry Freitas, dated February 2, 2015, transmitting the Planning Commission recommendation. (3) Supplemental memorandum from Director of Planning, Building and Code Enforcement, Harry Freitas, dated March 16, 2015, providing further direction and clarity regarding the subject project. (4) Letter from Co-Project Executives, Republic Urban Properties, Michael Van Every and Scott Connelly, clarifying zoning requirements.

Director of Planning, Building and Code Enforcement, Harry Freitas provided an introduction to the project.

Public Comments: Edward Saum, representing the Shasta/Hanchett Park Neighborhood Association expressed concerns regarding reduction in footgauge of this commercial space.

4.1 (Cont'd.)

Council discussion followed. Interim Assistant Director of Parks, Recreation and Neighborhood Services Matt Cano responded to questions.

Action: Upon motion by Oliverio, seconded by Councilmember Rocha and carried unanimously, Ordinance No. 29545, entitled: “An Ordinance of the City of San José 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 Auzeais Avenue from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District”, was passed for publication. (10-0-1. Absent: Liccardo.)

- 4.2 (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; and**
- (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.**
- (Economic Development/Parks, Recreation and Neighborhood Services)**

Action: Deferred to March 24, 2015 per Administration.

- 4.3 **Accept the Calendar Year 2014 Annual Progress Report on the Implementation of the San José 2014-22 Housing Element, which includes as an attachment to the staff memorandum, the FY 2013-14 Housing Successor to Redevelopment Agency Annual Report, per reporting requirements of Senate Bill 341 Redevelopment. CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Housing/Planning, Building and Code Enforcement)**

Documents Filed: Joint memorandum from Director of Planning, Building and Code Enforcement, Harry Freitas and Interim Director of Housing Jacky Morales-Ferrand, dated March 3, 2015, recommending acceptance of the Annual Progress Report.

Action: Upon motion by Councilmember Oliverio, seconded by Councilmember Khamis and carried unanimously, the Calendar Year 2014 Annual Progress Report on the Implementation of the San José 2014-22 Housing Element, which includes as an attachment to the staff memorandum, the FY 2013-14 Housing Successor to Redevelopment Agency Annual Report, per reporting requirements of Senate Bill 341 Redevelopment, was accepted. (10-0-1. Absent: Liccardo.)

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>
10295	Communications Hill Blvd	7	KB Home, Inc.	85 Lots	Financing	Approved

ADJOURNMENT

The Council of the City of San José adjourned at 2:53 p.m. in memory of Joseph “Joe” Bell, a long-time Rose Garden resident and a World War II veteran. Joe Bell, who served our country as a paratrooper, was 95 when he passed away on January 8, 2015. (Herrera)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

rmk/3/17-15MIN