



## MINUTES OF THE CITY COUNCIL

**SAN JOSE, CALIFORNIA**

**TUESDAY, FEBRUARY 25, 2014**

The Council of the City of San José convened in Regular Session at 9:03 a.m. in the Council Chambers at City Hall.

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

Absent: Council Members - None.

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

None.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:04 a.m. to a Closed Session in Room W133 (A) regarding Public Employment/Public Employee Appointment Pursuant to Government Code Section 54957; Title: City Manager; Name: Ed Shikada; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9, Subsection (d)(1) with respect to potential litigation; Number of matters to be discussed: (1). (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9, Subsection (d)(1) with respect to existing litigation; (1) In re: Claim of Maraldo; Amount of Money or Other Relief Sought: Administrative Appeal; (2) In re: Claim of Talley; Amount of Money or Other Relief Sought: Administrative Appeal; (3) In re: Claim of Lopes; Amount of Money or Other Relief Sought: Administrative Appeal; (4) City of San José v. Office of the Commissioner of Baseball, et al.; Names of Partie(s) Involved: City of San José; City of San José as Successor Agency to the Redevelopment Agency of the City of San José; the San José Diridon Development Authority; Office of the Commissioner of Baseball, an unincorporated association doing business as Major League Baseball; Allan Huber “Bud” Selig; Court: United States Court of Appeals, Ninth Circuit; Case No.: C-13-02787 RMW and 14-15139; Amount of Money or Other Relief Sought: Damages

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

## CLOSED SESSION (Cont'd.)

According to Proof; (5) San José Police Officers' Association v. City, et al.; Names of Partie(s) 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 1-10; 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; (6) San José Retired Employees Association, et al. v. City, et al.; Names of Partie(s) 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 through 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV-233660; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate; (7) People of the State of California, et al. v. City of San José, et al.; Names of Partie(s) Involved: The People of the State of California ex rel. San José Police Officers Association, City of San José, City Council of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-245503; Amount of Money or Other Relief Sought: Verified Complaint in Quo Warranto; (8) Sapien, et al. v. City of San José, et al.; Names of Partie(s) Involved: Robert Sapien, Mary 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 through 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 Partie(s) Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone, in her capacity as City Manager of the City of San José, the Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1 through 15; Court: Superior Court of California, County of Santa Clara; Case No: 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 Partie(s) 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, and Does 1 through 15; Court: Superior Court of California, County of Santa Clara; Case No: 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 Partie(s) Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, Debra Figone in her official capacity as City Manager, the Board of Administration for the Federated City Employees 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; (12) 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 CA Public Employment Relations Board; Case No.: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof; (13) 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 CA Public

## CLOSED SESSION (Cont'd.)

Employment Relations Board; Case No.: SF-CE-900-M; Amount of Money or Other Relief Sought: Damages According to Proof; (14) IAFF Local 230 v. City; Names of Partie(s) Involved: International Association of Firefighters Local 230, City of San José; Court: State of CA Public Employment Relations Board; Case No.: SF-CE-941-M; Amount of Money or Other Relief Sought: Damages According to Proof; (15) 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 CA Public Employment Relations Board; Case No.: SF-CE-969-M; Amount of Money or Other Relief Sought: Damages According to Proof; (16) 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 CA Public Employment Relations Board; Case No.: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages According to Proof; (D) (1) to confer with Real Property Designated Representative pursuant to Government Code Section 54956.8; 200 E. Santa Clara Street, San José; Unique Reference of Property: U.S. Patent & Trade Office; Negotiating Parties: Kim Welsh for the City of San José and Lisle Hannah for the U.S. Government; Under Negotiation: the direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values; (2) Agnews; 3500 Zanker Road, San José; Property: APN #s 097-04-028, 097-04-040; Negotiating Parties; Julie Edmonds-Mares and Matt Cano for the City of San José and Gerald McLaughlin, Sr. Real Estate Officer for the State of California, Department of General Services; Under Negotiation: the direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values; (E) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors 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: City of San José – Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary; (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Benefit & Compensation Summary - City of San José and City Association of Management Personnel Agreement; (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

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

Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: 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 11:15 a.m. and reconvened to Regular Session at 1:31 p.m. in the Council Chambers.

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

Absent: Council Members - Reed. (Excused)

## **INVOCATION**

Lorenz Dumuk provided the Invocation.

## **PLEDGE OF ALLEGIANCE**

Vice Mayor Nguyen led the Pledge of Allegiance accompanied by third-grade students from Franklin Elementary.

## **ORDERS OF THE DAY**

Upon motion by Council Member Herrera, seconded by Council Member Constant and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (10-0-1. Absent: Reed.)

## CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Palmer College of Chiropractic received by lead volunteer, Dr. Andre KnustGraichen, DC, for his outstanding work in San José's underserved communities. (Herrera)**

Vice Mayor Nguyen and Council Member Herrera recognized Palmer College of Chiropractic and the outstanding contributions of Dr. Andre KnustGraichen, DC, in his service to San José's underserved communities.

## CONSENT CALENDAR

- 2.1 Approval of Minutes.**

None.

- 2.2 Final adoption of ordinances.**

- (a) **ORD. NO. 29375 – Rezoning certain real property situated on the northwesterly corner of Charcot Avenue and Junction Avenue (521 Junction Avenue), from the LI(PD) Planned Development Zoning District to the LI(PD) Planned Development Zoning District.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29375 executed on February 7, 2014, submitted by the City Clerk.

Action: Ordinance No. 29375 was adopted. (10-0-1. Absent: Reed.)

- (b) **ORD. NO. 29379 - Amending various sections of Chapter 2.08 of Title 2 of the San José Municipal Code to modify the quorum requirements of boards, bureaus and commissions; and to modify the appointment process for the Housing and Community Development Commission and the Library and Early Education Commission.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29379 executed on February 14, 2014, submitted by the City Clerk.

Action: Ordinance No. 29379 was adopted. (10-0-1. Absent: Reed.)

- 2.3 Approval of Council Committee Reports.**

- (a) **Rules and Open Government Committee Report of January 29, 2014. (Mayor)**
- (b) **Transportation and Environment Committee Report of February 3, 2014. (Liccardo)**
- (c) **Rules and Open Government Committee Report of February 5, 2014. (Mayor)**

**2.3 (Cont'd.)**

Documents Filed: (1) Rules and Open Government Committee Report of January 29 and February 5, 2014. (2) Transportation and Environment Committee Report dated February 3, 2014.

Action: The Committee reports were accepted. (10-0-1. Absent: Reed.)

**2.4 Mayor and Council Excused Absence Requests.**

None.

**2.5 City Council Travel Reports.**

None.

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

None.

- 2.7 (a) Determine that a change to the term end date of the vacant District 3 position on the Senior Citizens Commission with an unexpired term is in the best interest of the Commission to realign with the City Clerk's Office recruitment schedule and realign the term end date from June 30, 2014 to June 30, 2017; and**
- (b) Appoint Mary Tucker to the District 3 Seat on the Senior Commission to an unexpired term ending June 30, 2017.**
- (City Clerk)**

Documents Filed: Memorandum from City Clerk Toni Taber, dated February 3, 2014, providing recommendations regarding the Senior Citizens Commission nomination.

Action: A change to the term end date of the vacant District 3 position on the Senior Citizens Commission with an unexpired term to realign with the City Clerk's Office recruitment schedule and realignment of the term end date from June 30, 2014 to June 30, 2017; and appointment of Mary Tucker to the District 3 Seat on the Senior Commission to an unexpired term ending June 30, 2017, were approved. (10-0-1. Absent: Reed.)

- 2.8 (a) Approve an Easement Agreement with Launchpad Development Two, LLC, an affiliate of Rocketship Education, granting to the City rights that will be used for a portion of the Lower Silver Creek Trail;**
- (b) Adopt a resolution to authorize the City Manager or his designee to execute the easement agreement and all other documents needed to conclude the transaction.**

**CEQA: Mitigated Negative Declaration, File No. PP06-111. Council District 5. (Economic Development)**

## 2.8 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, dated February 3, 2014, recommending approval of an easement and adoption of a resolution. (2) Statement and Declaration of Conflict of Interest Form from Council Member Liccardo, dated February 19, 2014, disclosing that his wife is a recent former employee of Rocketship Education.

Council Member Liccardo recused himself from participating in the Council discussion and action, disclosing a conflict of interest.

Action: Upon motion by Council Member Herrera, seconded by Council Member Constant and carried unanimously, Resolution No. 76925, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager or His Designee to Execute an Easement Agreement with Launchpad Development Two, LLC, an Affiliate of Rocketship Education, for Lower Silver Creek Trail and to Execute Any Additional Documents Necessary to Conclude the Transaction", was adopted. (9-0-1-1. Absent: Reed. Abstain: Liccardo.)

## 2.9 **Adopt a resolution designating City of San José officials to be authorized to apply for Federal and State Disaster Assistance. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Finance)**

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

Action: Resolution No. 76926, entitled: "A Resolution of the Council of the City of San José Designating Officials Authorized to Apply for Disaster Assistance", was adopted. (10-0-1. Absent: Reed.)

## 2.10 **As recommended by the Transportation and Environment Committee on February 3, 2014:**

- (a) **Accept staff report to approve extending the existing pilot program for two years, and adopt a resolution amending the Master Parking Rate Schedule to extend the Car Share Parking Pilot Program for two years and repealing Resolution No. 76889;**
- (b) **Authorize staff to investigate the possibility of incorporating one-way car share services in the pilot to expand the market for and effectiveness of car sharing in the City.**

**CEQA: Exempt, File No. PP12-074. (Transportation)**

Documents Filed: (1) Memorandum from City Clerk Toni Taber, dated February 13, 2014, transmitting the recommendations of the Transportation and Environment Committee. (2) Supplemental memorandum from Director of Transportation Hans Larsen, dated February 13, 2014, providing additional requirements regarding the Master Parking Rate Schedule.

## 2.10 (Cont'd.)

Council Member Liccardo pulled Item 2.10 to offer appreciation to the Transportation Office staff.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Kalra, and carried unanimously, the staff report extending the existing pilot program for two years was accepted, and Resolution No. 76927, entitled: “A Resolution of the Council of the City of San José Setting Forth the Master Parking Rate Schedule for Municipal On and Off Street Parking Facilities to Extend the Period Designating Certain On-Street and Off-Street Parking Spaces for Exclusive Parking Privilege of Motor Vehicles Participating in the Car Share Parking Pilot Program in Accordance with California Vehicle Code Section 22507.1 and to Repeal Resolution No. 76889”, was adopted”. (10-0-1. Absent: Reed.)

## END OF CONSENT CALENDAR

### STRATEGIC SUPPORT SERVICES

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

City Manager Ed Shikada provided an update on the Google fiber system expansion, adding he will provide additional information as it becomes available.

#### 3.3 Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the International Union of Operating Engineers, Local No. 3 (OE#3), and authorize the City Manager to execute an agreement for a term from July 1, 2013 to June 30, 2015. The agreement is subject to ratification by OE#3 membership. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager’s Office) (Deferred from 2/11/14 – Item 3.4)

Documents Filed: (1) Memorandum from Deputy City Manager Alex Gurza, dated January 28, 2014, recommending adoption of a resolution. (2) Supplemental memorandum from Deputy City Manager Alex Gurza, dated February 10, 2014, recommending approval of the terms of an Agreement with International Union of Operating Engineers, Local No. 3 (OE3).

Action: Dropped per Administration.

#### 3.4 Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the San José Fire Fighters, International Association of Firefighters, Local 230 (IAFF Local 230), and authorize the City Manager to execute an agreement with a term of July 1, 2013 to June 30, 2014. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager’s Office)



### 3.4 (Cont'd.)

Documents Filed: (1) Memorandum from Deputy City Manager Alex Gurza, dated February 13, 2014, recommending adoption of a resolution. (2) Joint memorandum from Council Members Constant and Liccardo, dated February 18, 2014, recommending approval of Staff recommendations with additional direction.

Motion: Council Member Constant moved approval of the memorandum he cosigned with Council Member Liccardo, dated February 18, 2014. Council Member Liccardo seconded the motion, with an amendment requesting that future sessions allow for an inquiry as to whether or not cross-training of police, fire and medical emergency dispatchers will improve response time and offer supplemental pay for the additional responsibilities as well as incentives to increase retention. Council Member Constant accepted the amendment to the motion.

Fire Department Deputy Director Ron D'Acchioli and Acting Fire Chief Ruben Torres responded to questions from Council, and extensive discussion followed.

Public Comments: Robert Sapien, President, IAFF Local 230, expressed opposition to the terms of the contract, saying he knows of none of his members that would recommend this course of action.

Council Member Oliverio expressed misgivings regarding minimum staffing rules rather than compensation. Council Member Campos and Kalra expressed concerns there hasn't been a chance to examine the problem based on the resources available.

Action: On a call for the question, the motion carried, and Resolution No. 76928, entitled: "A Resolution of the Council of the City of San José Approving An Agreement Between the City of San José and the International Association of Firefighters, Local 230, with a Term of July 1, 2013 - June 30, 2014", was adopted, including recommendations contained within Council Member Constant and Liccardo's memorandum of February 18, 2014, and with future sessions allowing an inquiry as to whether or not cross training of police, fire and medical emergency dispatchers will improve response time and offer supplemental pay for the additional responsibilities as well as incentives to increase retention. (7-3-1. Noes: Campos, Kalra, Oliverio. Absent: Reed.)

## COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) **Approve a Pilot Project to provide up to six high-vacancy buildings located in Downtown San José access to free high-speed internet service;**
- (b) **Adopt a resolution to authorize the City Manager to negotiate and execute agreements with up to six high vacancy properties located in Downtown San José for a period of 36 months with terms and conditions consistent with the parameters of the Pilot Project as approved by the City Council.**

**CEQA: Exempt, File No. PP12-023. Council District 3. (Economic Development/Information Technology)**

#### 4.1 (Cont'd.)

Documents Filed: (1) Memorandum from Council Member Liccardo, dated February 21, 2014, expressing support of the Staff recommendation. (2) Joint memorandum from Director of Information Technology Vijay Sameta and Director of Economic Development/Chief Strategist Kim Walesh, dated February 3, 2014, recommending approval of the pilot project and adoption of a resolution. (3) Statement and Declaration of Conflict of Interest Form from Council Member Khamis, dated February 22, 2014, disclosing that one of the buildings involved is owned by a customer of his insurance business.

Council Member Khamis recused himself from participating in the Council discussion and action, disclosing a conflict of interest.

Public Comments: Geri Wong, San José Downtown Association, spoke in support of the project.

Director of Information Technology Vijay Sameta responded to questions from Council.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Constant and carried unanimously, Resolution No. 76929 entitled: “A Resolution of the Council of the City of San José, Authorizing the City Manager to Negotiate and Execute Agreements to Provide Access to Free High-Speed Internet Service to Up To Six High-Vacancy Buildings Located in Downtown San José as Part of a 36-Month Pilot Project”, was adopted. (9-0-1-1. Absent: Reed. Abstain: Khamis.)

#### 4.2 Approve an ordinance amending Title 23 (the Sign Code) of the San José Municipal Code to:

- (a) **Modify and add specific provisions pertaining to allowable signage within the Commercial and Industrial Zoning Districts and Neighborhood Business Districts of the City, to allow flexibility in the placement of Attached Signs on buildings greater than 100 feet in height above grade and located in employment growth areas as designated in the Envision San José 2040 General Plan “Planned Growth Areas Diagram”;**
- (b) **Modify and add specific provisions pertaining to allowable signage within the Open Space, Agricultural, and Residential Zoning Districts of the City, to allow additional signage for medium to large residential developments, additional signage types such as Awning and Window Signs for residential and non-residential uses, and to allow illumination of Signs; and**
- (c) **Make other non-substantive, technical or typographical changes.**

**CEQA: Negative Declaration, File No. PP13-067, adopted by Resolution No. 76826, and Addendum File Nos. PP13-088 and PP14-007. (Planning, Building and Code Enforcement)**

## 4.2 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Public Works David Sykes, dated February 3, 2014, recommending approval of an ordinance. (2) Proof of Publication of Notice of Public Hearing, executed on February 7, 2014 submitted by the City Clerk. (3) Email correspondence from David Eichler, Senior Vice President, LCOR Ventures LLC, dated February 24, 2014, offering comments regarding comments to the draft ordinance.

Vice Mayor Nguyen opened the public hearing.

Public Comment: (1) Bob Kieve expressed that 'signage is commerce' and offered his support. (2) Martha O'Connell expressed concerns to the effects on those living in mobile home parks.

Vice Mayor Nguyen closed the public hearing.

Director of Public Works David Sykes provided an overview of sign code modifications.

Council Member Rocha questioned the impact on residential developments, especially illuminated signs in single-family residential areas, adding that he could not support these amendments to the Sign Code Ordinance.

Action: Upon motion by Council Member Constant, seconded by Council Member Oliverio, and carried, Ordinance No. 29380, entitled: "An Ordinance of the City of San José Amending Sections 23.04.020, 23.04.320 and 23.04.330 of Title 23 of the San José Municipal Code to Modify the Maximum Height at Which Attached Signs May Be Placed on Large Buildings Located in Employment Growth Areas; to Allow Awning Signs, Other Additional Signage and Sign Illumination for Large Residential Buildings of One Hundred Units or More; to Allow Window Signs in Residential Zoning Districts; to Allow Awning Signs and to Modify Sign Illumination Regulations for Non-Residentially Used Parcels in Residential Zoning Districts; and to Make Other Nonsubstantive, Ministerial, Technical or Typographical Changes", was passed for publication. (9-1-1. Noes: Rocha. Absent: Reed.)

## 4.3 **As referred by the Community and Economic Development Committee on January 27, 2014, accept staff's report on the accomplishments of the Economic Strategy 18-month workplan. CEQA: Not a Project, File No. PP10-066(a), Staff Report. (Economic Development)** **[Community and Economic Development Committee referral 1/27/14 – Item D(5)]**

Action: Deferred to March 4, 2014 per Administration.

## **TRANSPORTATION & AVIATION SERVICES**

- 6.1 (a) As recommended by the Airport Competitiveness Committee on January 31, 2014, accept the Audit of Taxi Service and Regulation in San José. (City Auditor)**
- (b) As recommended by the Airport Competitiveness Committee on January 31, 2014:**
- (1) Adopt a resolution amending and restating the Airport general fee resolution to establish trip fees for all ground transportation pick-ups at the Airport and to continue a \$.50 reduced trip fee for clean fuel vehicles and vehicles with Americans with Disabilities Act compliant equipped lifts, eliminating drop-off fees and permit requirements and returning the Off-Airport parking operator fees to 10% of gross revenues plus standard per trip fee and repealing Resolution No. 76587;**
  - (2) Approve an ordinance amending Chapter 25.08 of the San José Municipal Code to eliminate permit requirements for on-demand taxi and shuttle services at the Norman Y. Mineta San José International Airport and to implement a concession management system for on-demand taxi and shuttles services at the Airport.**

**CEQA: Not a Project, File No. PP10-068(c), Municipal Code or policy change that involve no changes to the physical environment. (Airport)**

**[Airport Competitiveness Committee referral on 1/31/14 – Item B]**

**(Deferred from 2/11/14 – Items 6.1 and 6.2)**

Action: Deferred to March 4, 2014 per Administration.

## **ENVIRONMENTAL & UTILITY SERVICES**

- 7.1 (a) Approve the consultant Master Service Agreement with HydroScience Engineers, Incorporated for engineering support and services for the San José/Santa Clara Regional Wastewater Facility for various Operation and Maintenance projects requiring engineering support and services on as needed basis for a period of one year from the date of execution for an amount not to exceed \$500,000, and up to three one-year options;**
- (b) Adopt a resolution authorizing the City Manager to exercise up to three one-year options to extend the term of the agreement for an amount not to exceed \$500,000 for each option term, and a total amount not to exceed \$2,000,000 for the initial term and all options, subject to the annual appropriation of funds.**

**CEQA: Not a Project, File No. PP10-066(a), Agreements/Contracts for Purchase of Professional Services with no changes in the physical environment. (Environmental Services)**

## 7.1 (Cont'd.)

Documents Filed: (1) Memorandum from Environmental Services Director Kerrie Romanow, dated February 1, 2014, recommending approval of a consultant Master Service Agreement and adoption of a resolution. (2) Letter from Treatment Plant Advisory Committee Chair Chuck Reed, dated February 14, 2014, stating concurrence with the Staff recommendations.

Action: Upon motion by Council Member Chu, seconded by Council Member Oliverio, and carried unanimously, the consultant Master Service Agreement with HydroScience Engineers, Incorporated for engineering support and services for the San José/Santa Clara Regional Wastewater Facility for various Operation and Maintenance projects requiring engineering support and services on as needed basis for a period of one year from the date of execution for an amount not to exceed \$500,000, and up to three one-year options, was approved, and Resolution No. 76930, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute Up to Three One-Year Options to Extend the Term Of a Master Service Agreement with HydroScience Engineers, Incorporated for Engineering Consulting Services at the San José – Santa Clara Regional Wastewater Facility, in an Amount Not to Exceed \$500,000 for Each Option Term, and a Total Amount Not to Exceed \$2,000,000 for the Initial Term and All Options, Subject to the Annual Appropriation of Funds”, was adopted. (10-0-1. Absent: Reed.)

## REDEVELOPMENT – SUCCESSOR AGENCY

### 9.1 Discussion of and direction to staff on the Long-Range Property Management Plan. (Successor Agency) (Deferred from 1/14/14 – Item 9.1 and 1/28/14 – Item 9.1, Continued from 2/11/14 – Item 9.1)

Documents Filed: “Analysis of Properties included in SARA Long-Range Property Management Plan”, dated February 25, 2014.

Successor Agency Managing Director Richard A. Keit provided a brief update on the status of the Long-Range Property Management Plan, and responded to questions from Council.

Motion: Council Member Liccardo moved approval of the Plan with direction that the Plan returns to the Community and Economic Development Committee as indicated below in “Action”. The motion was seconded by Council Member Rocha.

Action: On a call for the question, the motion carried unanimously, the Staff’s recommendations were accepted, with direction that this item return to the Community and Economic Development Committee for further discussion regarding zoning issues to preserve cultural assets. (9-0-2. Absent: Herrera; Reed.)

**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>
10124	East side of Ruby Ave., approx. 100 feet N/o Murillo Ave.	8	Taylor Morrison	10 Lots / 10 Units	SFD	Approval
10186	Easterly of Charlotte Drive and Charlotte Commons Park between Raleigh Rd. and Highway 85	2	Lennar Homes	341 Lots / 31 Units / 270 Units	SFD / SFA	Approval

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10124	East side of Ruby Ave., approx. 100 feet N/o Murillo Ave.	8	Taylor Morrison	10 Lots / 10 Units	SFD

***EVENING SESSION CANCELLED***

**11.1 PUBLIC HEARINGS ON CONSENT CALENDAR.**

No Public Hearings on Consent Calendar at this time.

**11.2 Consideration of an ordinance conventionally rezoning the real property located on at/on the east side of San Felipe Road, approximately 550 feet northerly of Scenic Meadow Lane (5674 San Felipe Road) to R-1-5 Single-Family Residence Zoning District in preparation for the annexation of 1 parcel within the County of Santa Clara to the City of San José on a 1.57 gross acre site (Baron, Stan and Sheryl, Owners). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. (Planning, Building and Code Enforcement)  
C13-039 – District 8**

Action: Deferred to March 14, 2014 Per Administration

- 11.3 Consideration of an ordinance conforming planned development rezoning the real property located on the east corner of the intersection of Samaritan Place and Samaritan Drive (2360 Samaritan Place) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to increase the number of units from 143 to 153 multi-family attached residences within an existing building for a previously approved senior housing facility (PDC79-098) on a 2.25 gross acre site (Catalonia Inc./Eden Housing, Owner). CEQA: Exempt. PDC13-056 – District 9**

Action: Deferred to March 14, 2014 Per Administration

## **OPEN FORUM**

- (1) Jeffrey Bedolla voiced objection to development projects at Bellarmine.
- (2) Deno Milano claimed incomplete information provided to the press by the San José Police Department regarding the recent shooting at San José State University.

## **ADJOURNMENT**

The Council of the City of San José adjourned at 3:38 p.m. in memory of City of San José Human Services Commissioner Amal Sinha, who passed away on January 16, 2014 while vacationing in Kolkata, India. He is remembered for his dedicated service to the City of San José and to the Bay Area Bengali community. (Khamis)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk

rmk/2-25-2014MIN