



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, SEPTEMBER 9, 2014

The Council of the City of San José convened in Regular Session at 9:32 a.m. in the Council Chambers at City Hall.

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

Absent: Councilmembers - All Present.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:33 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 initiation of litigation in three (3) matters; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation; (1) Binkovich v. Barthelmy, et al; Names of Partie(s) Involved: Aleksandr Binkovich, City of San José, Ofcr. Barthelemy, Ofcr. Grondahl, Ofcr. Panighetti, Ofcr. Craig, Ofcr. Jacob and Ofcr. Bollendorf; Court: 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; (2) Umar v. Storlie, et al.; Names of Partie(s) Involved: Ammir Umar, Craig Storlie, Individually and as an Officer of the san José Police Department, and Does 1-20; Court: United States District Court, Northern District of California; Case No: CV 12-6071 HRL; Amount of Money or Other Relief Sought: Damages According to Proof; (3) Hale Vagts and Patty Vagts v. State of California, et al.; Names of Partie(s) Involved: Hale Vagts, Patty Vagts, State of California, City of San José, and Does 1-40; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-239693; Amount of Money or Other Relief Sought: Damages according to proof. (C) to confer with Labor Negotiator pursuant to

CLOSED SESSION (Cont'd.)

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

By unanimous consent, Council recessed from the Closed Session at 11:10 a.m. and reconvened to Regular Session at 1:35 p.m. in the Council Chambers.

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

Absent: Councilmembers - All Present.

INVOCATION

Village Voices, directed by Ken Carter, provided a vocal performance for the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Nguyen, seconded by Councilmember Khamis and carried unanimously, the Orders of the Day and the Amended Agenda were approved with Item 3.5 deferred to September 16, 2014. (11-0.)

CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session action of September 9, 2014:

A. Authority to Pursue Appellate Review in a Litigation Case:

Case Name: Binkovich v. Barthelmy, et al.

Council Vote:

Ayes: Campos, Chu, Constant, Kalra, Khamis, Liccardo, Nguyen, Oliverio, Rocha; Reed.

Noes: None.

Disqualified: None.

Absent: Herrera.

B. Authority to Pursue Open Negotiations as Part of the Meet and Confer Process on a Case by Case Basis and Not as an Ordinance:

Council Vote:

Ayes: Campos, Chu, Herrera, Kalra, Liccardo, Nguyen, Rocha; Reed.

Noes: Constant, Oliverio.

Disqualified: None.

Absent: Khamis.

CLOSED SESSION REPORT

Closed Section Action of September 9, 2014 (Cont'd.)

Councilmember Oliverio pulled Closed Session Item B for action.

Motion: Councilmember Oliverio moved placing Item B on the Council Agenda for the end of September to allow for public discussion. Councilmember Constant seconded the motion.

Action: On a call for the question, the motion carried, Item B was deferred, and Staff was directed to agendize it for September to allow for public discussion and transparency. (10-1. Noes: Reed.)

CONSENT CALENDAR

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

Public Comment: David Wall pulled Items 2.8, 2.9 and 2.14, then complained that there is not enough time allotted to address each Calendar item separately.

2.1 Approval of minutes.

None provided.

2.2 Final Adoption of Ordinances.

- (a) **ORD. NO. 29450 – Amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code, which lists all infractions, to update the list of infractions. C14-029**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29450 executed on August 22, 2014, submitted by the City Clerk.

Action: Ordinance No. 29450 was adopted. (11-0.)

- (b) **ORD. NO. 29452 – Rezoning certain real property of approximately 0.11 acres at the southwest corner of North Autumn Street and West Julian Avenue (263 North Autumn Street) from the LI Light Industrial Zoning District to the TEC Transit Employment Center Zoning District. C14-029**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29452 executed on August 22, 2014, submitted by the City Clerk.

Action: Ordinance No. 29452 was adopted. (11-0.) First Reading: (10-1. Noes: Oliverio)

2.2 Final Adoption of Ordinances (Cont'd.)

- (c) **ORD. NO. 29453 – Rezoning certain real property situate on the northwest corner of South White Road and Westboro Drive (595 South White Road) from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District. C14-035**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29453 executed on August 22, 2014, submitted by the City Clerk.

Action: Ordinance No. 29453 was adopted. (11-0.)

- (d) **ORD. NO. 29454 – Rezoning certain real property of approximately 5.25 acres, bounded by Taylor Street on the North, North 7th Street on the East, Jackson Street on the South, and North 6th Street on the West (696 North 6th Street) from the LI Light Industrial Zoning District to the R-M Multiple Residence Zoning District. C14-039**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29454 executed on August 22, 2014, submitted by the City Clerk.

Action: Ordinance No. 29454 was adopted. (11-0.)

- (e) **ORD. NO. 29455 – Rezoning certain real property situate on the east side of Almaden Road, approximately 180 feet southerly of O'Grady Drive to the R-1-5(PD) Planned Development Zoning District. PDC13-006**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29455 executed on August 22, 2014, submitted by the City Clerk.

Action: Ordinance No. 29455 was adopted. (11-0.)

- (f) **ORD. NO. 29456 – Rezoning certain real property situate on the north side of the Alameda approximately 310 feet west of Stockton Avenue from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. PDC14-020**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29456 executed on August 22, 2014, submitted by the City Clerk.

Action: Ordinance No. 29456 was adopted. (11-0.)

2.2 Final Adoption of Ordinances. (Cont'd.)

- (g) **ORD. NO. 29460** – Amending Title 12 of the San José Municipal Code to (1) rename Title 12 “Ethics and Open Government Provisions”; 2) amend Section 12.02.010 of Chapter 12.02 to clarify that the Ethics Commission has jurisdiction to review compliance with the provisions of Title 12; and 3) add Chapter 12.21 to codify various open government provisions.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29460 executed on August 29, 2014, submitted by the City Clerk.

Action: Ordinance No. 29460 was adopted. (11-0.)

- (h) **ORD. NO. 29461** – Amending Title 12 of the San José Municipal Code to add a new Chapter 12.22 to define certain council decisions impacting specified relationships as conflicts of interest.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29461 executed on August 29, 2014, submitted by the City Clerk.

Action: Ordinance No. 29461 was adopted. (11-0.)

- (i) **ORD. NO. 29463** – Rezoning certain real property of approximately 0.45 acres situated on the northwest corner of N. Market Street and W. St. James Street from the DC downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District. C14-011

Documents Filed: Proof of Publication of the Title of Ordinance No. 29463 executed on August 29, 2014, submitted by the City Clerk.

Action: Ordinance No. 29463 was adopted. (11-0.)

- (j) **ORD. NO. 29464** – Rezoning certain real property of approximately 0.44 acres situated on the northeast corner of S. 1ST Street and E. William Street From the DC downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District. C14-012

Documents Filed: Proof of Publication of the Title of Ordinance No. 29464 executed on August 29, 2014, submitted by the City Clerk.

Action: Ordinance No. 29464 was adopted. (11-0.)

2.2 Final Adoption of Ordinances. (Cont'd.)

- (k) **ORD. NO. 29465** – Rezoning certain real property of approximately 0.54 acres situated on the southwest corner of The Alameda and Cleaves Avenue from the CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District. C14-013

Documents Filed: Proof of Publication of the Title of Ordinance No. 29465 executed on August 29, 2014, submitted by the City Clerk.

Action: Ordinance No. 29465 was adopted. (11-0.)

- (l) **ORD. NO. 29466** – Rezoning certain real property of approximately 0.96 acres situated on the west side of S. 1st Street, approximately 250 feet south of W. San Carlos Street from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District. C14-014

Documents Filed: Proof of Publication of the Title of Ordinance No. 29466 executed on August 29, 2014, submitted by the City Clerk.

Action: Ordinance No. 29466 was adopted. (11-0.)

- (m) **ORD. NO. 29467** – Rezoning certain real property of approximately 0.45 acres situated on the west corner of S. Market Street and Balbach Street from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District. C14-015

Documents Filed: Proof of Publication of the Title of Ordinance No. 29467 executed on August 29, 2014, submitted by the City Clerk.

Action: Ordinance No. 29467 was adopted. (11-0.)

- (n) **ORD. NO. 29468** – Rezoning certain real property situated on the southwest corner of West San Fernando Street and South Montgomery Street on a 1.00 gross-acre site (105 South Montgomery Street) from the LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District. C14-016

Documents Filed: Proof of Publication of the Title of Ordinance No. 29468 executed on August 29, 2014, submitted by the City Clerk.

Action: Ordinance No. 29468 was adopted. (11-0.)

2.2 Final Adoption of Ordinances. (Cont'd.)

- (o) **ORD. NO. 29469 – Rezoning certain real property situated on southeast corner of West San Fernando Street and South Montgomery Street on a 1.25 gross-acre site (510 West San Fernando Street) from the LI Light Industrial Zoning District to the PQP Public/Quasi-public Zoning District. C14-017**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29469 executed on August 29, 2014, submitted by the City Clerk.

Action: Ordinance No. 29469 was adopted. (11-0.)

- (p) **ORD. NO. 29470 – Rezoning certain real property bounded by South Montgomery Street and South Autumn Street, approximately 350 feet north of Park Avenue on a 1.01 gross-acre site (150 South Montgomery Street) from the LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District. C14-018**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29470 executed on August 29, 2014, submitted by the City Clerk.

Action: Ordinance No. 29470 was adopted. (11-0.)

- (q) **ORD. NO. 29471 – Rezoning certain real property situated on the northeast corner of South Montgomery Street and Park Avenue on a 1.61 gross-acre site (645 Park Avenue) from the LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District. C14-019**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29471 executed on August 29, 2014, submitted by the City Clerk.

Action: Ordinance No. 29471 was adopted. (11-0.)

- 2.3 (a) **Rules and Open Government Committee Report of August 6, 2014. (Mayor [Deferred from 8/26/14 – Item 2.3(a)])**
- (b) **Committee on Economic Competitiveness Report of June 2, 2014. (Mayor)**
- (c) **Transportation and Environment Committee Report of August 11, 2014. (Liccardo)**
- (d) **Rules and Open Government Committee Report of August 13, 2014. (Mayor)**
- (e) **Rules and Open Government Committee Report of August 20, 2014. (Mayor)**

Documents Filed: (1) Rules and Open Government Committee Reports of August 6, 13 and 20, 2014. (2) Committee on Economic Competitiveness Report of June 2, 2014. (3) Transportation and Environment Committee Report of August 11, 2014.

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

2.3 (Cont'd.)

- (f) Public Safety, Finance, and Strategic Support Committee Report of August 21, 2014. (Constant)**
- (g) Community and Economic Development Committee Report of August 25, 2014. (Herrera)**

Action: Deferred to September 16, 2014 per City Clerk.

2.4 Mayor and Council Excused Absence Requests.

- (a) Request for an excused absence for Councilmember Constant from the Regular Meeting of Rules and Open Government Committee on September 3, 2014 due to Authorized City Business: League of California Cities: Public Safety Committee Meeting and Annual Conference.**
- (b) Request for an excused absence for Councilmember Constant from the Closed Session and Regular Meeting of the City Council on September 16, 2014 and the Regular Meeting of Rules and Open Government Committee on September 17, 2014 due to Authorized City Business: 2014 Chamber of Commerce Annual Study Mission.**
- (c) Request for excused absence for Councilmember Constant from the Evening Meeting of the City Council Meeting on November 18, 2014 and the Regular Meeting of the Rules and Open Government Committee on November 19, 2014 due to Authorized City Business: National League of Cities Congress of Cities and Exposition Conference. (Constant)**

Documents Filed: Memoranda from Councilmember Constant, dated August 20, 21 and 27, 2014, requesting absences due to authorized City business.

Action: The absences were excused. (11-0.)

2.5 City Council Travel Reports.

Mayor Reed reported on his participation in the Innovation in Cities Conference held in Washington D.C. Councilmembers Chu, Constant, Campos and Rocha discussed their attendance at the League of California Cities, where Councilmember Chu accepted, on behalf of the City, the Excellence in Planning Award; Councilmember Campos was reappointed as Board Secretary of the Latino Caucus, and discussions were held on a variety of other topics, including a “no” vote on Proposition 47. Councilmember Khamis discussed his trip to Copenhagen, Denmark to attend a transportation study tour of urban bicycling.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

- 2.7 (a) **Approve Master Agreements with Seabury APG and AviaSolutions to provide on-call air service development consultant services for the Norman Y. Mineta San José International Airport in an amount not to exceed \$975,000 with a total budget for both agreements not to exceed \$975,000 and for a term of three years from the date of Council approval, with the City’s option to extend each agreement for up to two additional one-year periods.**
- (b) **Adopt a resolution authorizing the Director of Aviation to exercise options to extend the agreements with Seabury APG and AviaSolutions to provide on-call air service development consultant services for up to two additional one-year periods at no increase in total compensation.**

**CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design/Study/Research/Inspection. (Airport)
(Deferred from 8/19/14 – Item 2.8)**

Documents Filed: Memorandum from Director of Aviation Kim Becker Aguirre, dated July 28, 2014, recommending approval of master agreements and adoption of a resolution.

Action: The Master Agreements with Seabury APG and AviaSolutions to provide on-call air service development consultant services for the Norman Y. Mineta San José International Airport in an amount not to exceed \$975,000 with a total budget for both agreements not to exceed \$975,000 and for a term of three years from the date of Council approval, with contingencies, were approved, and Resolution No. 77142, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Aviation to Execute Options to Extend the Master Agreements for Consultant Services with Seabury Airline Planning Group, LLC, and with AviaSolutions, LLC, Each for up to Two Additional One Year Periods”, was adopted. (11-0.)

- 2.8 **Approve a Fourth Amendment to the Parking Premises Agreement between the City of San José and SP6 San José Hotel Owner, LLC as successor in interest to PR SJM Hotel, LLC (Prudential Insurance) that includes the following changes:**

- (a) **Change the party from PR SJM Hotel, LLC, an affiliate of Prudential Insurance, to SP6 San José Hotel Owner, LLC.**
- (b) **Authorize the City Manager to amend the agreement when there is an assignment or transfer in ownership.**

CEQA: Not a Project, File No. PP10-066(f), Lease of existing space for the same use. Council District 3. (Transportation)

Documents Filed: Memorandum from Director of Transportation Hans Larsen, dated July 28, 2014, recommending approval of a Fourth Amendment to an agreement.

Action: A Fourth Amendment to the Parking Premises Agreement between the City of San José and SP6 San José Hotel Owner, LLC as successor in interest to PR SJM Hotel, LLC (Prudential Insurance) that includes the following changes: (a) Change the party from PR SJM Hotel, LLC, an affiliate of Prudential Insurance, to SP6 San José Hotel Owner, LLC.; (b) Authorize the City Manager to amend the agreement when there is an assignment or transfer in ownership, was approved. (11-0.)

- 2.9 Approve travel by Councilmember Campos to Dallas, TX on September 12 – 13, 2014 to attend the National Association of Latino Elected and Appointed Officials’ (NALEO) National Policy Institute on Infrastructure. Source of Funds: NALEO and any remaining funds will be paid by District 5 Council Funds. (Campos)**

Documents Filed: Memorandum from Councilmember Campos, dated August 25, 2014, requesting authorization to travel on City business.

Action: Travel by Councilmember Campos to Dallas, TX on September 12 – 13, 2014 to attend the National Association of Latino Elected and Appointed Officials’ (NALEO) National Policy Institute on Infrastructure, was approved. (11-0.)

- 2.10 As recommended by the Rules and Open Government Committee on August 27, 2014:**

- (a) Approve the SEMANA JALISCO 2014 scheduled on August 29, 2014 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: Not a Project. (Campos)

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated August 27, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Semana Jalisco 2014 Reception 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. (11-0.)

- 2.11 (a) Adopt a resolution authorizing the City Attorney to negotiate and execute an amendment to the continuation agreement with Renne Sloan Holtzman & Sakai LLP for legal services in connection with labor relations matters, increasing compensation by \$290,000 for a total amount not to exceed \$1,195,000, subject to appropriation of funds as recommended below, and extending the term through June 30, 2015.**
- (b) Adopt the following Appropriation Ordinance amendments in the General Fund:**
- (1) Increase the City-Wide Expenses appropriation to the City Attorney’s Office for Fiscal Reform Plan Outside Legal Counsel by the amount of \$290,000; and**
 - (2) Decrease the Fiscal Reform Plan Implementation Earmarked Reserve by the amount of \$290,000.**

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

2.11 (Cont'd.)

Documents Filed: Joint memorandum from City Attorney Richard Doyle and Budget Director Jennifer Maguire, dated August 28, 2014, recommending adoption of a resolution and an appropriation ordinance amendment.

Public Comment: David Wall offered criticism of the City's management of its debt.

Budget Director Jennifer Maguire responded to questions from Council, and discussion followed.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried, Resolution No. 77143, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute an Amendment to the Continuation Agreement with Renne Sloan Holtzman & Sakai, LLP for Legal Services in Connection with Labor Matters"; and Ordinance No. 29473, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the General Fund for Fiscal Reform Plan Outside Legal Counsel; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. (9-2. Noes: Campos, Kalra.)

2.12 **Appoint an employee member to fill an unanticipated vacancy on the Federated City Employee's Retirement System Board of Administration to a term expiring November 30, 2017. (City Clerk)** **(Rules Committee referral 8/20/14)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated August 29, 2014, recommending an appointment to the Federated City Employees' Retirement System Board of Administration.

Action: Appointment of an employee member to fill an unanticipated vacancy on the Federated City Employee's Retirement System Board of Administration to a term expiring November 30, 2017, was approved. (11-0.)

2.13 **Approve the following appointment to the Special Eligibility Seats on the Library and Early Education Commission:**

(a) Jan Maguire to a term ending June 30, 2016.

CEQA: Not a Project. (City Clerk)

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated August 26, 2014, recommending approval of an appointment to the Library and Early Education Commission.

Action: Jan Maguire was appointed to the Special Eligibility Seat on the Library and Early Education Commission to a term ending June 30, 2016. (11-0.)

2.14 As recommended by the Public Safety, Finance, and Strategic Support Committee on August 21, 2014:

- (a) Accept staff's report regarding options available to the San José Police Department to inform private daycares and afterschool programs of an imminent threat to public safety; and**
- (b) Approve the new provider agreement between the City of San José and County of Santa Clara to use the County-wide AlertSCC Regional Mass Notification System, at no cost to the City, for emergency notifications.**

(City Manager/Fire/Police)

[Public Safety, Finance, and Strategic Support Committee 8/21/14 – Item D(4)]

Action: Deferred to September 16, 2014 per Administration.

2.15 Ratification of Final Expenditures for 2013-2014.

- (a) Adopt an ordinance ratifying the final 2013-2014 appropriation increases detailed in this report.**
- (b) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:**
 - (1) Increase the Earned Revenue estimate by \$3,505,905;**
 - (2) Increase the Needs-Based Allocation Transfer to Council District 1 by \$238,683;**
 - (3) Increase the Needs-Based Allocation Transfer to Council District 2 by \$158,901;**
 - (4) Increase the Needs-Based Allocation Transfer to Council District 3 by \$116,829;**
 - (5) Increase the Needs-Based Allocation Transfer to Council District 4 by \$199,980;**
 - (6) Increase the Needs-Based Allocation Transfer to Council District 5 by \$240,617;**
 - (7) Increase the Needs-Based Allocation Transfer to Council District 6 by \$301,547;**
 - (8) Increase the Needs-Based Allocation Transfer to Council District 7 by \$299,283;**
 - (9) Increase the Needs-Based Allocation Transfer to Council District 8 by \$196,111;**
 - (10) Increase the Needs-Based Allocation Transfer to Council District 9 by \$205,783;**
 - (11) Increase the Needs-Based Allocation Transfer to Council District 10 by \$103,554;**
 - (12) Increase the Transfer to the Parks City-Wide Construction and Conveyance Tax Fund by \$995,640; and**
 - (13) Increase the Transfer to the General Fund – Parks Eligible Maintenance Costs by \$518,984.**

2.15 Ratification of Final Expenditures for 2013-2014. (Cont'd.)

- (c) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the 1990 Gas Tax Maintenance and Construction Fund:**

 - (1) Increase the estimate for Earned Revenue by \$2,345,264; and**
 - (2) Increase the Transfer to the General Fund for Street Maintenance by \$2,345,264.**
- (d) Adopt the following 2013-2014 Appropriation Ordinance amendments in the Convention Center Facilities District Revenue Fund:**

 - (1) Increase the Commercial Paper Debt Service to the Finance Department by \$99,805; and**
 - (2) Decrease the Unrestricted Ending Fund Balance by \$99,805.**
- (e) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the 1943 Gas Tax Maintenance and Construction Fund:**

 - (1) Increase the estimate for Earned Revenue by \$96,108; and**
 - (2) Increase the Transfer to the General Fund for Street Maintenance by \$96,108.**
- (f) Adopt the following 2013-2014 Appropriation Ordinance amendments in the General Purpose Parking Fund:**

 - (1) Increase the Personal Services appropriation to the Department of Transportation in the amount of \$34,478; and**
 - (2) Decrease the Unrestricted Ending Fund Balance by \$34,478.**
- (g) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:**

 - (1) Increase the Earned Revenue estimate by \$8,306; and**
 - (2) Increase the Transfer to the Park Yards Operating and Maintenance Expenses appropriation by \$8,306.**
- (h) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the 1964 Gas Tax Maintenance and Construction Fund:**

 - (1) Increase the estimate for Earned Revenue by \$4,370; and**
 - (2) Increase the Transfer to the General Fund for Street Maintenance by \$4,370.**
- (i) (1) Adopt the following 2013-2014 Appropriation Ordinance amendments in the General Fund:**

 - (a) Increase the Operating Expenditures for Council District #03 by \$1,547;**
 - (b) Decrease the City-Wide Expenses City Dues/Memberships appropriation by \$1,547 as a temporary offset.**

(2) As part of the 2013-2014 Annual Report, decrease the 2014-2015 operating expenditures for Council District #03 (July-December) appropriation by \$1,547 as a final offset.

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

2.15 Ratification of Final Expenditures for 2013-2014. (Cont'd.)

Documents Filed: Memorandum from Budget Director Jennifer Maguire, dated August 18, 2014, recommending adoption of an ordinance, appropriation ordinances and funding sources resolution amendments.

Action: Ordinance No. 29474, entitled: “An Ordinance of the City of San José Authorizing and Ratifying Certain Encumbrances and/or Expenditures in Various Funds Made During City’s 2013-2014 Fiscal Year in Excess of Sums Appropriated Therefore; Ordinance No. 29475, entitled: “An Ordinance of the City of San José Amending Ordinance No 29271 to Appropriate Monies in the Construction Tax and Property Conveyance Tax Fund for Needs-Based Allocation Transfer to Council Districts One Through Ten, Transfer to the Parks City-Wide Construction and Conveyance Tax Fund, and Transfer to the General Fund – Parks Eligible Maintenance Costs; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; and Resolution No. 77144, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76677 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2013-2014 to Adjust Revenues in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund”; Ordinance No. 29476, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the 1990 Gas Tax Maintenance and Construction Fund for the Transfer to the General Fund for Street Maintenance; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 77145, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76677 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2013-2014 to Adjust Revenues in the 1990 Gas Tax Maintenance and Construction Fund”; Ordinance No. 29477, entitled: “An Ordinance of the City of San José Amending Ordinance No 29271 to Appropriate Monies in the Convention Center Facilities District Revenue Fund for the Commercial Paper Debt Service; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Ordinance No. 29478, entitled: “An Ordinance of the City of San José Amending Ordinance No 29271 to Appropriate Monies in the 1043 Gas Tax Maintenance and Construction Fund for the Transfer to the General Fund for Street Maintenance; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 77146, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76677 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2013-2014 to Adjust Revenues in the 1943 Gas Tax Maintenance and Construction Fund”; Ordinance No. 29479, entitled: “An Ordinance of the City of San José Amending Ordinance No 29271 to Appropriate Monies in the General Purpose Parking Fund for the Personal Services Appropriation to the Department of Transportation; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Ordinance No. 29480, entitled: “An Ordinance of the City of San José Amending Ordinance No 29271 to Appropriate Monies in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes for the Park Yards Operating and Maintenance Expenses; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 77147, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76677 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2013-2014 to Adjust Revenues in the

2.15 Ratification of Final Expenditures for 2013-2014. (Cont'd.)

Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes”; Ordinance No. 29481, entitled: “An Ordinance of the City of San José Amending Ordinance No 29271 to Appropriate Monies in the 1964 Gas Tax Maintenance and Construction Fund for the Transfer to the General Fund for Street Maintenance; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 77148, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76677 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2013-2014 to Adjust Revenues in the 1964 Gas Tax Maintenance and Construction Fund”; and Ordinance No. 29482, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the General Fund for the Operating Expenditures for Council District #03; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (11-0.)

2.16 Approve travel by Councilmember Constant to Tempe, AZ on September 11 – 13, 2014 to represent San José as Chair of the National League of Cities’ Public Safety and Crime Prevention Steering Committee. Source of Funds: Mayor & Council Travel Funds. (Constant)

Documents Filed: Memorandum from Councilmember Constant, dated August 27, 2014, requesting authorization to travel on City business.

Councilmember Constant pulled Item 2.16 to ask the status of the City’s ban on travel to Arizona due to its previous legislation. City Attorney Richard Doyle indicated that a formal repeal would need to return in the form of a resolution.

Action: Upon motion by Councilmember Herrera, seconded by Vice Mayor Nguyen and carried unanimously, travel by Councilmember Constant to Tempe, AZ on September 11 – 13, 2014 to represent San José as Chair of the National League of Cities’ Public Safety and Crime Prevention Steering Committee, was approved with Staff to prepare a resolution to formalize the repeal or suspension of the boycott of travel to Arizona. (11-0.)

2.17 Authorize the City Manager to:

- (a) Amend the Purchase Order with Joson Fence (San José, CA) for chain link fence installation and repairs, to increase compensation by \$250,000, for a revised total amount not-to-exceed \$520,000, for the current term ending on June 30, 2015.**
- (b) Approve a contingency of \$50,000 in the event that usage exceeds estimates for the remainder of the current term ending on June 30, 2015.**
- (c) Exercise the remaining three year options to extend the term through June 30, 2018, subject to the appropriation of funds.**

CEQA: Exempt, File No. PP14-072. (Finance)

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated September 9, 2014, recommending amendment of a purchase order with related contingencies.

2.17 Purchase Order with Joson Fence (Cont'd.)

Action: The Purchase Order with Joson Fence (San José, CA) for chain link fence installation and repairs, to increase compensation by \$250,000, for a revised total amount not-to-exceed \$520,000, for the current term ending on June 30, 2015, with related contingencies and exercising remaining options to extend the term, was Authorized. (11-0.)

2.18 As recommended by the Rules and Open Government Committee on August 27, 2014:

- (a) Approve the Balance Awareness Walk scheduled on September 20, 2014, 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. (Herrera)

[Rules Committee referral 8/27/14 – Item G(4)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated August 27, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 8 Balance Awareness Walk 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. (11-0.)

2.19 Approve the acceptance of \$143,600 as full payment of the City Loan and release the Affordability Restrictions on the property located at 383 Destino Circle. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. Council District 3. (Housing)

Documents Filed: City Council Action Request from Director of Housing Leslye Corsiglia, dated September 9, 2014, recommending acceptance of a loan payoff and release of affordability restrictions.

Action: The acceptance of \$143,600 as full payment of the City Loan and release the Affordability Restrictions on the property located at 383 Destino Circle for a loan made to Varun Shah. (11-0.)

2.20 Approve the Second Continuation to the Grant Agreement with HomeFirst (formerly EHC LifeBuilders) to extend implementation of the San José Downtown Homeless Outreach and Engagement Program through June 30, 2015, and to add \$347,000 for a total contract amount not to exceed \$954,000. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts. (Housing)

2.20 (Cont'd.)

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated August 18, 2014, recommending approval of a second continuation to an agreement.

Action: The Second Continuation to the Grant Agreement with HomeFirst (formerly EHC LifeBuilders) to extend implementation of the San José Downtown Homeless Outreach and Engagement Program through June 30, 2015, with contingencies, was approved. (11-0.)

2.21 As recommended by the Rules and Open Government Committee on August 27, 2014:

- (a) Approve the District 2 Village Fest Event scheduled on September 20, 2014 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: Not a Project. (Kalra)

[Rules Committee referral 8/27/14 – Item G(2)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated August 27, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 2 Village Fest 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. (11-0.)

2.22 As recommended by the Rules and Open Government Committee on August 27, 2014:

- (a) Approve the Vietnamese New Year Flag Raising Ceremony sponsored Special Event; and**
- (b) Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event.**

CEQA: Not a Project. (Khamis)

[Rules Committee referral 8/27/14 – Item G(5)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated August 27, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Vietnamese New Year Flag Raising 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. (11-0.)

- 2.23 As recommended by the Rules and Open Government Committee on August 27, 2014, approve a grant of \$1,000 to the Martin-Fontana Parks Association to be paid from the budgeted District 10 SAP Center at San José allocations, which is funded by the Arena Community Fund City-wide appropriation. (Khamis)
[Rules Committee referral 8/27/14 – Item G(6)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated August 27, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: A grant of \$1,000 to the Martin-Fontana Parks Association to be paid from the budgeted District 10 SAP Center at San José allocations, which is funded by the Arena Community Fund City-wide appropriation, was approved. (11-0.)

- 2.24 Approve travel by Mayor Reed to Washington, D.C. on August 28 – 29, 2014 to attend the City Innovation Conference. Source of Funds: Mayor’s Office Fund. (Mayor)**

Documents Filed: Memorandum from Mayor Reed, dated August 12, 2014, requesting authorization to travel due to authorized City business.

Action: The travel and excused absences were approved. (11-0.)

- 2.25 Conduct a Public Hearing and adopt a resolution to be effective December 1, 2014 to:**

- (a) Set forth the new Schedule of Parkland Fees charged pursuant to the San José Municipal Code Chapters 14.25 (“Park Impact Ordinance”) and 19.38 (“Parkland Dedication Ordinance”) to reflect the 2012 Residential Land Value Study trended to 2013, and the updated 2010 Census data; and**
- (b) Authorize the City Manager to determine the applicable parkland fees for any residential units in the City of San José that are not included in the Schedule of Parkland Fees based on the nearest Multiple Listing Service districts.**

CEQA: Not a Project, File No. PP10-067(a), Adjustments to fees, rates, and charges. (Parks, Recreation and Neighborhood Services)

Note: Item 2.25 was renumbered to Item 5.1

- 2.26 (a) Adopt a resolution that authorizes the City Manager, or designee, to:**
- (1) Accept a grant in the amount of \$712,700 from the Metropolitan Transportation Commission (MTC) under the Priority Conservation Area (PCA) Grant Program supporting the design of Coyote Creek Trail from Brokaw Road to the Union Pacific Railroad (UPRR) corridor (“Project”);**

2.26 (Cont'd.)

- (a) (2) **Conduct all negotiations, execute and submit all documents, including but not limited to: agreements, amendments, and payment requests which may be necessary for use of the grant funds in completion of the Project; and**
- (3) **Make the assurances required by the MTC to comply with the Project application, deadlines to complete the Project, grant program requirements, and other assurances as explained in this memorandum.**
- (b) **Adopt the following Appropriation Ordinance Amendments in the Subdivision Park Trust Fund (Fund 375):**
 - (1) **Decrease the Future PDO/PIO Projects Reserve by \$713,000; and**
 - (2) **Establish the “TRAIL: Coyote Creek (Brokaw Road to the Union Pacific Railroad corridor) Design” appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$713,000.**

CEQA: Mitigated Negative Declaration, File No. PP09-218. (Parks, Recreation and Neighborhood Services/City Manager)

Documents Filed: Joint memorandum from Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares and Budget Director Jennifer Maguire, dated August 18, 2014, recommending adoption of a resolution and an appropriation ordinance amendment.

Action: Resolution No. 77149, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or His Designee to Accept a Grant in the Amount of \$712,700 from the Metropolitan Transportation Commission (“MTC”) Under the Priority Conservation Area Grant Program, Negotiate, Execute and Submit all Documents Necessary for Use of the Grant Funds, and Make the Assurances Required by the MTC to Comply with the Program Requirements”; and Ordinance No. 29483, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the Subdivision Park Trust Fund for the Trail: Coyote Creek (Brokaw Road to the Union Pacific Railroad Corridor) Design; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (11-0.)

2.27 *Note: Item 2.27 Not Used*

- 2.28 Approve a Master Agreement with Rosa Lowinger Associates, Inc. from the date of execution to December 31, 2018, in an amount not to exceed \$500,000 for objects conservator consulting services for various city public art pieces, including assessment and repair. CEQA: Exempt, File No. PP11-017. (Public Works)**

Documents Filed: City Council Action Request from Director of Public Works David Sykes, dated September 9, 2014, recommending approval of a master agreement.

2.28 (Cont'd.)

Action: A Master Agreement with Rosa Lowinger Associates, Inc. from the date of execution to December 31, 2018, in an amount not to exceed \$500,000 for objects conservator consulting services for various city public art pieces, including assessment and repair, was approved. (11-0.)

2.29 As recommended by the Rules and Open Government Committee on September 3, 2014:

- (a) Approve the District 1 Candidate Forum scheduled on Saturday, October 11, 2014 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: Not a Project. (Constant)

[Rules Committee referral 9/3/14 – Item G(2)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated September 3, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 1 Candidate Forum 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. (11-0.)

2.30 As recommended by the Rules and Open Government Committee on September 3, 2014:

- (a) Approve the Day in the Park festival scheduled on October 11, 2014 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: Not a Project. (Herrera)

[Rules Committee referral 9/3/14 – Item G(3)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated September 3, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Day in the Park festival 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. (11-0.)

- 2.31 As recommended by the Rules and Open Government Committee on September 3, 2014; reaffirm a position to oppose SB 556 (Padilla/Corbett). (City Manager)
[Rules Committee referral 9/3/14 – Item G(5)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated September 3, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: A position to oppose SB 556 (Padilla/Corbett), was reaffirmed. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

- 3.1 Report of the City Manager, Edward Shikada (Verbal Report).**

City Manager Ed Shikada offered appreciation to the emergency response staff in the rescue and return of a six year-old boy, and to the exemplary sensitivity demonstrated by the attending officer.

- 3.4 Approval of Sale and Issuance of Bonds and Related Bond Documents for Airport Revenue Refunding Bonds, Series 2014A, Series 2014B, and Series 2014C.**

- (a) Hold a TEFRA (“Tax Equity and Fiscal Responsibility Act”) hearing with respect to the proposed issuance by the City of airport revenue refunding bonds in an aggregate principal amount not to exceed \$180,000,000 pursuant to a plan of finance in order to provide proceeds to finance or refinance all or a portion of the costs of acquisition, construction, equipping, financing, reconstruction, development, and modification of airport facilities that are included in or are consistent with the Airport Master Plan for the Airport.**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated August 18, 2014, recommending holding a public hearing.

Public Comment: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: No action required. Item 3.4(b) to be heard immediately following Consent Calendar on September 16, 2014.

- (b) Adopt the Nineteenth Supplemental Resolution (the “Resolution”) of the City Council:**
- (1) Authorizing the issuance of City of San José Airport Revenue Refunding Bonds, Series 2014A, Series 2014B, and Series 2014C, in an aggregate principal amount of not to exceed \$180,000,000 to be sold through negotiated sale;**

3.4 (Cont'd.)

- (b) (2) Approving substantially final forms of Tenth Supplemental Trust Agreement, Preliminary Official Statement, Final Official Statement, Bond Purchase Agreement and Continuing Disclosure Certificate; authorizing the distribution of one or more Preliminary Official Statements and the Final Official Statements; and**
- (3) Authorizing the City's designated officers to take other necessary actions in connection therewith.**

CEQA: Not a project, File No. PP10-066, Agreements and Contracts. (Finance)

Action: Item 3.4(b) deferred to September 16, 2014 per Administration.

3.5 Adopt a resolution:

- (a) Authorizing the issuance of (a) tax-exempt multifamily housing revenue notes designated as "City of San José Multifamily Housing Revenue Notes (Cambrian Center), Series 2014A-1 (the "Series 2014A-1 Note") and Series 2014A-2 (the "Series 2014A-2 Note, with, the Series 2014A-1 Note, the "Series 2014A Tax-Exempt Notes") in an aggregate principal amount not to exceed \$38,069,000 and (b) taxable multifamily housing revenue notes designated "City of San José Multifamily Housing Revenue Notes (Cambrian Center), Series 2014A-3 (the "Series 2014A-3 Note") and Series 2014A-4 (the "Series 2014A-4 Note", with the Series 2014A-3 Note, the "Series 2014A Taxable Notes") in an aggregate principal amount not to exceed \$5,000,000;**
- (b) Approving a loan of Series 2014A Tax-Exempt Note and Series 2014A Taxable Note proceeds to Eden Cambrian, L.P., a California limited partnership created by Eden Housing Inc., to finance the acquisition and rehabilitation of the Cambrian Center apartments located at 2360 Samaritan Place, in San José;**
- (c) Approving in substantially final form the Funding Loan Agreement, Borrower Loan Agreement, Assignment of Deed of Trust, and Regulatory Agreement and Declaration of Restrictive Covenants (the "Series 2014A Documents"); and**
- (d) Authorizing and directing the City Manager, Director of Finance, and Director of Housing, or their designees, to execute and, deliver the Series 2014A Documents and other related Series 2014A Tax-Exempt Note and Series 2014A Taxable Note documents as necessary.**

CEQA: North San José Policies Update Final Program EIR, Resolution No. 72768, adopted June 21, 2005, File No. PDC07-101. (Finance/Housing)

Action: Deferred to September 16, 2014 per Orders of the Day.

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Consideration of an ordinance amending Chapter 20.100 including but not limited to Sections 20.100.180, 20.100.290, 20.100.630, 20.100.800, 20.100.820, 20.100.830, 20.100.920, 20.100.940, and 20.100.950, of Title 20 (the Zoning Code); and Chapter 21.04 including but not limited to Section 21.04.140, and Chapter 21.07 including but not limited to Sections 21.07.040, 21.07.050, 21.07.060, and 21.07.080 of Title 21(Environmental Review) of the San José Municipal Code to streamline the City’s environmental clearance and permitting processes, and to make other technical, non-substantive, or formatting changes within those Chapters of Title 20 and Title 21 including but not limited to Chapters 20.100, 21.04, and 21.07. CEQA: Not a Project, File No. PP10-068 (c), Code or policy change that involves no changes in the physical environment. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated August 25, 2014, transmitting the Planning Commission recommendation. (2) Supplemental memorandum from City Attorney Richard Doyle, dated September 4, 2014, responding to the Trades Council comments and those received as part of the review process. (3) Proof of Publication of Notice of Public Hearing executed on July 25, 2014, submitted by the City Clerk.

Action: Upon motion by Councilmember Liccardo, seconded by Councilmember Herrera and carried, the recommendation of the Planning Commission was approved, Ordinance No. 29484, entitled: “An Ordinance of the City of San José Amending Sections 20.100.180, 20.100.290, 20.100.630, 20.100.800, 20.100.820, 20.100.830, 20.100.920, 20.100.940, and 20.100.950, of Title 20 (the Zoning Code); and Chapter 21.04 Including but not Limited to Section 21.04.140, and Chapter 21.07 Including but not Limited to Sections 21.07.040, 21.07.050, 21.07.060, and 21.07.080 of Title 21(Environmental Review) of the San José Municipal Code to Streamline the City’s Environmental Clearance and Permitting Processes”, was passed for publication. (10-1. Noes: Campos.)

- 4.2 Consider a Planned Development Permit to allow the demolition of an existing building and construction of a 140 multi-family attached residence building and 29,651 square feet of commercial space on a 1.04 gross-acre site on the north side of The Alameda, approximately 315 feet west of Stockton Avenue (785 The Alameda LLC, Owner). CEQA: Addendum to Mitigated Negative Declaration File No. PDC13-007, Resolution No. 76763, adopted 8/20/2013. Planning Commission recommends approval. (Planning, Building and Code Enforcement)
PD14-016 – District 6**

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated July 28, 2014, transmitting the Planning Commission recommendation. (2) Supplemental memorandum from Director of Planning, Building and Code Enforcement, Harry Freitas, dated August 28, 2014, providing clarification of the approval process.

4.2 Action: Upon motion by Council Member Oliverio, seconded by Councilmember Herrera, and carried unanimously, the recommendation of the Planning Commission was approved, Resolution No. 77150, entitled: “A Resolution of the Council of the City of San José A resolution of the City Council of the City of San José approving a planned development Permit, Subject to Conditions, to Allow Development of up to 140 Attached Residential Units and a Minimum of 22,651 Square Feet of Commercial Uses on a 1.04 Gross Acre Site Located on the North Side of the Alameda Approximately 310 Feet West of Stockton Avenue”, was adopted. (11-0.)

- 4.3 (a) **Award a design-build contract for the United States Patent and Trademark Office (USPTO) project to Turner Construction Company (Turner), in an amount not to exceed \$9,636,364; and approve a 10 percent City/USPTO contingency in the amount of \$963,636, all subject to the appropriation of funds.**
- (b) **Adopt a resolution authorizing the Director of Public Works to issue any single and/or multiple change orders up to the amount of the City/USPTO contingency.**
- (c) **Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:**
- (1) **Establish a City-Wide appropriation to the Department of Public Works for the USPTO - Tenant Improvements project in the amount of \$6,116,000; and**
 - (2) **Increase the estimate for Revenue from Federal Government in the amount of \$6,116,000.**

CEQA: Exempt, File No. PP14-031. (Public Works/City Manager)

Documents Filed: (1) Memorandum from Director of Public Works David Sykes, dated August 18, 2014, reporting on award of a design-build contract and adoption of a resolution. (2) Joint supplemental memorandum from Director of Public Works David Sykes and Budget Director Jennifer Maguire, dated September 2, 2014, providing additional information after negotiations with the design-builder.

Public Comment: David Wall complained of costs to relocate City employees.

Action: Upon motion by Councilmember Liccardo, seconded by Councilmember Herrera and carried unanimously, Resolution No. 77151, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Issue Any Single and/or Multiple Change Orders for the United States Patent and Trademark Office Project Up to the City/USPTO Contingency Amount of \$963,636”; Ordinance No. 29485, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the General Fund for the USPTO Tenant Improvements Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; and Resolution No. 77152, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 77037 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2014-2015 to Adjust Revenues in the General Fund”, were adopted. (11-0.)

NEIGHBORHOOD SERVICES

5.1 Conduct a Public Hearing and adopt a resolution to be effective December 1, 2014 to:

- (a) Set forth the new Schedule of Parkland Fees charged pursuant to the San José Municipal Code Chapters 14.25 (“Park Impact Ordinance”) and 19.38 (“Parkland Dedication Ordinance”) to reflect the 2012 Residential Land Value Study trended to 2013, and the updated 2010 Census data;
- (b) Authorize the City Manager to determine the applicable parkland fees for any residential units in the City of San José that are not included in the Schedule of Parkland Fees based on the nearest Multiple Listing Service districts.

CEQA: Not a Project, File No. PP10-067(a), Adjustments to fees, rates, and charges. (Parks, Recreation and Neighborhood Services)

Note: Item 5.5 was renumbered From Item 2.25

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated August 18, 2014, recommending adoption of a resolution.

Public Comment: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: Upon motion by Council Member Oliverio, seconded by Vice Mayor Nguyen and carried unanimously, Resolution No. 77153, entitled: “A Resolution of the Council of the City of San José Setting Forth the Schedule of Parkland Fees Charged Pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code to Reflect the 2012 Residential Land Value Study Trended to 2013 and the Updated 2010 Census Data, and Authorizing the City Manager to Determine the Applicable Parkland Fees for Any Residential Units in the City of San José that are Not Included in the Schedule of Parkland Fees Based on the Nearest Multiple Listing Service Districts”, was adopted. (11-0.)

PUBLIC SAFETY SERVICES

8.1 As recommended by the Public Safety, Finance, and Strategic Support Committee on August 21, 2014:

- (a) Accept the staff’s report; and
- (b) Direct staff to create a database providing San José residents and business owners with the option to voluntarily register the type and location of their surveillance equipment for potential use by the Police Department.

CEQA: Not a Project, File No. PP10-068(c), Policy action that involves no changes in the physical environment. (City Manager)

[Public Safety, Finance, and Strategic Support Committee referral 8/21/14 – Item D(3)]

8.1 (Cont'd.)

Documents Filed: (1) Memorandum from Councilmember Liccardo, dated September 8, 2014, recommending acceptance of the Committee with additional direction to Staff. (2) Memorandum from City Clerk Toni Taber, dated August 28, 2014, transmitting the recommendations of the Public Safety, Finance and Strategic Support Committee.

Motion: Council Member Liccardo moved approval of the Staff recommendations, including direction to staff as outlined in his memorandum of September 8, 2014. Council Member Councilmember Herrera seconded the motion.

Public Comment: Yolanda Lewis expressed concerns that this could lead to the militarization of the police force. David Wall spoke on problems with recruiting police officers.

Action: Upon motion by Councilmember Liccardo, seconded by Council Member Herrera and carried unanimously, the Staff report was accepted, with direction as outlined in Councilmember Liccardo's memorandum of September 8, 2014, to (1) Direct Staff to create a database providing San José residents and business owners with the option to voluntarily register the type and location of their surveillance equipment for potential use by the Police Department; (2) Direct Staff to consider whether simple GIS mapping software (which the City likely already possesses) could best assist officers in quickly identifying private surveillance cameras geographically near a crime scene; (3) Further direct the City Attorney to issue public guidance that, barring some extraordinary circumstances or court order, a Public Record Act Request seeking the identity of any voluntary participant in this program will be denied, with findings that the interests of confidentiality of cooperators in criminal investigations outweighs the interests in disclosure", was approved. (9-0-2. Absent: Campos, Rocha.)

REDEVELOPMENT – SUCCESSOR AGENCY

9.1 **Adopt resolutions authorizing the negotiation and execution of a First Amendment to the Amended and Restated Long Term Reimbursement Agreement between the City of San José and the Successor Agency to the Redevelopment Agency of the City of San José, authorizing reimbursement through FY 2014-15. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (Successor Agency)**

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, dated August 18, 2014, recommending adoption of resolutions. (2) Supplemental memorandum from Director of Finance Julia H. Cooper, dated September 5, 2014, providing recommendations of the Oversight Board to the Successor Agency of the Redevelopment Agency.

9.1 (Cont'd.)

Public Comment: David Wall expressed appreciation to Successor Agency Managing Director Richard A. Keit for his leadership.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Herrera and carried unanimously, Successor Agency Resolution No. 7031, entitled: “A Resolution of the Successor Agency of the Redevelopment Agency of the City of San José Authorizing the Executive Officer to Negotiate and Execute the First Amendment to the Amended and Restated Long Term Reimbursement Agreement between the City of San José and the Successor Agency, Authorizing Reimbursement Through Fiscal Year 2014-2015”; and Resolution No. 77154, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute the First Amendment to the Amended and Restated Long Term Reimbursement Agreement between the City of San José and the Successor Agency, Authorizing Reimbursement Through Fiscal Year 2014-2015”, were adopted. (11-0.)

9.2 **Adopt resolutions authorizing the negotiation and execution of a Partial Reinstatement of Loan Agreement by and between the Successor Agency to the Redevelopment Agency of the City of San José and the City of San José Related to the Supplemental Education Revenue Augmentation Fund (the “SERAF Loan”) reinstating a portion of the SERAF Loan, in the principal amount of \$10,000,000, and revising the repayment terms to conform to the requirements of Health and Safety Code Section 34191.4. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Successor Agency)**

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, dated August 18, 2014, recommending adoption of resolutions. (2) Supplemental memorandum from Director of Finance Julia H. Cooper, dated September 8, 2014, providing recommendations of the Oversight Board to the Successor Agency of the Redevelopment Agency.

Action: Upon motion by Councilmember Liccardo, seconded by Councilmember Herrera and carried unanimously, Successor Agency Resolution No. 7032, entitled: “A Resolution of the Successor Agency of the Redevelopment Agency of the City of San José Authorizing the Executive Officer to Negotiate and Execute A Partial Reinstatement of Loan Agreement By and Between the Successor Agency and the City of San José Related to the Supplemental Education Revenue Augmentation Fund (“SERAF Loan”) Reinstating a Portion of the SERAF Loan, in the Principal Amount of \$10,000,000, and Revising the Repayment Terms to Conform to the Requirements of Health and Safety Code Section 34191.4”; and Resolution No. 77155, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute A Partial Reinstatement of Loan Agreement By and Between the Successor Agency and the City of San José Related to the Supplemental Education Revenue Augmentation Fund (“SERAF Loan”) Reinstating a Portion of the SERAF Loan, in the Principal Amount of \$10,000,000, and Revising the Repayment Terms to Conform to the Requirements of Health and Safety Code Section 34191.4”, were adopted. (11-0.)

STRATEGIC SUPPORT SERVICES

3.3 2014-2015 Council Priority Ordinance and Policy Initiatives Prioritization Process.

- (a) **Confirm the remaining items on the Active Priority Ordinances, including the two items added under separate Council action and approve staff recommendation to remove five items from the Pending Ordinance List; and**
- (b) **Determine up to four issues to be selected as Active Priority Ordinances from the Pending Ordinances List.**

**CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Manager)
(Deferred from 8/26/14 - Item 3.5)**

Note: Item Heard Last

Documents Filed: (1) Joint memorandum from Mayor Reed and Vice Mayor Nguyen, dated September 5, 2014, recommending inclusion of the Mobile Home Conversion Ordinance in the priority process. (2) Two memoranda from Councilmember Kalra, both dated September 8, 2014, recommending the Wage Theft Ordinance, Riparian Corridor Policy and Wood Burning Appliances in the top-ten priority process. (3) Memorandum from Councilmember Campos, dated September 9, 2014, recommending adding Land Use Regulations to the top-ten priorities list. (4) Memorandum from City Manager, Edward K. Shikada, dated August 28, 2014, regarding the 2014-2015 Council Priority Ordinances and Policy Initiatives Prioritization Process. (5) Letter from County Supervisor, Dave Cortese, dated September 9, 2014, voicing support to include the Mobile Home Conversion Ordinance among the top-ten priority list. (6) Three email correspondence from Suzanne Morrone, Jeff Levine and Elizabeth Winslow, dated September 2 and September 8, 2014, urging an ordinance prohibiting the use of illegal fireworks as a top-ten priority. (7) Email correspondence from Lawrence Ames, and members of Sierra Club, Audubon Society, Greenbelt Alliance and Committee for Green Foothills, all urging inclusion of the Riparian Corridor Policy on the priority list. (8) Ten (10) Councilmember voting ballots, selecting their priorities for the top-ten list.

Public Comment: Urging inclusion of topics as to which policy initiatives should be included on the top ten priority list for the next priority setting were: Susan Norris, Ruth Greathouse, Kent Greathouse, Warren Gannon, Davlyn Jones, Phyllis Tripp, Jesus Rosada, Elizabeth Cruz, Bill Wallace, Martha O'Connell, Larry Ames, Alice Kaufman, Eileen McLaughlin, Michele Beasley, Ruth Silver Taube, Priscilla Soriano, Lisa Plane, Joan Goddard, Bobbie Wood, Greg Miller, Erik Schoennauer, Angel Sangalong Sarah Gonzalez, Tomas Margan, Gail Osmer, Diane Castillo, Dave Johnsen, Joyce Rabourn, Sandy Perry, David Wall, Marco Tilli, Catherine Lydon, Abel Moran, Richard McCoy, Paul Fong, Charles "Chappie" Jones, Julian Posadas, Robert Aguirre and James Zahradka.

Assistant City Manager Pamela Antil and Assistant to the City Manager, Teri Killgore offered a presentation on the prioritization process.

3.3 (Cont'd.)

Extensive Council discussion followed. Director of Planning, Building and Code Enforcement, Harry Freitas; Assistant City Manager Pamela Antil; Director of Public Works David Sykes; Jenny Nusbaum and Director of Economic Development/Chief Strategist Kim Welsh responded to questions from Council.

1st Motion: Vice Mayor Nguyen moved approval to pull two items for a separate vote: (1) Food and Clothing Distribution at City Parks; and (2) Downtown Parks Maintenance District and High-Rise Incentive Program; Approving the top four: (1) Streamlining Off-Sale of Alcohol at Grocery Store; (2) Zoning Ordinance Quarterly Modifications; (3) Real Estate Transactions Streamlining; (4) Development Agreement Policy; and removing five items: (1) Rehabilitating Vacant Buildings to address Homelessness; (2) University Corridor Overlay Along Story Road; (3) Illuminating Downtown Project; (4) Public Entertainment Business Permit Fee Methodology; (5) Extend Two-Year Construction Tax Incentive Program. Councilmember Constant seconded the motion.

Action: On a call for the question, the motion carried unanimously, and the two referenced items were pulled for a separate vote, the top four were approved for inclusion in the top-ten priority list, and five items were removed. (11-0.)

2nd Motion: Vice Mayor Nguyen moved approval to bifurcate two items pulled for a separate vote: (1) Food and Clothing Distribution at City Parks; and (2) Downtown Parks Maintenance District and High-Rise Incentive Program. Councilmember Constant seconded the motion.

Action: On a call for the question, the motion carried, and Council approved bifurcating the two items. (9-2. Noes: Campos, Kalra.)

3rd Motion: Vice Mayor Nguyen moved approval to include the Downtown Parks Maintenance District and High-Rise Incentive Program to the top ten priority list. Councilmember Herrera seconded the motion.

Action: On a call for the question, the motion carried, and Council approved including Downtown Parks Maintenance District and High-Rise Incentive Program to the top ten priority list. (8-3. Noes: Campos, Kalra, Oliverio.)

- The following were approved:
Confirmation of Remaining Items on the Active Priority Ordinances List
(1) Streamlining Off-Sale of Alcohol at Grocery Store
(2) Zoning Ordinance Quarterly Modifications
(3) Real Estate Transactions Streamlining
(4) Development Agreement Policy

3.3 (Cont'd.)

- Items Removed from the Pending Ordinance List:
 - (1) Rehabilitating Vacant Buildings to address Homelessness
 - (2) University Corridor Overlay Along Story Road
 - (3) Illuminating Downtown Project
 - (4) Public Entertainment Business Permit Fee Methodology
 - (5) Extend Two-Year Construction Tax Incentive Program
- Addition to the Priority Ordinances List
Food and Clothing Distribution at City Parks
(9-2. Noes: Campos, Kalra.)
- Addition to the Priority Ordinances List
Downtown Parks Maintenance District and High-Rise Incentive Program
(8-3. Noes: Campos, Kalra, Oliverio.)

With eight votes from Council, the Mobile Home Conversion Ordinance was the only item designated to be added to the Active Priority Ordinances List.

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>
10153	West side of N. 1 st Street, 450 feet south of Rio Robles	4	Irvine Company	3 Lots/ 591 Units	MFA	Approve

OPEN FORUM

- 1) Rachell Key and Hannah Van Doren from IMC Women's Fitness Center disputed their non-compliance with the storefront window coverage ordinance, claiming their window coverings are tasteful and provided for their client's privacy and safety.
- 2) Judy Rickard expressed concerns that the storefront window coverage ordinance is not enforced uniformly, and questioned why the IMC Women's Fitness Center is being singled out.
- 3) Yolanda Lewis suggested the meeting protocol for speakers from the public be changed in order to offer a better platform and consideration for the public.

Diane Buchanan, Deputy Director, Planning, Building and Code Enforcement, addressed the IMC Women's Fitness Center's claims, countering that this is primarily a signage issue, rather than a window covering issue.

ADJOURNMENT

The Council of the City of San José was adjourned at 5:31 p.m. in memory of San José resident Diana Marie Showman, a fixture at the Cambrian Park little league fields where she volunteered many hours of her time. She was an excellent athlete who played with the West Valley Slammers and Leigh High School fast pitch softball teams. Diana, who was beloved by her family, passed away at the age of 19 on August 14, 2014. (Rocha)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

rmk/9-9-14MIN