

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, DECEMBER 16, 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: Council Members - Campos, Constant, Herrera, Kalra, Khamis, Liccardo, Nguyen, Oliverio, Rocha; Reed.

Absent: Council Members - All Present.

Vacant: - District 4.

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 pertaining to Public Employment/Public Employee Evaluation pursuant to Government Code Section 54957: Title: City Manager; Name: Ed Shikada. (B) to confer with Legal Counsel with respect to anticipated litigation of significant exposure (Claim Filed) pursuant to Government Code 54956.9 Subsection (b) pertaining to Claimant: In re Claim of Ghenis; City Department: Parks, Recreation and Neighborhood Services. (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9 Subsection (d)(1) with respect to initiation of litigation in three (3) matters. (D) to confer with Legal Counsel with respect to anticipated litigation (Claim Not Filed) pursuant to Government Code 54956.9 Subsection (b) in one (1) matter. (E) to confer with Real Property Designated Representatives pursuant to Government Code Section 54956.8: Property: San José Arena, 525 Santa Clara Street, San José, California. Negotiating Parties: Nanci Klein, Jim Shannon, Bill Hughes, Patricia Deignan for City of San José and Jim Goddard, Sean Morely, Lucy LoFrumento for San José Arena Management; Under Negotiation: The direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on comparable rental values.

CLOSED SESSION (Cont'd.)

(F) 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 (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 1:55 p.m. and reconvened to Regular Session at 2:20 p.m. in the Council Chambers.

Present: Council Members - Campos, Constant, Herrera, Kalra, Khamis, Liccardo, Nguyen, Oliverio (2:26 p.m.), Rocha; Reed.

Absent: Council Members - All Present.

Vacant: - District 4.

INVOCATION

Lorianna Gardere, Bible Way Christian Center sang “Jesus Loves the Little Children” for the Invocation. (Mayor)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (9-0-1. Absent: Oliverio.)

CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Reverend Deacon Salvador Enrique Alvarez for his work on the Conflict Assessment Regarding Latino Overrepresentation in the Criminal Justice System. (Mayor)
(Rules Committee referral 12/10/14)**

Mayor Reed, Mayor Elect Liccardo and Council Member Herrera recognized and commended Reverend Deacon Salvador Enrique Alvarez.

- 1.2 Special presentation to the “Partners in Reading Literacy Program”. (Mayor Elect)**

Mayor Elect Sam Liccardo recognized and commended Mayor Chuck Reed, Vice Mayor Madison Nguyen, Council Member Pete Constant and Council Member Xavier Campos for their service and dedication to the City of San José. As customary, Mayor Elect Liccardo presented to the Library Director Jill Bourne and Staff, in honor of each Council Member, four gift baskets consisting of a varied selection of diverse children’s books for the “Partners In Reading Literacy Program”.

CONSENT CALENDAR

Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0.)

2.1 Approval of minutes.

- (a) **Regular Minutes of September 9, 2014.**
- (b) **Regular Minutes of September 16, 2014.**
- (c) **Regular Minutes of September 23, 2014.**
- (d) **Regular Minutes of September 30, 2014.**

Documents Filed: The Regular Minutes dated September 9, 2014, September 16, 2014, September 23, 2014 and September 30, 2014.

Action: The Regular Council Minutes were approved. (10-0.)

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 29516 – An ordinance of the City of San José granting a Commercial Solid Waste And Recyclables Collection Franchise to Uriel Del Toro dba Del Toro Trucking.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29516 executed on December 5, 2014, submitted by the City Clerk.

Action: Ordinance No. 29516 adopted. (10-0.)

- (b) **ORD. NO. 29517 – An ordinance of the City of San José granting a Commercial Solid Waste And Recyclables Collection Franchise to M & G Hauling, Inc.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29517 executed on December 5, 2014, submitted by the City Clerk.

Action: Ordinance No. 29517 adopted. (10-0.)

- (c) **ORD. NO. 29519 – Rezoning certain real property of approximately 81.0 gross acres situated on the south side of Quimby Road, Approximately 20 feet west of Capitol Expressway, from the R-1-8 Single-Family Residence and CO Commercial Office Zoning Districts to the A(PD) Planned Development Zoning District. PDC10-022**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29519 executed on December 12, 2014, submitted by the City Clerk.

Action: Ordinance No. 29519 adopted. (10-0.)

- (d) **ORD. NO. 29521 – Rezoning certain real property situated on the south side of Bailey Avenue, approximately 1,200 feet easterly of Mckean Road, from the R-1-1(PD) Planned Development and A Agricultural Zoning Districts to the A(PD) Planned Development Zoning District. PDC13-016**

2.2 (d) (Cont'd.)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29521 executed on December 12, 2014, submitted by the City Clerk.

Action: Ordinance No. 29521 adopted. (10-0.)

- (e) **ORD. NO. 29522 – Rezoning certain real property of approximately 1.21 gross acres within a 17.4 gross acre site situated on the northeast corner of Cottle Road and Great Oaks Parkway, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. PDC14-024**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29522 executed on December 15, 2014, submitted by the City Clerk.

Action: Ordinance No. 29522 adopted. (10-0.) (First Reading: 6-4. Noes: Constant, Herrera, Khamis; Reed.)

- (f) **ORD. NO. 29523 – Amending Sections 20.30.110 of Chapter 20.30, 20.60.030 of Chapter 20.60 and 20.200.470 of Chapter 20.200, adding new Sections 20.40.115 of Chapter 20.40, 20.70.130 of Chapter 20.70 and 20.75.230 of Chapter 20.75, amending Part 2 of Chapter 20.80, and adding a new Part 2.5 to Chapter 20.80, all of Title 20 of the San José Municipal Code, to allow and regulate transient occupancy as an incidental use of residences and to modify permitting requirements and occupancy limitations for bed and breakfast inns, to amend and add long-term room rental limitations and to make other non substantive or formatting changes within these sections of Title 20.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29523 executed on December 12, 2014, submitted by the City Clerk.

Action: Ordinance No. 29523 adopted. (10-0.) (First Reading: 7-3. Noes: Campos, Kalra, Rocha.)

2.3 **Approval of Council Committee Reports.**

- (a) **Rules and Open Government Committee Report of November 19, 2014. (Mayor)**

- (b) **Rules In-Lieu Report of November 25, 2014. (Mayor)**

Documents Filed: The Rules and Open Government Committee Report dated November 19, 2014 and November 25, 2014.

Action: The Council Committee Reports were approved. (10-0.)

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

Mayor Elect Sam Liccardo attended a conference last weekend hosted by the Aspen Institute-Rodel Fellowships In Public Leadership programs that focused on improving communication, bipartisan cooperation and collaboration between elected officials throughout the Country.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2.7 Approve a settlement in the amount of \$1,100,000 and authorize the City Attorney to execute a Settlement Agreement with Alex Ghenis regarding a claim for personal injuries. CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney)

Documents Filed: Memorandum from City Attorney Richard Doyle, dated December 1, 2014, recommending approval of the settlement.

Action: A settlement in the amount of \$1,100,000 and authorize the City Attorney to execute a Settlement Agreement with Alex Ghenis regarding a claim for personal injuries was approved. (10-0.)

2.8 Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement with Corson Studios, LLC for public art at Santa Clara and San Fernando Streets at Highway 87 and increase the compensation by \$157,000, from \$410,000, for a total amount not to exceed \$567,000 and extend the term to December 31, 2015. CEQA: Exempt, File No. PP11-017. Council District 3. (Economic Development)

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, dated November 24, 2014, recommending adoption of a resolution.

Action: Resolution No. 77244, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Amendment to the Agreement With Corson Studios, LLC for Public Art at Santa Clara and San Fernando Streets at Highway 87", was adopted. (10-0.)

- 2.9 (a) **Adopt a resolution authorizing the City Manager to negotiate and execute Contract Change Order No. 3 to the Master Service Agreement (MSA) with Pacific Gas and Electric Company for the Silicon Valley Energy Watch program, to extend the MSA through March 31, 2016, to update the City reimbursement rate schedule, with no change to the project scope, and to incorporate document retention policies.**
- (b) **Adopt a resolution authorizing the City Manager to negotiate and execute a Change Order to the Contract Work Authorization (CWA) with Pacific Gas and Electric Company for the Silicon Valley Energy Watch program; to extend the CWA through December 31, 2015, to revise the value of the CWA by \$928,950 with no change to the project scope, and to revise various dates in the agreement to reconcile the terms of the CWA with the extension.**
- (c) **Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:**
- (1) **Establish a new City-Wide appropriation for Silicon Valley Energy Watch 2015 in the amount of \$464,475.**
- (2) **Increase the Estimate for Other Revenue by \$464,475.**
- (d) **Extend the limit date for 2.0 Environmental Service Specialist positions assigned to the Environmental Services Department through March 31, 2016.**
- CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services/City Manager)**

Documents Filed: Memorandum from Director of Environmental Services Kerrie Romanow and Deputy City Manager/Budget Director Jennifer A. Maguire, dated November 24, 2014, recommending adoptions of resolutions and appropriation ordinance and funding sources resolution amendments.

Action: Resolution No. 77245, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Contract Change Order No. 3 to the Master Service Agreement with Pacific Gas and Electric Company for the Silicon Valley Energy Watch Program, To Extend the Term through March 31, 2016, Update the City Reimbursement Rate Schedule and To Incorporate Document Retention Policies”; Resolution No. 77246, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Change Order to the Contract Work Authorization With Pacific Gas and Electric Company for the Silicon Energy Watch Program, To Extend the Term Through December 31, 2015, Revise the Value by \$928,950 and Revise Various Dates in the Agreement”; Ordinance No. 29524, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the General Fund for the Silicon Valley Energy Watch 2015; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77247, 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 and the limit date for 2.0 Environmental Service Specialist positions assigned to the Environmental Services Department through March 31, 2016 was extended. (10-0.)

- 2.10 Approve the Second Amendment to Master Agreement with MWH Americas, Inc. by extending the term of the Agreement from December 27, 2014 to December 27, 2015, for a continuation of ongoing engineering consultant services to support Public Works Capital Improvement Program, at no additional cost to the City. CEQA: Exempt, File No. PP08-203. (Public Works)**

Documents Filed: City Council Action Request from Director of Public Works David Sykes, dated November 24, 2014, recommending approval of the second amendment to the master agreement.

Director of Public Works David Sykes responded to Council questions.

Mayor Reed opened the floor for public testimony.

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

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, the second amendment to Master Agreement with MWH Americas, Inc. by extending the term of the Agreement from December 27, 2014 to December 27, 2015, for a continuation of ongoing engineering consultant services to support Public Works Capital Improvement Program, at no additional cost to the City was approved. (10-0.)

- 2.11 Approve the Second Amendment to the Master Agreement with AECOM Technical Services, Inc. extending the term of the agreement from December 31, 2014 to December 31, 2016, at no additional cost to the City. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. (Public Works)**

Documents Filed: City Council Action Request from Director of Public Works David Sykes, dated November 24, 2014, recommending approval of the second amendment to the master agreement.

Action: The second amendment to the Master Agreement with AECOM Technical Services, Inc. extending the term of the agreement from December 31, 2014 to December 31, 2016, at no additional cost to the City was approved. (10-0.)

- 2.12 Report on bids and award of contract for the 7629 – Traffic Signal Modification at Cherry Avenue and Hillsdale Avenue to the low bidder, Tennyson Electric, Inc., in the amount of \$272,816 and approval of contingency in the amount of \$27,282. CEQA: Exempt, File No. PP12-066. Council District 9. (Public Works)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated November 24, 2014, recommending award of the contract to the low bidder.

Action: The report on bids and award of contract for the 7629 – Traffic Signal Modification at Cherry Avenue and Hillsdale Avenue to the low bidder, Tennyson Electric, Inc., in the amount of \$272,816, with related contingency, was approved. (10-0.)

- 2.13 Adopt a resolution summarily vacating a portion of a Public Service Easement located on private property (APN 282-06-024) on the west side of Thornton Way, approximately 260 feet north of Maywood Avenue. CEQA: Mitigated Negative Declaration, File Nos. C13-026 and GP13-006, Resolution No. 76856. Council District 6. (Public Works)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated November 24, 2014, recommending adoption of a resolution.

Action: Resolution No. 77248, entitled: “A Resolution of the Council of the City of San José Summarily Vacating a Portion of a 62.776 Foot Public Service Easement Within a Private Property on the West Side of Thornton Way, Approximately 260 Feet North of Maywood Avenue”, was adopted. (10-0.)

- 2.14 Review of the Fiscal Year 2013 – 2014 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Public Works)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated November 24, 2014, recommending approval of the report.

Action: The review of the Fiscal Year 2013 – 2014 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements was approved. (10-0.)

- 2.15 As recommended by the Rules and Open Government Committee on December 3, 2014, approve a grant of \$479.27 to the Andres Castellero Middle School PTA, an IRS-recognized 501(c)(3) in good standing with the IRS and the California Secretary of State, to be paid from the District 10 Council Office Budget. CEQA: Not a Project, File No. PP10-066. (Khamis)
[Rules Committee referral 12/3/14 – Item G(5)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated December 4, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: A grant of \$479.27 to the Andres Castellero Middle School PTA, an IRS-recognized 501(c)(3) in good standing with the IRS and the California Secretary of State, to be paid from the District 10 Council Office Budget, was approved. (10-0.)

- 2.16 As recommended by the Library and Early Education Commission, name the new library at 4001 Evergreen Village Square, as John J. Montgomery Village Square Library. CEQA: Not a Project, File No. PP10-069. (City Clerk)**

Note: Item 2.16 was renumbered from Item 3.3.

Mayor Reed opened the floor for public testimony.

Public Comments: Robert Abatecola and John Giddings expressed support to the Staff recommendations.

Action: Upon motion by Council Member Herrera, seconded by Vice Mayor Nguyen and carried unanimously, Item 2.16 was deferred to January 2015 per District 8 and Library. (10-0.)

- 2.17 Adopt a resolution authorizing the City Manager to negotiate and execute the First Amendment to the Agreement with Bayscape Landscape Management Inc. for Landscaping Maintenance Services for Small Parks and Civic Grounds to:**

- (a) Require paid time off for employees providing landscaping services, pursuant to the City’s Living Wage Policy (Resolution No. 76653), effective on June 4, 2013, for an estimated increase in the amount of \$31,105.**
- (b) Increase compensation by 7.4% effective with the first one-year option to renew the agreement beginning on December 28, 2014, through December 27, 2015, for an estimated increase in the amount of \$44,571.**
- (c) Eliminate the 3% cap on annual compensation increases, and index any compensation adjustments to the increase in the City’s living wage rate, subject to City approval and the appropriation of funds.**
- (d) Exercise two additional one-year options to extend the term of the Agreement, with the second and final option year ending in December 2017, subject to the appropriation of funds.**

CEQA: Not a Project, File No. PP10-069, Personnel Related Decisions. (Finance)

Note: Item 2.7 was renumbered from Item 3.5.

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated November 24, 2014, recommending adoption of a resolution.

Mayor Reed opened the floor for public testimony.

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

Action: Resolution No. 77249, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a First Amendment to the Agreement with Bayscape Landscape Management, Inc. for Landscaping Maintenance Services for Small Parks and Civil Grounds”, was adopted. (10-0.)

- 2.18 Adopt a resolution authorizing the City Manager to:**
- (a) Execute a purchase order for dual-band radios, related equipment and technical support and repair services from Motorola Solutions, Inc. under the pricing, terms and conditions obtained through the cooperative agreement dated September 25, 2012 between the County of Santa Clara and Motorola Solutions, Inc. for goods and related services for use on the Silicon Valley Regional Communications System, for a not to exceed amount of \$2,367,100 including sales tax and freight.**
 - (b) Execute additional purchase orders for subsequent purchases pursuant to the Agreement between the County of Santa Clara and Motorola Solutions, Inc., dated September 25, 2012, subject to annual appropriations of funds.**

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

Note: Item 2.18 was renumbered from Item 3.6.

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated November 24, 2014, recommending adoption of a resolution.

Action: Resolution No. 77250, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager To Execute a Purchase Order for Dual Band Radios, Related Equipment and Technical Support and Repair Services from Motorola Solutions, Inc. Under the Pricing, Terms and Conditions Obtained Through the Cooperative Agreement Dated September 25, 2012 Between the County of Santa Clara and Motorola Solutions, Inc. for Goods and Related Services for Use on the Silicon Valley Regional Communications System, For A Not To Exceed Amount of \$2,367,100 Including Sales Tax and Freight", was adopted. (10-0.)

- 2.19 (a) Adopt a resolution authorizing the Director of Public Works to:**
- (1) Award a construction contract for the 7273 - Camden Pool Renovation Project to the lowest responsive and responsible bidder in an amount not to exceed \$1,300,000 and to approve a contingency of fifteen percent of the contract amount not to exceed \$195,000.**
 - (2) Decide any timely bid protest(s), and make the City's final determination as to the lowest responsive bidder that is responsible, or to reject all bids and re-bid the project.**
 - (3) Execute change orders in excess of \$100,000 within the contingency amount.**
- (b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:**
- (1) Decrease the Camden Community Center Gymnasium Upgrade Reserve by \$1,000,000.**
 - (2) Increase the Camden Pool Renovation by \$1,000,000.**

CEQA: Exempt, File No. PP14-081. Council District 9. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

Note: Item 2.19 was renumbered from Item 4.6.

2.19 (Cont'd.)

Documents Filed: (1) Memorandum from Council Member Rocha, dated December 11, 2014, recommending acceptance of the Staff recommendations. (2) Memorandum from Director of Public Works David Sykes, Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares and Deputy City Manager/Budget Director Jennifer A. Maguire, dated November 24, 2014, recommending adoption of a resolution and appropriation ordinance amendments.

Action: Resolution No. 77251, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Award a Construction Contract for the 7273 Camden Pool Renovation Project to the Lowest Responsive and Responsible Bidder In An Amount Not To Exceed \$1,300,000 and To Approve a Contingency of Fifteen Percent of the Contract Amount Not To Exceed \$195,000” and Ordinance No. 29525, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the Subdivision Park Trust Fund for the Camden Pool Renovation; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (10-0.)

**2.20 Approve travel by Mayor Reed to Washington, D.C. on December 4 – 5, 2014 to attend meetings regarding pension reform. Source of Funds: Mayor’s Office Fund. (Mayor)
(Rules Committee referral 12/10/14)**

Documents Filed: Memorandum from Mayor Reed, dated December 1, 2014, requesting approval of travel.

Action: The travel for Mayor Reed was approved. (10-0.)

**2.21 Adopt a resolution amending City Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to add item 20 to the Operating Budget section, entitled “Office of the Mayor and City Council District Office Budgets in Transition Years”. CEQA: Not a Project, File No. PP10-068(c), Policy change that involves no physical changes to the environment. (City Clerk/City Manager)
(Rules Committee referral 12/10/14)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC and Deputy City Manager/Budget Director Jennifer A. Maguire, dated December 10, 2014, recommendation adoption of a resolution.

Action: Resolution No. 77252, entitled: “A Resolution of the Council of the City of San José Approving Revisions to Council Policy 1-18 Relating to Operating Budget and Capital Improvement Program Policy”, was adopted. (10-0.)

- 2.22 As recommended by the Rules and Open Government Committee on December 10, 2014, accept the 2015 Legislative Guiding Principles and the Legislative Priorities and Advocacy Issues for the first year of the two-year Legislative Session Sacramento and the 114th Congress. (City Manager)
[Rules Committee referral 12/10/14 – Item G(3)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated December 11, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Director of Intergovernmental Relations Betsy Shotwell responded to Council questions and concerns.

Motion: Council Member Rocha moved approval of the Staff recommendations. Council Member Oliverio seconded the motion.

Public Comments: David Wall presented comments on the Staff recommendations.

Action: On a call for the question, the motion carried unanimously, the 2015 Legislative Guiding Principles and the Legislative Priorities and Advocacy Issues for the first year of the two-year Legislative Session Sacramento and the 114th Congress were accepted. (10-0.)

- 2.23 As recommended by the Rules and Open Government Committee on December 10, 2014:**

- (a) **Approve two community events sponsored by Council District 4 as City sponsored Special Events and approve the expenditure of funds:**
- (1) **Kung Fu Tai Chi Day on May 17, 2015.**
 - (2) **The 10th Annual Santos Family Car Show on Saturday, September 3, 2015.**
- (b) **Approve and accept donations from various individuals, businesses or community groups to support the events.**

CEQA: Not a Project. (District 4)

[Rules Committee referral 12/10/14 – Item G(4)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated December 11, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The two community events sponsored by Council District 4 as City sponsored Special Events were approved and expenditure of funds and acceptance of donations from various individuals, businesses and community groups to support the events were authorized. (10-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

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

City Manager Edward K. Shikada offered an update on the City's storm response. City Manager Shikada pointed out that the revisions to the North San José Guidelines were recently posted online in draft form, with a finalized version to be available shortly.

3.3 As recommended by the Library and Early Education Commission, name the new library at 4001 Evergreen Village Square, as John J. Montgomery Village Square Library. (City Clerk)

Note: Item 3.3 was renumbered to Item 2.16. See Item 2.16 for Action.

- 3.4 (a) Adopt a resolution amending the 2014-2015 Schedule of Fees and Charges (Resolution No. 72737, as amended) to:
- (1) Increase the fee for the Processing of a Zoning Code Verification Certificate Application from \$900 per application, plus \$154 per hour for additional Planning review services beyond 4 hours and \$125 per hour for additional Code Enforcement inspection services beyond the first hour, to \$1212 per application, plus \$154 per hour for additional Planning review services beyond 6 hours and \$125 per hour for additional Code Enforcement inspection services beyond the first hour.
 - (2) Establish a Medical Marijuana Collective (Collective) Annual Operating Fee for the cost to the City of operating a Medical Marijuana regulatory program in the amount of \$71,960 per year for each Collective that is registered with the City.
 - (3) Establish a Medical Marijuana Collective Amendment Fee for the cost to the City of receiving amendments to the registration form filed by the Collective in the amount of \$152 per amended application submitted.
 - (4) Establish a Medical Marijuana Collective Renewal Registration Fee for the cost to the City of processing an application to renew a Collective's registration in the amount of \$2,256 per application for renewal plus \$125 per hour for additional Code Enforcement inspection services beyond the first hour and a Police Department sworn hourly investigation fee in the amount of \$93 per hour beyond 15 hours and \$181 per employee above four.
- (b) Adopt a resolution to amend the Administrative Citation Schedule of Fines to establish fine amounts for the violation of Sections 6.88.300(A) and (B) of Chapter 6.88 (Medical Marijuana) of the San José Municipal Code in the amount of \$ 10,000 for the first violation, \$25,000 for a second violation within a twelve month period from the date of previous violation, and \$50,000 for a third and each subsequent violation within a twelve month period from the date of previous violation, and repealing Resolution No. 77163.

**3.4 (c) Approve the addition of 1.0 Analyst I/II to the Police Department.
CEQA: Exempt, File No. PP 10-067(a), CEQA Guidelines Section 15273, Rates,
Toll, Fares and Charges. (City Manager)**

Documents Filed: (1) Memorandum from Council Members Herrera and Khamis, dated December 12, 2014, recommending direction to Staff. (2) Memorandum from Deputy City Manager/Budget Director Jennifer A. Maguire, dated December 5, 2014, recommending adoption of resolutions and approval of an Analyst I/II to the Police Department.

Assistant to the City Manager Angelique Gaeta offered an update on enforcement.

City Attorney Richard Doyle and Deputy City Manager/Budget Director Jennifer A. Maguire responded to Council questions and concerns.

Motion: Council Member Kalra moved approval of the Staff recommendations with the onset of the Operating Fees beginning on July 1, 2015. Council Member Khamis seconded the motion.

Extensive Council discussion ensued.

Substitute Motion: Council Member Herrera moved approval of the memorandum she cosigned with Council Member Khamis as described in “Action”, and the Staff recommendations. Council Member Liccardo seconded the motion.

Vice Mayor Nguyen expressed support to the substitute motion on the floor.

Council Member Kalra moved to amend the substitute motion to allow quarterly payments and not to collect the fees until July 1, 2015. Council Member Campos seconded the amendment.

Mayor Reed and Council Members Liccardo and Herrera expressed opposition to the amendment to the substitute motion.

Mayor Reed opened the floor for public testimony.

Public Comments: Susan M. Landry and David Wall expressed support to the Staff recommendations and the memorandum from Council Members Herrera and Khamis.

On a call for the question, the motion to amend the substitute motion failed. (5-5. Noes: Constant, Herrera, Liccardo, Oliverio; Reed.)

The substitute motion by Council Members Herrera and Khamis was back on the floor.

Council Member Herrera requested that Staff return to Council with details on how to provide a process for allowing payment schedule ability.

3.4 (Cont'd.)

Action: On a call for the question, the substitute motion carried, The memorandum from Council Members Herrera and Khamis, dated December 12, 2014, was approved, approving the Staff recommendations, with Staff directed to: (1) Return to Council with the resources required to provide due process while expediting the shutdown of medical marijuana facilities that violate the City's Medical Marijuana Regulatory Program. (2) Return to Council with ways in which the City can streamline the hearing process. (3) Schedule a study session on medical marijuana issues. (4) Staff directed to return to Council with details on providing a process for allowing payment schedule ability. Resolution No. 77253, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72737 As Previously Amended by Resolution Numbers 73019, 73056, 73242, 73637, 73831, 73879, 73881, 74035, 74047, 74452, 74839, 74841, 74981, 75135, 75334, 75338, 75442, 75502, 75509, 75600, 75610, 75639, 75641, 75684, 75725, 75783, 75863, 75913, 76085, 76230, 76282, 76397, 76476, 76611, 76663, 76953, 77018, 77102, 77110 and 77137 To Revise the Medical Marijuana Collective Registration and Operating Fees, To Be Effective December 16, 2014" and Resolution No. 77254, entitled: "A Resolution of the Council of the City of San José Amending the Administrative Citation Schedule of Fines for Certain Violations of the San José Municipal Code In Order to Establish Administrative Fines for Violations Related to Sections 6.88.300(A) and 6.88.300(B) of Chapter 6.88 of the San José Municipal Code Which Regulates Medical Marijuana Collective Registration and Repealing Resolution No. 77163", were adopted, and the addition of 1.0 Analyst I/II to the Police Department was approved (8-2. Noes: Campos, Kalra.)

3.5 **Adopt a resolution authorizing the City Manager to negotiate and execute the First Amendment to the Agreement with Bayscape Landscape Management Inc. for Landscaping Maintenance Services for Small Parks and Civic Grounds to:**

- (a) **Require paid time off for employees providing landscaping services, pursuant to the City's Living Wage Policy (Resolution No. 76653), effective on June 4, 2013, for an estimated increase in the amount of \$31,105.**
- (b) **Increase compensation by 7.4% effective with the first one-year option to renew the agreement beginning on December 28, 2014, through December 27, 2015, for an estimated increase in the amount of \$44,571.**
- (c) **Eliminate the 3% cap on annual compensation increases, and index any compensation adjustments to the increase in the City's living wage rate, subject to City approval and the appropriation of funds.**
- (d) **Exercise two additional one-year options to extend the term of the Agreement, with the second and final option year ending in December 2017, subject to the appropriation of funds.**

CEQA: Not a Public Project, File No. PP10-069, Personnel Related Decisions. (Finance)

Note: Item 3.5 was renumbered to Item 2.17. See Item 2.17 for Action.

- 3.6 Adopt a resolution authorizing the City Manager to:**
- (a) Execute a purchase order for dual-band radios, related equipment and technical support and repair services from Motorola Solutions, Inc. under the pricing, terms and conditions obtained through the cooperative agreement dated September 25, 2012 between the County of Santa Clara and Motorola Solutions, Inc. for goods and related services for use on the Silicon Valley Regional Communications System, for a not to exceed amount of \$2,367,100 including sales tax and freight.**
 - (b) Execute additional purchase orders for subsequent purchases pursuant to the Agreement between the County of Santa Clara and Motorola Solutions, Inc., dated September 25, 2012, subject to annual appropriations of funds.**
- CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)**

Note: Item 3.6 was renumbered to Item 2.18. See Item 2.18 for Action.

- 3.7 (a) Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs;**
- (b) Adopt a resolution:**
- (1) Confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report from the Director of Finance.**
 - (2) Directing the recording of liens and the placement of charges as set forth therein on the 2015-2016 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs.**
- CEQA: Not a Project, File No. PP10-067(a), Specific Funding Mechanism for Increase or Adjustment to Fees, Rates and Fares. (Finance)**

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, dated November 24, 2014, recommending conducting a public hearing and adoption of a resolution. (2) Letter submitted by Michael Ajlouny, property owner, dated November 30, 2014, to Eric Newton, City of San José Department of Transportation, regarding the sidewalk repair charges for his property in the amount of \$1,756.27.

Motion: Council Member Kalra moved approval of the Staff recommendations. Council Member Khamis seconded the motion.

Mayor Reed opened the Public Hearing.

Public Comments: Michael Ajlouny and Raj Mahajan expressed opposition to the Staff recommendations citing that they were wrongfully billed.

Mayor Reed closed the Public Hearing.

Mayor Reed requested that Assistant Director of Transportation James Ortbal speak with the property owners the two property owners, get the facts and resolve the problems.

3.7 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, Resolution No. 77255, entitled: “A Resolution of the Council of the City of San José Approving the Report of the Director of Finance on the Reimbursement of Cost for Sidewalk Repairs, Confirming the Assessments Contained in the Report and Directing the Recording of Liens on the Property Tax Roll for the Cost of Sidewalk Repairs”, was adopted. (10-0.)

- 3.8 (a) Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of tree violations.**
- (b) Adopt a resolution:**
- (1) Confirming the approval of the Report from the Director of Finance concerning the cost of tree violations, and the assessments contained in the Director’s Report.**
 - (2) Directing the recording of liens and the placement of charges as set forth therein on the 2015-2016 Santa Clara County Secured Property Tax Bill for the cost of tree violations.**

CEQA: Not a Project, File No PP10-067(a), Specific Funding mechanism for Increase or Adjustment to Fees, Rates and Fares. (Finance)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated November 24, 2014, recommending conducting a public hearing and adoption of a resolution.

Mayor Reed opened the Public Hearing.

Public Comments: There was no testimony from the floor.

Mayor Reed closed the Public Hearing.

Action: Upon motion by Council Member Khamis, seconded by Council Member Herrera and carried unanimously, Resolution No. 77256, entitled: “A Resolution of the Council of the City of San José Approving the Report of the Director of Finance on the Reimbursement of Cost for Tree Violations, Confirming the Assessments Contained in the Report and Directing the Recording of Liens on the Property Tax Roll for the Cost of Tree Violations”, was adopted. (10-0.)

- 3.9 As recommended by Public Safety, Finance, and Strategic Support Committee on December 11, 2014, accept the Fiscal Year 2013-2014 Comprehensive Annual Financial Report for the City of San José. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Finance)**

Note: Items 3.9 and 3.10 were heard together.

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated December 11, 2014, transmitting the recommendations of the Rules and Open Government Committee.

3.9 (Cont'd.)

City Auditor Sharon W. Erickson presented introductory remarks. Cynthia Pon, Macias, Gini and O'Connell provided the report.

Brief Council discussion ensued.

Motion: Council Member Constant moved approval of the Staff recommendations. Council Member Oliverio seconded the motion.

Mayor Reed opened the floor for public testimony.

Public Comments: David Wall provided comments about the Staff report.

Action: On a call for the question, the motion carried unanimously, the Fiscal Year 2013-2014 Comprehensive Annual Financial Report for the City of San José was accepted. (9-0-1. Absent: Nguyen.)

3.10 **As recommended by Public Safety, Finance, and Strategic Support Committee on December 11, 2014, accept the Fiscal Year 2013-2014 Comprehensive Annual Debt Report for the City of San José. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Finance)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated December 11, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: Upon motion by Council Member Constant, seconded by Council Member Oliverio and carried unanimously, the Fiscal Year 2013-2014 Comprehensive Annual Debt Report for the City of San José was accepted. (9-0-1. Absent: Nguyen.)

3.11 **Accept the San José Fire Department staff response to the Limited Scope Management Audit of the Emergency Response Function of the San José Fire Department prepared by the County of Santa Clara. CEQA: Not a Project; File No. PP10-069(a), Staff Reports. (Fire)**

Note: Items 3.11 and 3.12 were heard together.

Documents Filed: Memorandum from Fire Chief Ruben Torres, dated December 1, 2014, recommending acceptance of the report.

Fire Chief Ruben Torres provided introductory comments. Deputy Director of Fire Department Ron D'Acchioli presented the report.

Council discussion ensued.

3.11 (Cont'd.)

Motion: Council Member Liccardo moved approval of the Staff recommendations. Council Member Herrera seconded the motion.

Mayor Reed opened the floor for public testimony.

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

Action: On a call for the question, the motion carried unanimously, the San José Fire Department staff response to the Limited Scope Management Audit of the Emergency Response Function of the San José Fire Department prepared by the County of Santa Clara was accepted. (9-0-1. Absent: Constant.)

3.12 **Adopt a resolution authorizing the City Manager or designee to execute the Second Amendment to the “911 Emergency Medical Services Agreement between the City of San José and the County of Santa Clara Emergency Medical Services Agency” pending approval of the Santa Clara County Board of Supervisors. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Fire)**

Documents Filed: Memorandum from Fire Chief Ruben Torres, dated December 4, 2014, recommending adoption of a resolution.

Motion: Council Member Liccardo moved approval of the Staff recommendations. Council Member Herrera seconded the motion.

Council Member Oliverio requested to amend the motion to direct Staff to confer with the County to provide guidance for calling on facilities, during the preliminary Memorandum of Understanding (MOU) discussions with the County beginning in 2015.

The amendment to the motion was accepted by Council Members Liccardo and Herrera.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77257, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute the Second Amendment to the 911 Emergency Medical Services Agreement Between the City of San José and the County of Santa Clara Emergency Medical Services Agency Pending Approval of the Santa Clara County Health and Hospital Committee and the Santa Clara County Board of Supervisors”, was adopted. Staff directed to confer with the County to provide guidance for calling on facilities, during the preliminary Memorandum of Understanding (MOU) discussions with the County beginning in 2015. (9-0-1. Absent: Constant.)

3.13 As recommended by the Rules and Open Government Committee on December 10, 2014, appoint an interim representative for Council District 4 to serve until a new Council Member has been elected. (Mayor/Liccardo)

Documents Filed: (1) Memorandum from Council Member Liccardo, dated December 15, 2014, recommending deferring the hearing and consideration of an interim appointment to District 4 until Friday, December 19, 2014 with direction to the City Clerk. (2) Memorandum from Mayor Reed and Council Member Liccardo, dated December 12, 2014, recommending the appointment of Margie Matthews as an Interim appointment to serve as District 4 Council Member. (3) Memorandum from Council Member Rocha, dated December 12, 2014, recommending dropping consideration of an appointment to the District 4 seat or direct the Clerk to bring back at the January 13, 2015 Council Meeting, an option for making the appointment pursuant to an application process. (4) Memorandum from Council Member Kalra, dated December 12, 2014, recommending reopening the appointment process and to postpone decisions until 2015. (5) Memorandum from City Clerk Toni J. Taber, CMC, dated December 11, 2014, transmitting the recommendations of the Rules and Open Government Committee. (6) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated December 16, 2014, submitting four applicants for consideration for the Interim District 4 Council Appointment.

Motion: Council Member Liccardo moved approval of his memorandum dated December 15, 2014, to defer the hearing and consideration of an interim appointment of a Council District 4 Representative until Friday, December 19, 2014 and to direct the City Clerk to continue to accept applications for appointment until Thursday, December 18, 2014 5:00 p.m. and to publicize this information through local media. Council Member Herrera seconded the motion.

Mayor Reed opened the floor for public testimony.

Public Comments: Shirley Lewis cited that it was extremely important to have a representative appointed during the interim time.

Ellen Rollins, Silicon Valley Black Chamber of Commerce expressed opposition to the appointment at this time. Frances Lewis Johnese complained that the residents in District 4 did not receive notification of the interim appointment. David Wall and Gail Osmer agreed that the decision should be postponed until January 2015.

Substitute Motion: Council Member Rocha moved approval of his revised memorandum dated December 12, 2014, to drop consideration of an appointment to the District 4 seat, and if the Council desires to proceed with consideration of an appointment, direct the City Clerk to bring back at the *January 27, 2015 Council Meeting*, a option for making the appointment pursuant to an application process, which may include the following elements: (1) A solicitation period for applications from interested individuals.

(Substitute Motion Continued on the Next Page)

3.13 (Cont'd.)

Substitute Motion: (Cont'd.) (2) Public interview of applicants by one of the City's citizen commissions which would then forward a recommendation to Council as to which applicants should be interviewed. (3) Selection of applicants for Council interview by an indication of interest process consistent with the process used for commission interviews. (4) Interview and appointment by the Council. Council Member Campos seconded the motion.

Council Members Kalra, Campos and Oliverio expressed support to the substitute motion and agreed the decision can be made in January 2015 with the new Council.

Mayor Reed and Council Members Constant and Herrera expressed opposition to the substitute motion.

On a call for the question, the substitute motion failed. (4-6. Noes: Constant, Herrera, Khamis, Nguyen, Liccardo; Reed.)

Council returned to consider the original motion by Council Member Liccardo.

Action: On a call for the question, the motion carried the memorandum from Council Member Liccardo, dated December 15, 2014, was approved, and the hearing and consideration of an interim appointment of a Council District 4 Representative was deferred to Friday, December 19, 2014 at 1:30 p.m. The City Clerk was directed to continue to accept applications for appointment until Thursday, December 18, 2014, 5:00 p.m. and to publicize this information through the local media. (6-4. Noes: Campos, Kalra, Oliverio, Rocha.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) **Approve the termination of the construction contract with Interstate Grading and Paving, Inc. for the 6405-Coleman Soccer Fields Design-Build Rebid Project for convenience.**
- (b) **Adopt a resolution authorizing the Director of Public Works to:**
- (1) **Re-bid the Project.**
 - (2) **Negotiate and execute an agreement with Bellinger Foster Steinmetz Landscape Architecture not to exceed \$300,000 to make any necessary revisions to the final plans for re-bid.**
- (c) **Adopt a resolution authorizing the City Attorney to negotiate and execute a Settlement Agreement with Interstate Grading and Paving, Inc. in an amount not to exceed \$120,000.**

**CEQA: Mitigated Negative Declaration, File No. PP10-155, Resolution No. 75798. (Public Works/Parks, Recreation and Neighborhood Services)
(Deferred from 12/9/14 – Item 2.15)**

4.1 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Public Works David Sykes and Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated December 2, 2014, recommending approve the termination of the construction contract and adoption of a resolution to rebid the project and negotiate a new agreement. (2) Supplemental memorandum from City Attorney Richard Doyle, dated December 11, 2014, recommending adoption of a resolution in amount not to exceed \$120,000 for Item 4.1(c).

Motion: Council Member Liccardo moved approval of the Staff recommendations. Council Member Constant seconded the motion.

Director of Public Works David Sykes offered background information about the project and responded to Council questions.

Mayor Reed opened the floor for public testimony.

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

Action: On a call for the question, the motion carried unanimously, the construction contract with Interstate Grading and Paving, Inc. for the 6405-Coleman Soccer Fields Design-Build Rebid Project was terminated, Resolution No. 77258, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Rebid the 6405 Coleman Soccer Fields Design Build Rebid Project and to Negotiate and Execute an Agreement with Bellinger Foster Steinmetz Landscape Architecture In An Amount Not To Exceed \$300,000 In Order To Make Any Necessary Revisions to the Final Plans for Rebid" and Resolution No. 77259, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute a Settlement With Interstate Grading and Paving, Inc. In An Amount Not To Exceed An Additional Payment of \$120,000", were adopted. (10-0.)

4.2 **As recommended by the Rules and Open Government Committee on December 3, 2014, direct the City Manager to consider acquisition of the 1.5 acre parcel located on 31st Street and Highway 101 for park purposes and return to Council with a recommendation. CEQA: Not a Project, File No. PP10-066, Services that require no change to the environment. (Campos)**

Documents Filed: (1) Memorandum from Council Member Campos, dated December 16, 2014, recommending approval of the Staff recommendations. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated December 4, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Motion: Council Member Campos moved approval of his memorandum dated December 16, 2014, accepting the Staff recommendations. Vice Mayor Nguyen seconded the motion.

4.2 (Cont'd.)

Mayor Reed opened the floor for public testimony.

Public Comments: David Wall expressed support to the Staff recommendations and acknowledged the leadership of Council Member Campos.

Action: On a call for the question, the motion carried unanimously, the City Manager was directed to consider acquisition of the 1.5 acre parcel located on 31st Street and Highway 101 for park purposes and return to Council with a recommendation. (10-0.)

- 4.3 (a) **Adopt a Resolution authorizing the City Manager to execute the following documents:**
- (1) **Second Amended and Restated Option Agreements and Purchase Agreements amending the terms of the existing option and purchase and sale agreements with Coleman Airport Partners LLC (Developers) to allow a two phase sale of the 42 acres of Airport West property located at 1123 Coleman Avenue.**
 - (2) **Amended and Restated reciprocal easements required to facilitate access and circulation over the property.**
 - (3) **A right of entry for the development of certain proposed streets on property owned by the City.**
 - (4) **A repayment plan to be negotiated with the United States Department of Housing and Urban Development.**
 - (5) **Funding Agreements to be negotiated with the Valley Transportation Authority and the Developers to build the Caltrain Tunnel Connection on the property.**
 - (6) **A First Amendment to the Parking Agreement Between the City to be negotiated with the San José Earthquakes, LLC.**
- (b) **Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:**
- (1) **Increase the estimate for Other Revenue by \$39,525,562;**
 - (2) **Increase the appropriation to the Finance Department for FMC Debt Service Payments in the amount of \$33,552,562.**
 - (3) **Establish a Capital Improvement appropriation to the Office of Economic Development for the Airport West Property Caltrain Connection in the amount of \$5,973,000.**
 - (4) **Reduce the Airport West Property Sale Reserve in the amount of \$1,000,000.**
 - (5) **Establish a Capital Improvement appropriation to the Office of Economic Development for the Airport West Property Underground Abatement in the amount of \$1,000,000.**

CEQA: FMC/Coleman Avenue Planned Development Rezoning (PDC98-104) EIR Adopted 8/19/2003, Resolution No. 71716, File Nos. PP08-093 and PDC09-004. Council District 3. (Economic Development/City Manager)

4.3 (Cont'd.)

Documents Filed: (1) Memorandum from Mayor Reed and Council Member Liccardo, dated December 12, 2014, recommending approval of the Staff recommendations with one modification as described in “Action”. (2) Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh and Deputy City Manager/Budget Director Jennifer A. Maguire, dated November 24, 2014, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Motion: Council Member Liccardo moved approval of the memorandum he cosigned with Mayor Reed, recommending approval of the Staff recommendations with one modification as described in “Action”. Council Member Herrera seconded the motion.

City Attorney Richard Doyle offered clarification for the parcels being included in the Convention Center Facilities District: any hotels developed in the site are required to pay the 4% Convention Center Facilities Special Tax and the aggregate is 14%.

Council Members Liccardo and Herrera accepted the amendment to the motion as clarified by the City Attorney.

Mayor Reed opened the floor for public testimony.

Public Comments: Deke Hunter, Hunter/Storm expressed support to the Staff recommendations. David Wall expressed opposition to the Staff recommendations.

Action: On a call for the question, the motion carried unanimously, The memorandum from Mayor Reed and Council Member Liccardo, dated December 12, 2014, was approved, approving the Seconded Amended and Restated Option Agreements and Purchase Agreements as outlined in the Staff Report dated November 24, 2014 on the sale of City owned property at 1123 Coleman Avenue, with the following modification: that any hotels developed on site provide for a 14% Transit Occupancy Tax (TOT) included in the Convention Center Facilities District. *As clarified by the City Attorney, for parcels being included in the Convention Center Facilities District: any hotels developed in the site are required to pay the 4% Convention Center Facilities Special Tax. The aggregate is 14%.*, and Resolution No. 77260, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute Documents Related to the Sale of Property at 1123 Coleman Avenue to Coleman Airport Partners”, Ordinance No. 29526, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the General Fund for the FMC Debt Service Payments, For the Airport West Property Caltrain Connection and for the Airport West Property Underground Abatement; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77261, 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. (10-0.)

4.4 Approve the following actions:

- (a) Direct the Administration to utilize the Goals and Strategies from the 2010-2015 Consolidated Plan for the FY 2015-2016 Annual Action Plan.**
- (b) Direct the Administration to incorporate into the FY 2015-2016 Annual Action Plan the following grants and extensions of existing grants prior to completion of the needs assessment for the 2015-2020 Consolidated Plan:**
 - (1) Extension of the Community Development Block Grant Community Service (CDBG) grants for Senior Services, Fair Housing and the Minor Emergency Repair program, for one additional year through FY 2015-2016.**
 - (2) Three transitional neighborhood engagement grants for Place-Based Neighborhoods for one year, through FY 2015-2016.**
 - (3) Extension of the grants for Housing Opportunity for Persons with AIDS programs and the HOME Tenant Based Rental Assistance Program through FY 2015-2016.**
- (c) Direct the Administration to bring back recommendations for the allocation of Homeless Grants funded with CDBG and the Emergency Solutions Grant funds as part of the FY 2015-2016 Annual Action Plan approval process; and**
- (d) Direct the Administration to bring back recommendations for the allocation of the remaining CDBG funding as part of the FY 2015-2016 Annual Action Plan approval process.**

CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Housing)

Documents Filed: (1) Memorandum from Vice Mayor Nguyen and Council Members Liccardo and Rocha, dated December 12, 2014, recommending approval of the Staff report and as described in “Action” below. (2) Memorandum from Director of Housing Leslye Corsiglia, dated November 24, 2014, recommending approval of the actions as depicted in Item 4.4 above.

Motion: Vice Mayor Nguyen moved approval of the memorandum she cosigned with Council Members Liccardo and Rocha, dated December 12, 2014, as described in detail in “Action”. Council Member Liccardo seconded the motion.

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

Mayor Reed requested to amend the motion to direct Staff to circulate an information memorandum to the Council regarding how much money has been expended on the Draft Housing Element to date, including plans for utilizing the \$2.6 Million for future use.

The amendment from Mayor Reed was accepted by Vice Mayor Nguyen and Council Member Liccardo.

Mayor Reed opened the floor for public testimony.

4.4 (Cont'd.)

Public Comments: Expressing comments about the actions related to the Goals and Strategies from the 2010-2015 Consolidated Plan for the FY 2015-2016 Annual Action Plan were Anthony King, Sacred Heart; Yolanda Gutierrez, Graciela Hilliard, Sara Marie Oney and David Wall.

Council Member Liccardo thanked Vice Mayor Nguyen for her leadership.

Action: On a call for the question, the motion carried unanimously, the memorandum from Vice Mayor Nguyen, Council Member Liccardo and Council Member Rocha was approved, accepting the Staff report and recommended actions related to the Consolidated Plan for the Fiscal Year 2015-2016 Annual Action Plan Funding Strategy, including further direction to Staff: (1) Direct the Administration to utilize the \$2.6 Million in affordable housing funds from the North San José Development (Century Court) such that these additional funds are used to further the Consolidated Action Plan Goal #2: Support activities to end homelessness in San José and Santa Clara County. (2) Direct the Administration to use these funds to support projects and programs to address homelessness in San José, including the implementation of the previously approved motel lease program should that program turn out to be a viable method for adding temporary housing options for homeless individuals in San José. (3) Staff directed to circulate an information memorandum to the Council regarding how much money has been expended on the Draft Housing Element to date, including plans for utilizing the \$2.6 Million for future use. (10-0.)

4.5 (a) **Adopt a resolution:**

- (1) **Declaring approximately 5.22 acres of City owned property between Taylor and Jackson Street between Sixth and Seventh Streets, Assessor's Parcel Number (APN) 249-39-039, surplus to the needs of the City.**
- (2) **Approving a Purchase and Sale Agreement with Jackson Taylor Partners, LLC, for the sale of the City's 5.22 acre Former Corporation Yard located in Japantown between Taylor and Jackson Street between Sixth and Seventh Streets in the amount of \$18,500,000.**
- (3) **Authorizing the City Manager or his designee to execute the Purchase and Sale Agreement, the deed and all other documents necessary to complete the transaction.**

CEQA: Japantown Corporation Yard Redevelopment Project Final Environmental Impact Report, Resolution No. 74384, and Addendum thereto.

- 4.5 (c) **Direct the City Manager to set aside \$750,000 for parking assistance for the Creative Center for the Arts and \$250,000 for a two-year pilot parking program within Japantown subsequent to the receipt of funds from the Purchase and Sale Agreement.**

CEQA: Addendum to the Japantown Corporation Yard Redevelopment Project Final Environmental Impact Report, Resolution No. 74384. Council District 3. (Economic Development/City Manager)

- (d) **Consideration of an ordinance to approve a Development Agreement between Jackson Taylor Partners, LLC, and the City of San José to develop between 425 to 600 multi-family attached residential units and between 16,000 and 25,000 square feet of commercial space for mixed-use development consistent with the provisions of the Japantown Corporation Yard Redevelopment Project Final Environmental Impact Report, Jackson-Taylor Residential Strategy, and Envision San José 2040 General Plan on a 5.22 gross acre site bounded by N. Sixth Street, E. Taylor Street, N. Seventh Street, and Jackson Street (696 N. Sixth Street) (City Of San José, owner). CEQA: Japantown Corporation Yard Redevelopment Project Final Environmental Impact Report, Resolution No. 74384, and Addendum thereto. (Planning, Building and Code Enforcement)**

DA14-003 – District 3

Documents Filed: (1) Memorandum from Council Member Liccardo, dated December 16, 2014, recommending approval of the Staff recommendations with minor modifications as described in “Action”. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. DA14-003, dated December 3, 2014. (3) Memorandum from Planning Commission Secretary Harry Freitas, dated December 12, 2014, transmitting the recommendation of the Planning Commission. (4) Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh and Deputy City Manager/Budget Director Jennifer A. Maguire, dated November 24, 2014, recommending adoption of a resolution, approval of an ordinance and appropriation ordinance and funding sources resolution amendments and direction to the City Manager. (5) Proof of Publication of Notice of Public Hearing executed on November 21, 2014, submitted by the City Clerk.

Motion: Council Member Liccardo moved approval his memorandum dated December 16, 2014, recommending approval of the Staff recommendations with minor modifications as described in “Action” on Page 29. Council Member Herrera seconded the motion.

Mayor Reed opened the floor for public testimony.

Public Comments: Expressing support to the Staff recommendations were Wisa Uemura, San José Taiko; Matt Brown, Williams/Dame and Associates; Roy Hirabayashi and Helen Hayashi, Japantown Community Congress, and Connie Martinez, Silicon Valley Creates. David Wall expressed opposition to the Staff recommendations.

4.5 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, the memorandum from Council Member Liccardo, dated December 16, 2014, was approved, accepting the Staff recommendations, with the following minor modifications: (1) Require that prior to any expenditure of the \$250,000 for “additional parking solutions” that Council authorization be specifically and explicitly sought for the range of projects of improvements contemplated for that expenditure. (2) The City and Developer shall agree to an interim aesthetic treatment of the 0.75 acres dedicated for use by the Center for the Creative Arts (CCA) and Taiko to ensure that it does not become a blighted lot during the multi-year period pending the construction of the CCA. (b) Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund: (1) Increase the estimate for Other Revenue by \$65,000. (2) Increase the appropriation to the Office of Economic Development for Non-Personal/Equipment in the amount of \$65,000. Resolution No. 77262, entitled: “A Resolution of the Council of the City of San José Declaring Approximately 5.22 Acres of City Owned Property Bounded by Taylor, Jackson, Sixth and Seventh Streets as Surplus to the Needs of the City; Approving a Purchase and Sale Agreement with Jackson Taylor Partners, LLC for the Property in the Amount of \$18.5 Million and Authorizing the City Manager to Execute the Purchase and Sale Agreement, The Deed and All Other Documents Necessary to Complete the Transaction”, Ordinance No. 29537, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the General Fund for the Non-Personal/Equipment Appropriation to the Office of Economic Development; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77263, 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. Ordinance No. 29528, entitled: “An Ordinance of the Council of the City of San José Approving a Development Agreement With Jackson Taylor Partners, LLC, Relative to the Development of the Japantown Corporation Yard Redevelopment Project on Certain Real Property Located at 696 North Sixth Street and Authorizing the City Clerk to Execute the Development Agreement and Cause the Same to be Recorded with the Santa Clara County Recorder’s Office”, was passed for publication and the City Manager was directed to set aside \$750,000 for parking assistance for the Creative Center for the Arts and \$250,000 for a two-year pilot parking program within Japantown subsequent to the receipt of funds from the Purchase and Sale Agreement. (10-0.)

- 4.6 (a) **Adopt a resolution authorizing the Director of Public Works to:**
- (1) **Award a construction contract for the 7273 - Camden Pool Renovation Project to the lowest responsive and responsible bidder in an amount not to exceed \$1,300,000 and to approve a contingency of fifteen percent of the contract amount not to exceed \$195,000.**
 - (2) **Decide any timely bid protest(s), and make the City’s final determination as to the lowest responsive bidder that is responsible, or to reject all bids and re-bid the project.**

- 4.6 (a) (3) Execute change orders in excess of \$100,000 within the contingency amount.
- (b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
- (1) Decrease the Camden Community Center Gymnasium Upgrade Reserve by \$1,000,000.
- (2) Increase the Camden Pool Renovation by \$1,000,000.
- CEQA: Exempt, File No. PP14-081. Council District 9. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)**

Note: Item 4.6 was renumbered to Item 2.19. See Item 2.19 for Action.

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Adopt a resolution authorizing the City Manager to:
- (a) Execute a Memorandum of Understanding between the City of San José and McCarthy Ranch Limited Partnership, LLC, successor in interest to Joseph A. McCarthy and Muriel M. Harris as successor Trustees of the RLM Trust and MGM Trust (“McCarthys”) to negotiate an amendment to two Declaration of Covenants, Conditions, & Restrictions Agreements (“CC&Rs”) by and among McCarthys, City of San José, and Browning-Ferris Industries of California, Inc. and International Disposal Corp. of California, Inc., dated April 17, 1998 and recorded on April 28, 1998 and July 28, 2000, respectively, to provide McCarthys a process for early termination of the CC&Rs following completion of specific conditions.
- (b) *Negotiate and execute amendment(s) to the CC&Rs with the consent of all parties and their successors or assigns to the CC&Rs to establish a process for early termination contingent on the conditions set forth in the Memorandum of Understanding.*
- CEQA: San José/Santa Clara Water Pollution Control Plant Master Plan EIR, Resolution No. 72768. (Environmental Services)**
(Rules Committee referral 12/10/14)

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow, dated December 5, 2014, recommending approval of the Memorandum of Understanding. (2) Memorandum from the Treatment Plant Advisory Committee Chair Chuck Reed, dated December 11, 2014, expressing concurrence with the Staff recommendations.

City Attorney Richard Doyle provided clarifications into the record.

Motion: Council Member Campos moved approval of the Staff recommendations and the clarifications provided by the City Attorney. Council Member Herrera seconded the motion.

7.1 (Cont'd.)

Mayor Reed provided meeting disclosures.

Mayor Reed opened the floor for public testimony.

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

Action: On a call for the question, the motion carried unanimously, the clarifications from the City Attorney were approved as follows: (1) For Item 7.1(b) the Staff recommendations were revised: Negotiate and execute amendment(s) to the CC&Rs (to the City Manager). (2) The Memorandum of Understanding, Page (2) II.E: the \$6.5 Million dollars refers to the real property and not the CCR's and Resolution No. 77264, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Memorandum of Understanding with McCarthy Ranch Limited Partnership and to Negotiate and Execute the Amendments to the Covenants, Conditions and Restrictions Agreements to Establish a Process for Early Termination Contingent on the Conditions Set Forth in the Memorandum of Understanding", was adopted. (10-0.)

GENERAL PLAN PUBLIC HEARINGS

- 10.2 Adopt a resolution approving a General Plan Text Amendment to modify Goal H-2 - Affordable Housing, to state that the City's goal is that 15% or more of the new housing developed in San José be affordable to low, very low and extremely low income households and to add a new policies, including the Housing - Social Equity and Diversity Policy that states that the City will facilitate housing affordable to those who are employed in serving industries, driving industries and business support industries, and other related amendments. CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and addenda thereto. Planning Commission recommends approval (6-1-0). (Planning, Building and Code Enforcement)**
GPT14-007 - Citywide

Documents Filed: (1) Memorandum from Mayor Reed, dated December 8, 2014, recommending approving the Staff recommendations with modifications. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GPT14-007, dated October 28, 2014. (3) Memorandum from Planning Commission Secretary Harry Freitas, dated November 20, 2014, transmitting the recommendation of the Planning Commission. (4) Proof of Publication of Notice of Public Hearing executed on October 10, 2014, submitted by the City Clerk. (5) Letter from Pat Sausedo, Building Industry Association of the Bay Area, dated December 9, 2014, expressing support to the General Plan Text Amendment. (6) Letter from Myron Crawford, Berg and Berg Developers, Inc., dated November 26, 2014, expressing objections to the Rental and Housing Impact Fee Program.

10.2 (Cont'd.)

Motion: Vice Mayor Nguyen moved approval of the Staff recommendation and the memorandum from Mayor Reed, dated December 8, 2014, with modifications as described in “Action” below. Council Member Herrera seconded the motion.

Mayor Reed opened the Public Hearing.

Public Comments: Pat Sausedo, Building Industry Association of the Bay Area expressed support to the Staff recommendations. David Wall expressed objections to the Staff recommendations.

Mayor Reed closed the Public Hearing.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Reed, dated December 8, 2014, was approved, approving the proposed General Plan Text Amendment H-1.10 and H-2.8 as recommended by Staff, including adding the bold, underlined *italicized* language to the Staff recommendation on Goal H-2 Affordable Housing, as follows: Increase, preserve and improve San José’s affordable housing stock. Preserve and improve San José’s existing affordable housing stock and increase its supply such that 15% or more of the new housing stock developed is affordable to low, very low and extremely low income households. *Nothing in this language is intended, directly or indirectly, to impose any requirement on any individual housing project to include an amount or percentage of affordable units. Nothing in this language is intended to, directly or indirectly, result in a finding or determination that an individual housing project is inconsistent with the General Plan, if it does not contain any affordable housing units.* Resolution No. 77265, entitled: “A Resolution of the Council of the City of San José Specifying the Council’s Determinations on Proposed Amendments to the Envision San José 2040 General Plan Pursuant to Title 18 of the San José Municipal Code”, was adopted as amended. (10-0.)

- 10.3 Tentative approval of the City-initiated General Plan text amendment request to revise the Envision San José 2040 General Plan Text to incorporate the Housing Element for 2014-2023, which text amendments include but are not limited to: revising Chapter 7 “Implementation”; adding new Appendices including but not limited to Appendix 11 “Housing Element for 2014-2023”; and revising or deleting references to Appendix C “Housing Element Update 2007-2014,” of the San José 2020 General Plan, all to update demographic and housing data, goals, policies, and implementation actions and to make other minor technical, clarifying and clerical revisions, as necessary, to comply with State Housing Element Law (Government Code Sections 65580-65589.8). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, and Addenda thereto; Downtown Strategy 2000 EIR, Resolution No. 72767, and Addenda thereto; North San José Development Policies EIR, Resolution No. 72768, and Addenda thereto; and Diridon Station Area Plan**

**10.3 EIR, Resolution No. 77096 and Addenda thereto (collectively, the “Final Program EIRs”). Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs.
GPT14-001 – Citywide**

Documents Filed: Proof of Publication of Notice of Public Hearing executed on November 21, 2014, submitted by the City Clerk.

Action: Item 10.3 was dropped. To be renoticed.

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 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>
10280	S/W Corner of Pearl Ave & Adamo Drive	9	Edenbridge, Inc.	18 Lots/ 13 Units	SFD

OPEN FORUM

- (1) David Wall thanked Mayor Reed, Vice Mayor Nguyen and Council Members Constant Campos for their service and dedication to the residents of San José. Mr. Wall opined about another Montgomery Watson invoice.
- (2) Andy Gonzalez objected to the new Tiered Multiple Housing Occupancy Parcel Fees.
 Mayor Reed requested that Assistant Director of Housing Jacky Morales-Ferrand confer with Mr. Gonzalez after the meeting.
- (3) Judy Bender complained about her ongoing problems at the Senior Center.

STRATEGIC SUPPORT SERVICES

3.13 As recommended by the Rules and Open Government Committee on December 10, 2014, appoint an interim representative for Council District 4 to serve until a new Council Member has been elected. (Mayor/Liccardo)

Following Open Forum the Council reopened Item 3.13 to discuss further details.

3.13 (Cont'd.)

Council discussion ensued.

Action: Upon motion by Council Member Constant, seconded by Council Member Liccardo and carried, each applicant for the interim representative for District 4 will provide a five minute opening statement and the Council will use electronic voting, if possible, including the opportunity for Public Comment at the end of the Agenda. (8-2. Noes: Campos, Rocha.)

ADJOURNMENT

The Council of the City of San José was adjourned at 6:48 p.m. in memory of Captain Darryl Weeden of San José Fire Department Truck 35C. (Kalra)

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 6:49 p.m. to Closed Session in Room W133 (A) to confer with Legal Counsel.

By unanimous consent, Council recessed from the Closed Session at 6:53 p.m. and reconvened to Regular Session at 6:54 p.m. in the Council Chambers.

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

Absent: Council Members - All Present.

Vacant: - District 4.

There was no Closed Session Report.

ADJOURNMENT

The Council of the City of San José adjourned at 6:55 p.m. to convene in Open Session and Special Closed Session at 2:00 p.m. on Friday, December 19, 2014.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk
smd/12-16-14 MIN