

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, APRIL 30, 2013

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

Present: Council Members - Campos, Constant, Herrera, Khamis, Rocha; Reed.

Absent: Council Members - Chu, Kalra, Liccardo, Nguyen, Oliverio. (Excused)

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

Documents Filed: (1) Memorandum from Council Member Rocha, dated April 29, 2013, recommending that Council adopt the following negotiating position with regard to compensation: offer all bargaining units the option of at least a 2% compensation increase across all steps. (2) In Interest Pursuant to Section III of the San José City Charter, dated April 26, 2013, regarding the matter of arbitration between the City of San José, Employer, and San José Police Officers' Association.

There was no Staff presentation.

Council Member Rocha referred to his memorandum dated April 29, 2013, and requested a discussion in Closed Session with regard to offering all bargaining units the option of a 2% compensation increase across all steps. Mayor Reed agreed to the request.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:04 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9, Subsection (c) with respect to anticipated litigation in one (1) matter. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9, Subsection (b) with respect to significant exposure to litigation: Claimants: 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(d)1) with respect to existing

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litigation: (1) Kevin Holbrook v. City; Names of Parties Involved: Kevin Holbrook, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-238247; Amount of Money or Other Relief Sought: Damages according to proof. (2) Citizens Against Airport Pollution v. City, et al; Names of Parties Involved: Citizens Against Airport Pollution, an unincorporated association, Does 1-5, City of San José, City Council of the City of San José and Does 6-10, Does 10-30, Real Parties in Interest; Court: Superior Court of California, County of Santa Clara; Case No: 1-10-CV-177290; Amount of Money or Other Relief Sought: City to set aside and void approvals relating to 8th addendum to Airport Master Plan. (3) Carillo, Alexandra v. City; Names of Parties Involved: Alexandra Carrillo, City of San José and Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-242864; Amount of Money or Other Relief Sought: Damages according to proof. (4) City v. International Association of Firefighters, et al; Names of Parties Involved: International Association of Firefighters, Local 230; Court: Superior Court of California, County of Santa Clara; Case No: 1-06-CV-075858; Amount of Money or Other Relief Sought: Motion to compel arbitration. (5) City v. International Association of Firefighters, et al; Names of Parties Involved: International Association of Firefighters, Local 230; Court: Superior Court of California, County of Santa Clara; Case No: 1-09-CV-133786; Amount of Money or Other Relief Sought: Arbitration of Firefighters Bill of Rights Issue. (6) Parker, et al. v. City of San José, et al; Names of Parties Involved: David Parker, James Williams, Jason Bivens, Debra Ward and Shannon Blean, City of San José and Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No: 1-10-CV-176055; Amount of Money or Other Relief Sought: Damages according to proof. (7) American Federation of State, County and Municipal Employees, City of San José; Court: State of CA Public Employment Relations Board; Case No: SF-CE-837-M; Amount of Money or Other Relief Sought: Damages according to proof. (8) IAFF Local 230 v. City; Names of Parties Involved: International Association of Firefighters Local 230, City of San José; Court: State California Public Employees Relations Board; Case No: SF-CE-941-M; Amount of Money or Other Relief Sought: Damages according to proof. (9) American Federation of State, County and Municipal Employees, et al. v. City; Names of Parties Involved: American Federation of State, County and Municipal Employees, City of San José; Court: State California Public Employees Relations Board; Case No: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages according to proof. (10) IAFF Local 230 v. City; Names of Parties Involved: International Association of Firefighters Local 230, City of San José; Court: State California Public Employees Relations Board; Case No: SF-CE-969-M; Amount of Money or Other Relief Sought: Damages according to proof. (11) OE#3 v. City of San José; Names of Parties Involved: Operating Engineers Local Union No. 3, City of San José; Case No: SF-CE-900-M. Amount of Money or Other Relief Sought: Damages according to proof. (12) IFPTE Local 21, AFL-CIO v. City of San José; Names of Parties Involved: International Federation of Professional and Technical Engineers, City of San José; Court: State California Public Employees Relations Board; Case No: SF-CE-966-M. Amount of Money or Other Relief Sought: Damages according to proof. (13) American Federation of State, County and Municipal Employees, et al. v. City; Names of Parties Involved: American Federation of State,

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County and Municipal Employees, City of San José, Court: State California Public Employees Relations Board; Case No: SF-CE-945-M; Amount of Money or Other Relief Sought: Damages according to proof. (14) IAFF Local 230 v. City; Names of Parties Involved: International Association of Firefighters Local 230, City of San José; Court: State California Public Employees Relations Board; Case No: SF-CE-970-M; Amount of Money or Other Relief Sought: Damages according to proof. (15) IAFF Local 230 v. City; Names of Parties Involved: International Association of Firefighters Local 230, City of San José; Court: State California Public Employees Relations Board; Case No: SF-CE-972-M; Amount of Money or Other Relief Sought: Damages according to proof. (16) City of San José v. SJPOA; Names of Parties Involved: City of San José, San José Police Officers' Association; Case No: CSMCS ARB 12-0171. (17) City of San José v. SJPOA; Names of Parties Involved: City of San José, San José Police Officers' Association; Case No: CSMCS ARB 11-0136. (19) City of San José v. SJPOA; Names of Parties Involved: City of San José, San José Police Officers' Association; Case No: CSMCS ARB 11-0142. (18) Great Oaks Water, Inc. v. City, et al. Names of Parties Involved: Great Oaks Water, Inc., John W.S. Roeder, Betty B. Roeder, Betty B. Roeder Trust A and William C. Miller, Jr. and Betty B. Roeder, Trustees of the Walter S. Roeder Trust B, The City of San José, The San José Redevelopment Agency, Southbay Water Recycling, Does 1 – 100; Court: Superior Court of California, County of Santa Clara; Case No: 1-04-CV012008; Amount of Money or Other Relief Sought: Damages according to proof. (21) County of Alameda, et al. v. AMBAC Financial, et al; Names of Parties Involved: County of Alameda, City and County of San Francisco, City of Los Angeles, Los Angeles Department of Water and Power, Los Angeles World Airports, City of Oakland, City of Richmond, Redwood City, East Bay Municipal Utility District, City of Sacramento, Sacramento Suburban Water District, Sacramento Suburban Water District, Sacramento Municipal Utility District, City of San José, City of Stockton, The Redevelopment Agency of the City of Stockton, County of Tulare, The Regents of the University of California, The Redevelopment Agency of the City of San José, AMBAC Financial Group, Inc., AMBAC Assurance Corporation, MBIA, Inc., MBIA Insurance Corporation, MBIA Insurance Corp. of Illinois, aka National Public Finance Guarantee Corporation, Syncora Guarantee, Inc., fka XL Capital Assurance Inc., Financial Guaranty Insurance Company, Financial Security Assurance, Inc., CIFG Assurance North America, Inc., Assured Guaranty Corp., Jason Kissane, Does 1-50; Court: Superior Court of California, In and for the City and County of San Francisco; Amount of Money or Other Relief Sought: Damages according to proof. (22) RDA/City vs. Bank of America, N.A., et al; Names of Parties Involved: City of San José, The San José Redevelopment Agency, Bank of America, N.A., Merrill Lynch and Co., Inc., UBS AG, UBS Financial Services, Inc., UBS Securities, LLC, MBIA, Inc., Citibank, N.A., Citigroup Financial Products Inc., Citigroup Global Markets Holdings Inc., Morgan Stanley, Rabobank Group, Bayerische, Landesbank Gironzentrale, Piper Jaffray & Co., Societe Generale SA, Financial Security Assurance, Inc., Assured Guaranty US Holdings Inc., Dexia S.A., National Westminster Bank, PLC, Natixis Funding Corp., Natixis S.A., The Goldman Sachs Group, Inc., Goldman Sachs Mitsui Marine Derivative Products, L.P., Goldman Sachs Bank USA, CDR Financial Products, Winters & Co., Advisors, LLC, George K.

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Baum & Co., Sound Capital Management, Inc., Investment Management Advisory Group, Inc., First Southwest Company, PFM Investment, LLC, PFM Asset Management LLC. Court: United States District Court, Northern District of California, San José Division; Case No: CV10 2199; Amount of Money or Other Relief Sought: Damages according to proof. (23) Sipple, et al. v. City of Alameda, et al; Names of Parties Involved: Donald Sipple, John Simon, Karl Simonsen, Christopher Jacobs, Settlement Class Representatives, New Cingular Wireless PCS LLC, City of Alameda, County of Alameda, City of Albany, City of Alhambra, City of Arcadia, City of Baldwin Park, City of Beaumont, City of Bell, City of Bellflower, City of Benecia, City of Berkeley, City of Burbank, City of Calabasas, City of Cathedral, City of Ceres, City of Chico, City of Chico, City of Chula Vista, City of Citrus Heights, City of Claremont, City of Colton, City of Compton, City of Covina, City of Cudahy, City of Culver City, City of Cupertino, City of Daly City, City of Desert Hot Springs, City of Dinuba, City of Downey, City of East Palo Alto, City of El Cerrito, City of El Monte, City of El Segundo, City of Emeryville, City of Eureka, City of Exeter, City of Fairfax, City of Fairfield, City of Gardena, City of Gilroy, City of Glendale, City of Gonzales, City of Greenfield, City of Grover Beach, City of Guadalupe, City of Gustine, City of Hawthorne, City of Hayward, City of Hercules, City of Hermosa Beach, City of Holtville, City of Huntington Beach, City of Huron, City of Indio, City of Inglewood, City of Irwindale, City of La Habra, City of Lakewood, City of La Palma, City of La Verne, City of Lawndale, City of Lindsey, City of Long Beach, City of Los Alamitos, City of Los Altos, City of Los Angeles, Los Angeles County, City of Lynwood, City of Malibu, City of Mammoth Lakes, City of Maywood, City of Menlo Park, City of Modesto, City of Montclair, City of Monterey, City of Monterey Park, City of Moreno Valley, City of Mountain View, City of Norwalk, City of Oakland, City of Orange Cove, City of Oroville, City of Pacific Grove, City of Palm Springs, City of Palo Alto, City of Paramount, City of Pasadena, City of Pico Rivera, City of Piedmont, City of Pinole, City of Placentia, City of Pleasant Hill, City of Pomona, City of Port Hueneme, City of Porterville, City of Rancho Palos Verde, City of Redondo Beach, City of Redwood City, City of Rialto, City of Richmond, City of Riverside, City of Sacramento, City of Salinas, City of San Bernardino, City of Buena Ventura (Ventura), City of San Francisco, City of San Gabriel, City of San Jose, City of San Leandro, City of San Luis Obispo, City of San Marino, City of San Pablo, City of Sanger, City of Santa Ana, City of Santa Barbara, City of Santa Cruz, City of Santa Monica, City of Seal Beach, City of Seaside, City of Sierra Madre, City of Soledad, City of South Pasadena, City Stanton, City of Stockton, City of Sunnyvale, City of Torrance, City of Tulare, City of Waterford, City of Watsonville, City of Westminster, City of Whittier, City of Winters, City of Woodlake, Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: BC462270; Amount of Money or Other Relief Sought: Damages according to proof. (24) Konnick v. Kaiser, et al; Names of Parties Involved: Michi Konnick, by her Gaurdian Ad Litem, Mircea G. Dragomir, CLPF and George Konnick, Kaiser Foundation Healthplan, Inc., Kaiser Foundation Hospitals, The Permanente Medical Group, Inc., Chandu A. Karadi, Johnson D. Chan, American Medical Response, Inc., Bonnie McPherson, Carlos Garcia, Thomas Cooper, The City of San José dba San José Fire, Rocco Francisco and Does 1-200; Court: Superior Court of

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California, County of Santa Clara; Case No: 1-11-CV-200068; Amount of Money or Other Relief Sought: Damages according to proof. (25) Seibert v. City of San José; Names of Parties Involved: Grant Seibert, City of San José, San José Civil Service Commission, Debra Figone as San José City Manager, Alex Gurza as San José Director of Employee Relations, William McDonald as Fire Chief for San José Fire Department, Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-11CV2040986; Amount of Money or Other Relief Sought: Damages according to proof. (26) California Building Industry Association v. City, et al; Names of Parties Involved: California Building Industry Association, A California Nonprofit Corporation, City of San José, A California Municipal Corporation, City Council and Mayor of the City of San José, Does 1-200; Court: Superior Court of California, County of Santa Clara; Case No: 1-10-CV-167289; Amount of Money or Other Relief Sought: Declaratory and Injunctive Relief. (27) Bernal, et al. v. City, et al. Names of Parties Involved: Mike C. Bernal, Susan R. Bernal, Nanetta Bernal, Lilian Bernal Auvinen, Katherine Lira, Diana Bernal-Tuyor, Mike A. Bernal, Gary James Bernal, Domenico Loverde, Tomas J. Martinez, Authur Paul Lira, Jr., Jerimiah Lira, Sommer Kai Espinosa, Lucia A. Bernal, Guillermo Espinosa, City of San José and Does 1-25; Court: Superior Court of California, County of Santa Clara; Case No: 1-08-CV-116141; Amount of Money or Other Relief Sought: Damages according to proof. (28) Andy's BP, Inc. et al, v. City of San José, et al. Names of Parties Involved: Andy's BP, Inc., a California Corporation, Sabek, Inc., a California Corporation and Andy Saberi, an Individual, the City of San José, Joseph Horwedel, individually and Amir Shirazi, individually and dba Moe's Stop and Amir Shirazi, as Trustee for the Mohammad M. Shirazi Living Trust and Does 1-25; Court: United States District Court, Northern District of California, San José Division; Case No: 12-CV-01631 LHK; Amount of Money or Other Relief Sought: Damages according to proof. (29) Berg & Berg Enterprises, LLC v. City, et al; Names of Parties Involved: Berg & Berg Enterprises, LLC, City of San José, San José City Council and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 1-07-CV-091955; Amount of Money or Other Relief Sought: Damages according to proof. (30) California Clean Energy Committee v. City, et al; Names of Parties Involved: California Clean Energy Committee, City of San José, Does 1-50, FWSH Partners II, LLC, Edward D. Storm and Does 51-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV-212623; Amount of Money or Other Relief Sought: Injunctive Relief; (31) City of Milpitas v. City, et al; Names of Parties Involved: City of Milpitas, a public entity, City of San José, public entity and Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233069; Amount of Money or Other Relief Sought: Petition for writ of mandate. (32) People/City v. Bevan, Warren; Names of Parties Involved: People of the State of California, ex rel., City Attorney of the City of San José, Wanda M. Bevan, an individual, Warren Bevan, aka Warren A. Bevan, an individual, Warren A. Bevan and Lynn E. Winnett-Bevan, Trustees of the Bevan Trust, created on 8/16/06 and Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-08-CV118193; Amount of Money or Other Relief Sought: Injunctive relief. (33) City v. Marquez, Rita and Avalos, Luzmarie; Names of Parties Involved: City of San José, Rita Marquez, Luzmarie Avalos, Court:

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Superior Court of California, County of Santa Clara; Case No: C-1354130; Amount of Money or Other Relief Sought: Damages according to proof. (34) People/City v. Rosales; Collins & Constant, Robert Collins, John Seaman, et al; Names of Parties Involved: People of the State of California, ex rel, City Attorney of San José and City of San José, Julian Rosales, an individual, dba Beautiful Temple International, Collins & Constant Investments, LLC, A California limited liability company, Robert Collins, an individual, John Seaman, an individual; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV235487; Amount of Money or Other Relief Sought: Injunctive Relief. (35) Ahluwalia, et al. v. City of San José, et al; Names of Parties Involved: Harsh R. Ahluwalia, individually and as successor-in-interest to Decedent Varun Kumar, Ravinder K. Ahluwalia, individually and as co-successor-in-interest to Decedent Varun Kumar, the Estate of Varun Kumar, City of San José, Chris Moore, in his official capacity as Chief of Police for the San José Police Department, Sergio Carabarin, in his individual and official capacities as an officer of the San José Police Department, Ryan Kimber, in his individual and official capacities as an officer of the San José Police Department, Phil Juan, in his individual and official capacities as an officer of the San José Police Department, and Does 1-50; Court: United States District Court, Northern District of California, San José Division; Case No: C13-0114 PSFG; Amount of Money or Other Relief Sought: Injunctive Relief. (36) Carter v. City of San José, et al; Names of Parties Involved: Jamil Carter, The City of San José, The San José Police Department (SJPD), Michael Sullivan, individually and in his official capacity as Lieutenant, SJPD and Keith Cottrell, individually and in his official capacity as Sergeant, SJPD; Court: United States District Court, Northern District of California; Case No: CV12-01968 HRL; Amount of Money or Other Relief Sought: Damages according to proof. (37) Cicala, et al. v. City, et al; Names of Parties Involved: Paul Cicala, Enrico Sagullo, Erick Sanchez, City of San José, Robert Davis, Officers Ordaz, Higgins, Marfia, Kyono, Siegel and Does; Court: United States District Court, Northern District of California; Case No: C08-04032 PVT; Amount of Money or Other Relief Sought: Damages according to proof. (38) Chahal v. City of San José, Bach Thai Tran; Names of Parties Involved: Lakhbir Singh Chahal, Baljit Chahal, City of San José, Bach Thai Tran, Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV-199202; Amount of Money or Other Relief Sought: Damages according to proof. (39) Correa v. City of San José, et al; Names of Parties Involved: Thomas Correa, The City of San José; The San José Police Department (SJPD), Michael Sullivan, individually and in his official capacity as Lieutenant, SJPD, Kimberly Hudson, individually and in his official capacity as Sergeant, SJPD; Court: United States District Court, Northern District of California, San José Division; Case No: CV12-05436 HRL; Amount of Money or Other Relief Sought: Damages according to proof. (40) Fujikawa, Michael v. City, Chief Chris Moore, et al; Names of Parties Involved: Michael Fujikawa, The City of San José, Police Chief Chris Moore, Officers Payne (Badge No. 3971), Officer Pfieler (Badge No. 3951), Officer Jeffrey (Badge No. 3926), Officer Akery (Badge No. 3495) and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-219612; Amount of Money or Other Relief Sought: Damages according to proof. (41) Galindo, Celina et al. v. Tassio, Kilmer, et al; Names of Parties Involved: Celina Galindo, Sabrina Galinda,

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Valente Galindo, IV, a minor, by and through his Guardian ad Litem, Gina Padilla, Officer Lee Tassio, Officer Anthony Kilmer and City of San José; Court: Superior Court of California, County of Santa Clara; Case No: CV13-0105 HRL; Amount of Money or Other Relief Sought: Damages according to proof. (42) Garden City, Inc. dba Casino M8trix, et al. v. City of San José, et al. Names of Parties Involved: Garden City, Inc., dba Casino M8trix, a California Corporation, Airport Parkway Two, LLC, a California limited liability company and Airport Opportunity Fund, LLC, a Delaware limited liability company, City of San José, a California municipal corporation, San José Police Department, for the City of San José, Richard Teng, individually and as Administrator of the San José Police Department Division of Gaming Control; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-240941; Amount of Money or Other Relief Sought: Damages according to proof. (43) Garden City, Inc. dba Casino M8trix, et al. v. City of San José, et al; Names of Parties Involved: Garden City, Inc., dba Casino M8trix, a California Corporation, Airport Parkway Two, LLC, a California limited liability company and Airport Opportunity Fund, LLC, a Delaware limited liability company, City of San José, a California municipal corporation, San José Police Department, for the City of San José, Richard Teng, individually and as Administrator of the San José Police Department Division of Gaming Control; Court: United States District Court, Northern District of California, San José Division; Case No: CV-13-0577 PSG; Amount of Money or Other Relief Sought: Damages according to proof. (44) Swallow, et al. v. City of San José; Names of Parties Involved: Eric Swallow, Jeanine Lunardi, City of San José; Court: Superior Court of California, County of Santa Clara; case No: 1-13-CV-243151; Amount of Money or Other Relief Sought: Damages according to proof. (45) Gonzales, Mary Lou v. City, et al. Names of Parties Involved: Mary Lou Gonzales, City of San José, as a municipal corporation, San José Police Chief Moore, individually and in his official capacity, SJPD Detective Yvonne Delacruz, in her official and individual capacity, SJPD Sgt. Archer, in his official capacity and individual capacity, SJPD Homicide Detective Jamie (Last Name Unknown), in his official capacity and individual capacity, SJPD Officers Doe 1 to Doe 7 in their individual and official capacities, SJPD Officers and Detectives and employees Doe 8-50; Court: United States District Court, Northern District of California, San José Division; Case No: CV13-0695 PJH; Amount of Money or Other Relief Sought: Damages according to proof. (46) Gonzales-Guerrero, Javier v. City, Brian Johst, Mark Stephens, et al; Names of Parties Involved: Javier Gonzales-Guerrero, City of San José, Brian Johst, Mark Stephens, Gary Petrakovitz and Tim Stephens; Court: United States District Court, Northern District of California, San José Division; Case No: CV12-03541 PSG; Amount of Money or Other Relief Sought: Damages according to proof. (47) Hellams, John, Charles Bernard and Marline Anderson v. City, et al; Names of Parties Involved: John Hellams, Charles Bernard, Marelene Anderson, City of San José, Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-227586; Amount of Money or Other Relief Sought: Damages according to proof. (48) Hernandez, Luis and Cindy Calderon v. City of San José, et al; Names of Parties Involved: Luis Hernandez, Cindy Calderon, City of San José, Ernie Alcantar, individually and his official capacity as Captain, SJPD and James Werkema, individually and his official capacity as Lieutenant,

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SJPD; Court: United States District Court, Northern District of California, San José Division; Case No: CV12-02952 HRL; Amount of Money or Other Relief Sought: Damages according to proof. (49) Kerkeles v. City of San José, et al; Names of Parties Involved: Michael Kerkeles, aka Michael Kerk, City of San José, Matthew Christian and Does 1-15; Court: Superior Court of California, County of Santa Clara; Case No: 1-08-CV103523; Amount of Money or Other Relief Sought: Damages according to proof. (50) Montiel v. City, et al; Names of Parties Involved: Jermaine Montiel, Officer M. Williams, Officer C. Sheppard, Officer Hernandez, Officer Rodriguez, John Doe and Richard Doe, Robert Davis, City of San José and Does; Court: United States District Court, Northern District of California, San José Division; Case No: C07 05490 PSG; Amount of Money or Other Relief Sought: Damages according to proof. (51) City of San José, et al. v. BKD Investments, LLC, et al. Names of Parties Involved: People of the State of California, ex rel, City Attorney of the City of San José and the City of San José, BKD Investments, LLC, a California Limited Liability Company dba Hotel Elan, Pankaj K. Patel, an individual, Sanjay K. Patel, an individual, April Guzman, an individual and Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-227614; Amount of Money or Other Relief Sought: Permanent Injunction and Final Judgment. (52) People/City v. Stanley A. Fimowicz, et al. Names of Parties Involved: People of the State of California, ex rel, City Attorney of the City of San José, the City of San José, Stanley A. Fimowica, an individual, Stella L. Fimowicz, an individual and Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-243896; Amount of Money or Other Relief Sought: Damages according to proof. (53) People/City v. Chinh Hoang Nguyen dba La Visage Salon, et al. Names of Parties Involved: People of the State of California, ex rel, City Attorney of the City of San José and the City of San José, Chinh Hoang Nguyen aka Nguyen Chinh Hoang, an individual, dba La Visage Salon, Tung Van Vo, aka Andy Hoang Buu Vo aka Vo Tung, an individual, dba La Visage Salon, Sang Van Pham aka Pham Sang Van, an individual; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-226470; Amount of Money or Other Relief Sought: Damages according to proof. (54) Naymark, et al. v. City, et al. Names of Parties Involved: Janice Naymark, Ronald Naymark, City of San José, San José Police Department, Robert Davis, City of Campbell, Campbell Police Department, David Gullo, Town of Los Gatos, City of Monte Sereno, Los Gatos, Monte Sereno Police Department, Scott Seaman, City of Palo Alto, Lynn Johnson, City of Santa Clara, Santa Clara Police Department, Stephen D. Lodge, State of California, California Highway Patrol, Michael L. Brown, County of Santa Clara, Office of the Santa Clara County Sheriff, Laurie Smith and Does 1-25; Court: Superior Court of California, County of Santa Clara; Case No: 1-07-CV080008; Amount of Money or Other Relief Sought: Injunctive relief. (55) Rice, JoAnn, America Savin, et al. v. City, et al. Names of Parties Involved: JoAnn Rice, America Savin, Perry Nelson and W.N., a minor, by and through his Guardian and Litem, America Savin, City of San José, San José Police Department, Does 1-10; Court: United States District Court, Northern District of California, San José Division; Case No: 2:13-CV-00334-KJM-CKD; Amount of Money or Other Relief Sought: Damages according to proof. (56) Valdez, et al. v. City, et al. Names of Parties Involved: Franciscan Valdez, Ricardo Vasquez, Daniel Martinez, Jamil Stubbs, City of

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San José, San José Police Chief Robert Davis, Officer R. Agaman (4041), Officer Martin (#3894), Officer Rickert (#3734), Officer Wallace (#3922), Officer Orlando, Does 1-2500; Court: United States District Court, Northern District of California, San José Division; Case No: C09 00176 RMW; Amount of Money or Other Relief Sought: Damages according to proof. (57) Pham/Do v. City, et al. Names of Parties Involved: Vinh Huu Pham and Lan Thi Do, City of San José, a municipality of the State of California, Officer Brian Jeffrey, #3926, individually and his official capacity as a police officer, Officer Matthew Blackerby, #3999, individually and in his official capacity as a police officer and Does 1-100; Court: United States District Court, Northern District of California, San José Division; Case No: CV11-01526 EJD; Amount of Money or Other Relief Sought: Damages according to proof. (58) Pugh v. City, et al. Names of Parties Involved: Dwayne Pugh, City of San José and Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-10-CV189429; Amount of Money or Other Relief Sought: Damages according to proof. (59) Salinas, Roberta, George and Frances Salinas, et al. v. City et al. Names of Parties Involved: Roberta Salinas, George Salinas, Frances Salinas, Carlos Salinas, Olivia Salinas, Loretta Salinas, City of San José and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 1-08-CV-116174; Amount of Money or Other Relief Sought: Damages according to proof. (60) Noreen Salinas v. City, et al. Names of Parties Involved: Noreen Salinas, City of San José, Chief Robert Davis, Taser International, Inc., Does 1-10; Court: United States District Court, Northern District of California, San José Division; Case No: C08-02625 RS (consolidated with C09-04410RS); Amount of Money or Other Relief Sought: Damages according to proof. (61) Vasquez v. City, et al. Names of Parties Involved: Ramon Jose Vasquez, Brian Ferrante, individually and as an Officer of the San José Police Department and Tom Morales, individually and as an Officer of the San José Police Department, Does 1-50; Court: United States District Court, Northern District of California, San José Division; Case No: CV10-00948 LKH; Amount of Money or Other Relief Sought: Damages according to proof. (62) Watson-Stalker, et al. v. City et al. Names of Parties Involved: Tracy Watson, Renee Stalker, Olivia Stalker, Shafer Watson, Riley Watson, County of Santa Clara, County of Santa Clara Department of Family and Children Services, County of Santa Clara Department of County Counsel, County of Santa Clara District Attorney's Office, Santa Clara Medical Center, Evergreen School District, City of San José, San José Police Department, Norma Sparks, Yazima Letona, Sharon Burgan, Jewels Rameriz, Vu Tran, Ann Miller Ravel, Rima Singh, Aaron West, George Kennedy, Clifton Black, Rose Real, Robert Pruitt, Cheryl Harms, Claudia Blodgett, Gary Kishimoto, John Hamilton, Anita Noble, Janet Kahle, Mary Ritter, David Kearns, Rajul Kazi, Rob Davis, William Hoyt, Craig Blank; Court: United States District Court, Northern District of California, San José Division; Case No: C06-04029 RMW; Amount of Money or Other Relief Sought: Damages according to proof. (63) City v. Western Roofing. Names of Parties Involved: City of San José, Western Roofing; Court: Superior Court of California, County of Santa Clara; Case No: 1-08-CV123029; Amount of Money or Other Relief Sought: Damages according to proof. (64) City v. Rossdruiscesenbery Architecture, Inc., et al. Names of Parties Involved: City of San José, Rossdruiscesenbery Architecture, Inc., aka Michael Ross Charles Drulis Architects

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and Planners, a purported California corporation, Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-237767; Amount of Money or Other Relief Sought: Damages according to proof. (65) Shahrivar, Farid v. City, et al. Names of Parties Involved: Farid Shahrivar, City of San José, a municipality, Rodney Rapson, an individual, David Sykes, an individual, Harry Freitas, an individual, Katherine Jensen, an individual, David Printy, an individual, Danny Tso, an individual, Katrina Allen, an individual, Dough Baker, an individual, Alex Gurza, an individual, Sarah Nunes, an individual, Les White, an individual, Allen Demers, an individual, Rajiv Das, an individual, Adam Stempel, an individual, Steve Pagan, an individual, Angela Chen, an individual, Mark Danaj, an individual, Robert Fabela, an individual, Susan Lacy and Does 1-45; Court: United States District Court, Northern District of California, San José Division; Case No: CV1-0-01029 PSG; Amount of Money or Other Relief Sought: Damages according to proof. (66) Vagts, Hale and Patty Vagts v. State of California, et al. Names of Parties Involved: Hale Vagts and 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. (67) Flores, Valerie v. City of San José, et al. Names of Parties Involved: Valerie Flores, City of San José, Does 1-25; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV-212090; Amount of Money or Other Relief Sought: Damages according to proof. (68) Leath, Vicky Kim v. City, County of Santa Clara, et al. Names of Parties Involved: Vicky Kim Leath, City of San José, County of Santa Clara, Huyen Nguyen; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-227600; Amount of Money or Other Relief Sought: Damages according to proof. (69) McLaughlin, Shirli v. City of San José; Names of Parties Involved: Shirli McLaughlin, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-236396; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-236396; Amount of Money or Other Relief Sought: Damages according to proof. (70) Ortiz v. City, et al. Names of Parties Involved: Esmeralda Galan and Jose Ortiz, Husband and Wife, Individually and as Parents and Successors in Interest of their Deceased Minor Son Mateo Ortiz, City of San José, a Charter City, David Alvernaz, Alycia Saaveda-Alvernaz and Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV199150; Amount of Money or Other Relief Sought: Damages according to proof. (71) Perez, Cynthia v. City of San José; Names of Parties Involved: Cynthia Perez, City of San José and Does 1-25; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV-209825; Amount of Money or Other Relief Sought: Damages according to proof. (72) Stand for San José, et al. v. City, et al. Names of Parties Involved: Stand for San José and Eileen Hannan, City of San José, City Council of the City of San José, Redevelopment Agency of the City of San José, Diridon Development Authority; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV-214196; Amount of Money or Other Relief Sought: Injunctive Relief. (73) City of San José v. County of Santa Clara; Names of Parties Involved: City of San José, a municipal corporation, as Successor Agency to the Redevelopment Agency of the City of San José, Vinod K. Sharma, individually and in official capacity as Santa Clara County Director of Finance,

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County of Santa Clara; Court: Superior Court of California, County of Sacramento; Case No: 34-2012-80001190; Amount of Money or Other Relief Sought: Damages according to proof. (74) Ted Smith v. City, et al. Names of Parties Involved: Ted Smith, City of San José, a municipal entity, San José Redevelopment Agency, a municipal entity, Harry Mavrogenes, in his official capacity as Executive Director of the San José Redevelopment Agency, Mayor Chuck Reed, in his official capacity as Mayor of the City of San José, Pete Constant, in his official capacity as Council Member of the City of San José, Ash Kalra, in his official capacity as Council Member of the City of San José, Sam Liccardo, in his official capacity as Council Member of the City of San José, Pierluigi Oliverio, in his official capacity as Council Member of the City of San José, Madison Nguyen, in her official capacity as Council Member of the City of San José, Rose Herrera, in her official capacity as Council Member of the City of San José, Judy Chirco, in her official capacity as Council Member of the City of San José, Kansen Chu, in his official capacity as Council Member of the City of San José, Nora Campos, in her official capacity as Council Member of the City of San José, Nancy Pyle, in her official capacity as Council Member of the City of San José and Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No: 1-09-CV-150427; Amount of Money or Other Relief Sought: Damages according to proof. (75) Vietnamese-American Community of Northern California v. City, et al. Names of Parties Involved: Vietnamese-American Community of Northern California, City of San José, City Council of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-08-CV-107082; Amount of Money or Other Relief Sought: For declaratory and injunctive relief according to proof. (D) to confer 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

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

By unanimous consent, Council recessed from the Closed Session at 11:55 a.m. and reconvened to Regular Session at 1:30 p.m. in the Council Chambers.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra (1:35 p.m.), Khamis, Liccardo, Nguyen, Oliverio (1:51 p.m.), Rocha; Reed.

Absent: Council Members - All Present.

INVOCATION

IndepenDance, an art-based dance class at Independence High School, presented a dance performance for the Invocation. (District 4)

PLEDGE OF ALLEGIANCE

Mayor Reed accompanied by Third Graders, Payne Elementary School, led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Constant, seconded by Council Member Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved, and Item 5.2 was deferred to May 7, 2013. (9-0-2. Absent: Kalra, Oliverio.)

CEREMONIAL ITEMS

1.1 Presentation of a proclamation recognizing the month of May as Older American's Month in the City of San José. (Constant)

Mayor Reed and Council Member Constant recognized the month of May as "Older American's Month" in San José.

1.2 Presentation of a proclamation declaring April 30, 2013 as "Día de los Niños" in the City of San José. (Campos/Liccardo) (Rules Committee referral 4/24/13)

Mayor Reed and Council Members Campos and Liccardo recognized April 30, 2013 as "Día de los Niños" in the City of San José.

1.3 Presentation of a commendation to Ángel Alejandro Antonio Martinez for his excellent academic record and designation as "Consul for a Day" as part of the Día de los Niños celebration. (Campos/Liccardo) (Rules Committee referral 4/24/13)

Mayor Reed and Council Members Campos and Liccardo recognized and commended Ángel Alejandro Antonio Martinez for his excellent academic record and designation as "Consul for a Day" as part of the Día de los Niños celebration.

CONSENT CALENDAR

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

2.1 Approval of Minutes.

There were none.

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 29243** – Amending the San José Municipal Code to amend Section 15.10.290 of Chapter 15.10 of Title 15, Chapter 15.11 of Title 15 in its entirety, and Section 20.100.440 of Chapter 20.100 of Title 20, all to modify the water efficient landscape standards for new and rehabilitated landscaping and to establish water efficient landscape regulations pursuant to state law.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29243 executed on April 19, 2013, submitted by the City Clerk.

Action: Ordinance No. 29243 was adopted. (11-0.) (First Reading: 9-2. Noes: Constant, Khamis.)

- 2.2 (b) **ORD. NO. 29244 – Rezoning certain real property situated between Race Street and Grand Avenue, approximately 300 feet southerly of Park Avenue, from the CP Commercial Pedestrian Zoning District to the A(PD) Planned Development Zoning District. PDC11-005**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29244 executed on April 19, 2013, submitted by the City Clerk.

Action: Ordinance No. 29244 was adopted. (11-0.)

2.3 **Approval of Council Committee Reports.**

- (a) **Rules and Open Government Committee Report of March 6, 2013. (Mayor)**
- (b) **Rules and Open Government Committee Report of March 13, 2013. (Mayor)**
- (c) **Rules and Open Government Committee Report of March 20, 2013. (Mayor)**
- (d) **Rules and Open Government Committee Report of March 27, 2013. (Mayor)**
- (e) **Transportation and Environment Committee Report of April 8, 2013. (Liccardo)**

Documents Filed: (1) The Rules and Open Government Committee Report dated March 1, 2013, March 13, 2013, March 20, 2103 and March 27, 2013. (2) The Transportation and Environment Committee Report dated April 8, 2013.

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

- (f) **Neighborhood Services and Education Committee Report of April 11, 2013. (Nguyen)**

Documents Filed: (1) The Neighborhood Services and Education Committee Report dated April 11, 2013. (2) Supplemental memorandum from Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated April 29, 2013, directing Staff to return to the full Council for acceptance of the Senior Services Program Report.

Action: Upon motion by Council Member Herrera, seconded by Council Member Khamis and carried unanimously, the Neighborhood Services and Education Committee Report was approved and the supplemental memorandum from Acting Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated April 29, 2013, was approved, accepting the actions from a special meeting of the Senior Citizens Committee held to allow the Commission the opportunity to review and provide input to the Senior Services Program Report. Based on their review and the following actions: (1) The Senior Citizens Commission will form a special Ad Hoc Committee to write a survey to assess the satisfaction and quality level of the Senior Nutrition Program at the current 14 City of San José sites in order to provide suggested improvements to the Mayor and City Council. The survey will be conducted by the liaisons to the various centers. The completion date for the task will be no later than December 2013. (2) The Senior Citizens Commission recommended revising the order of delivery of senior nutrition meals so that the routes are alternated to ensure equity among catered sites. Parks, Recreation and Neighborhood Services Staff will monitor the above items and engage Commission members in further discussion. (11-0.)

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

Mayor Reed presented details of his trip to New York City, New York on April 18 through April 19, 2013 to participate in the “National Dialogue on Underfunded Pensions” on the State and local levels.

Council Member Campos attended the League of California Cities’ Latino Caucus Executive Board in Long Beach, CA on April 18 through April 21, 2013, to discuss goals and strategies affecting the State as it concerns the local cities.

Council Member Herrera traveled to Sacramento on April 24, 2013 to attend the conference for the League of California Cities’ Legislative Action Day and topics, i.e. stressed the importance of not further impacting California cities’ abilities to deliver services to its communities and focused on the Enterprise Zone. Council Member Herrera also attended the Women’s Caucus events.

2.6 Report from the Council Liaison to the Retirement Boards.

Council Member Constant provided a brief update on the Federated Retirement Board.

2.7 Adopt a resolution:

- (a) Declaring the 7,260 square foot (0.167 acres) City-owned property on Greenlee Drive, APN: 303-28-067 surplus to the needs of the City.**
- (b) Authorizing an alternative competitive process for the sale of said property.**
- (c) Authorizing the City Manager or her designee to execute the sale agreement, the deed, and all other documents necessary to complete the sale of said property to Burkette Drive, LLC for the amount of \$60,000.**

CEQA: Exempt, File No. PP13-006. (Economic Development)

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, dated April 12, 2013, recommending adoption of a resolution.

Action: Resolution No. 76614: entitled: “A Resolution of the Council of the City of San José Declaring the .167 Acre City Owned Property on Greenlee Drive Surplus to the Needs of the City, Authorizing an Alternative Competitive Process for the Sale of Said Property and Authorizing the City Manager or Her Designee to Execute the Sale Agreement, The Deed and All Other Documents Necessary to Complete the Sale of Said Property to Burkette Drive, LLC in the Amount of \$60,000”, was adopted. (11-0.)

2.8 Authorize the City Manager to:

- (a) Execute a Purchase Order with the highest scoring proposer, Duke's Root Control Inc. (Syracuse, New York), in the total amount not-to-exceed \$371,850 for the initial twelve month term, for the chemical root treatment of sanitary sewer lines.**
- (b) Approve a 10% contingency for a not-to-exceed amount of \$37,185 to execute change orders for any unforeseen changes or requirements that may arise prior to the completion of services.**
- (c) Exercise three one-year options to extend the term through April 30, 2017, subject to the annual appropriation of funds.**

CEQA: Exempt, File No. PP12-097. (Finance)

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated April 12, 2013, recommending executing a purchase order, approval of related contingency and exercising three one-year options.

Action: The City Manager was authorized to execute a Purchase Order with the highest scoring proposer, Duke's Root Control Inc. (Syracuse, New York), in the total amount not-to-exceed \$371,850 for the initial twelve month term, for the chemical root treatment of sanitary sewer lines, related contingency and three one-year options to extend the term through April 30, 2017, subject to the annual appropriation of funds were approved. (11-0.)

2.9 Adopt a resolution authorizing the City Manager to:

- (a) Execute an Agreement with E-Merging Technologies Group, Inc. related to providing polygraph examination to the San José Police Department for the period of May 1, 2013 to June 30, 2014 in an amount not to exceed \$158,121.**
- (b) Execute four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$815,540.**

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

Documents Filed: Memorandum from Acting Chief of Police Larry Esquivel, dated April 8, 2013, recommending adoption of a resolution.

Acting Deputy Chief David Knoph responded to questions and concerns from Council Member Liccardo.

Action: Upon motion by Council Member Constant, seconded by Council Member Khamis and carried, Resolution No. 76615: entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Agreement with E-Merging Technologies Group, Inc. for Polygraph Examination Services for the Period of May 1, 2013 through June 30, 2014, In An Amount Not To Exceed \$158,121 and To Exercise Up to Four One-Year Options to Extend the Term of the Agreement", was adopted. Staff was directed to be prepared to discuss the continued use of polygraphs and the requirements of the "POST" process during the Police Budget Study Sessions in May 2013. (10-1. Noes: Liccardo.)

- 2.10 Approve travel by Council Member Chu to Sacramento, CA on April 24 – 25, 2013 to attend the League of California Cities’ Legislative Action Day and Board of Director’s Meeting. Source of Funds: Mayor & Council Travel Fund. (Chu)
(Rules Committee referral 4/24/13)**

Documents Filed: Memorandum from Council Member Chu, dated April 22, 2013, requesting approval of travel.

Action: The travel request for Council Member Chu was approved. (11-0.)

- 2.11 Approve travel by Council Member Chu to Sacramento, CA on May 22, 2013 to participate in the Annual Silicon Valley Leadership group CEO Sacramento Advocacy Trip. Source of Funds: District 4 Funds. (Chu)
(Rules Committee referral 4/24/13)**

Documents Filed: Memorandum from Council Member Chu, dated April 17, 2013, requesting approval of travel.

Action: The travel request for Council Member Chu was approved. (11-0.)

- 2.12 Approve travel by Mayor Reed to New York City, NY on April 18-19, 2013 to attend the “National Dialogue on Underfunded Pensions.” Source of Funds: Mayor’s Office Budget. (Mayor)
(Rules Committee referral 4/24/13)**

Documents Filed: Memorandum from Mayor Reed, dated April 17, 2013, requesting approval of travel and excused absences.

Action: The travel request and the absences for Mayor Reed were approved. (11-0.)

- 2.13 As recommended by the Rules and Open Government Committee on April 24, 2013, approve a support position for AB 403 (Stone and Eggman) – Solid Waste: Home Generated Sharps. (Environmental Services)
[Rules Committee referral 4/24/13 – G(2)]**

Documents Filed: Memorandum from Acting City Clerk Toni Taber, CMC, dated April 25, 2013, transmitting the recommendations of the Rules and Open Government Committee.

Action: A position of support for AB 403 was approved. (11-0.)

- 2.14 As recommended by the Rules and Open Government Committee on April 24, 2013, approve a support position for AB 488 (Williams) – Recycling: Household Batteries. (Environmental Services)
[Rules Committee referral 4/24/13 – G(3)]**

Documents Filed: Memorandum from Acting City Clerk Toni Taber, CMC, dated April 25, 2013, transmitting the recommendations of the Rules and Open Government Committee.

Action: A position of support for AB 488 was approved. (11-0.)

- 2.15 As recommended by the Rules and Open Government Committee on April 24, 2013, approve a support position for SB 727 (Jackson) – Solid Medical Waste: Pharmaceutical Product Stewardship Program. (Environmental Services)
[Rules Committee referral 4/24/13 – G(4)]**

Documents Filed: (1) Memorandum from Acting City Clerk Toni Taber, CMC, dated April 25, 2013, transmitting the recommendations of the Rules and Open Government Committee. (2) Letter from the Association of Bay Area Governments, dated April 23, 2013, regarding local actions needed to support producer responsibility for managing batteries, pharmaceuticals, sharps and other products.

Action: A position of support for SB 727 was approved. (11-0.)

- 2.16 As recommended by the Rules and Open Government Committee on April 24, 2013, approve a support position for AB 998 (Fong and Atkins) – Homelessness: Interagency Council on Homelessness. (Housing)
[Rules Committee referral 4/24/13 – G(5)]**

Documents Filed: Memorandum from Acting City Clerk Toni Taber, CMC, dated April 25, 2013, transmitting the recommendations of the Rules and Open Government Committee.

Action: A position of support for AB 998 was approved. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

City Manager Debra Figone reported that the FY 2013-2014 Budget will be released on May 1, 2013. City Manager Debra Figone pointed out that during the month of May community meetings will be held in every Council District to inform residents about the City's fiscal situation and potential budget impacts and for the residents to provide budget input directly to City leaders.

3.3 Adopt a resolution:

- (a) **Authorizing the City’s Office of Economic Development to examine ES202 industry and employment data for the City of San José from the California State Employment Development Department for economic development purposes related to the Economic Strategy and the Envision 2040 General Plan.**
- (b) **Authorizing the City Manager or her designee to negotiate and execute a Memorandum of Understanding with the California State Employment Development Department to examine ES202 industry and employment data for the City of San José for economic development purposes related to the Economic Strategy and the Envision 2040 General Plan.**

CEQA: Not a Project, File No. PP10-066(g), Memorandum of Understanding. (Economic Development)

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, dated April 12, 2013, recommending adoption of a resolution.

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

Director of Economic Development/Chief Strategist Kim Walesh responded to questions and concerns from the Council Members.

Action: On a call for the question, the motion carried unanimously, Resolution No. 76616, entitled: “A Resolution of the Council of the City of San José Authorizing the City’s Office of Economic Development to Examine ES302 Industry and Employment Data for the City of San José from the California State Employment Development Department for Economic Development Purposes Related to Economic Strategy and the Envision San José 2040 General Plan and Authorizing the City Manager or Her Designee to Negotiate and Execute a Memorandum of Understanding with the California State Employment Development Department”, was adopted. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) **Approve an ordinance amending Section 4.04.010 and Section 4.04.020 of Chapter 4.04 of Title 4, and Chapter 4.20 of Title 4 of the San José Municipal Code as follows:**
 - (1) **Make certain clarifications to: (i) the scope of existing contract authority granted to the City Manager; (ii) the conditions under which the City may conduct competitive sales of surplus real estate; and (iii) the compensation that may be paid to real estate brokers in connection with the sale of surplus real estate.**
 - (2) **Delegate authority to the City Manager to declare surplus and sell through competitive processes any real estate with a market value less than \$500,000 which is not independently developable.**

- 4.1 (a) (3) **Delegate authority to the City Manager to approve administrative processes governing the procedures by which real estate is determined to be surplus.**
- (4) **Expand authority of the City Council to sell surplus real estate through direct negotiation and at less than market value.**
- (b) **Adopt a resolution:**
- (1) **Repealing Council Resolution No. 74359 “Approving Recommendations for the Outreach and City Process for Sales of Surplus Properties”, thereby allowing the procedures by which real estate is determined surplus to be governed by City Manager approved administrative processes.**
- (2) **Amending City Council Policy 7-6 “Sales Commissions, Real Estate” in relation to the amount and conditions under which brokers may be paid in connection with the sale of surplus real estate.**

CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy. (Economic Development)

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, dated April 12, 2013, recommending approval of an ordinance and adoption of a resolution.

Deputy Director of Economic Development Nanci Klein presented the report.

City to Council Policy 7-6 Sales Commissions, Real Estate, in Relation to the Amount and Attorney Richard Doyle, Senior Executive Analyst, Real Estate and Asset Management and Deputy Director of Economic Development Nanci J. Klein responded to Council questions and concerns.

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

Mayor Reed requested that Staff hold a public hearing. Deputy Director of Economic Development Nanci J. Klein agreed.

Council Member Liccardo requested to amend the motion to direct Staff to add specific language on the public hearing notice and stating a phone number for a resident to call, to determine if there are concerns or a different way of being heard publicly. The amendment to the motion was accepted by Council Members Oliverio and Herrera.

Action: On a call for the question, the motion carried unanimously, Ordinance No. 29245, entitled: “An Ordinance of the City of San José Amending the San José Municipal Code to Amend Section 4.04.010 and Section 4.04.020 of Chapter 4.04 of Title 4 and Chapter 4.20 of Title 4 In Its Entirety, All Related to Streamlining Real Estate Processes in Connection With the Sale of Surplus Property”, was passed for publication and Resolution No. 76617, entitled: “A Resolution of the Council of the City of San José (1) Rescinding Council Resolution No. 74359, Approving Recommendations for the

4.1 (Action Cont'd.)

Outreach and City Process for Sales of Surplus Properties and (2) Approving Revisions Conditions Under Which Brokers May Be Paid in Connection with the Sale of Surplus Real Estate”, was adopted. Staff directed to add specific language on the public hearing notice and stating a phone number for a resident to call, to determine if there are concerns or a different way of being heard publicly. (11-0.)

- 4.2
- (a) **Hold a final Public Hearing regarding the approval of the City’s 2013-2014 Annual Action Plan and take public comment.**
 - (b) **Adopt the 2013-2014 Annual Action Plan, including the FY 2013-2014 funding recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program.**
 - (c) **Adopt a resolution authorizing the Director of Housing to negotiate and execute all non-capital agreements and contracts not requiring CEQA review and to negotiate all capital project agreements and contracts, including any amendments or modifications, for the expenditure of CDBG, ESG, HOME and HOPWA funds on behalf of the City.**
 - (d) **Authorize the Housing Department to submit the 2013-2014 Annual Action Plan to the U.S. Department of Housing and Urban Development.**
- CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Housing)**

Documents Filed: (1) Memorandum from Director of Housing Leslye Corsiglia, dated April 10, 2013, recommending holding a final public hearing, adoption of the annual action plan, adoption of a resolution and authorization to submit the 2013-2014 Annual Action Plan to the U.S. Department of Housing and Urban Development. (2) Supplemental memorandum from Director of Housing Leslye Corsiglia, dated April 29, 2013, providing the public comments received to date. (3) Two Proofs of Publications of Notices of Public Hearings, both executed on March 22 2013, submitted by the City Clerk.

Mayor Reed opened the Public Hearing.

Public Comments: There was no public testimony from the floor. Mayor Reed closed the Public Hearing.

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

Division Manager of Housing Kristen Clements responded to Council questions.

4.2 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, the 2013-2014 Annual Action Plan was adopted, Resolution No. 76618, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Negotiate and Execute all Non-Capital Agreements and Contracts Not Requiring CEQA/NEPA Review and to Negotiate all Capital Agreements and Contracts, Including Any Amendments or Modifications and After CEQA/NEPA and City Council Approval, To Execute All Documents”, was adopted and the Housing Department was authorized to submit the 2013-2014 Annual Action Plan to the U.S. Department of Housing and Urban Development. (11-0.)

4.3 Conduct a Public Hearing and consider an ordinance amending Title 23 of the San José Municipal Code (the Sign Ordinance) as follows:

- (a) Amending Chapter 23.02, Part 1, Definition, to add Sections 23.02.155 Entryway Sign, 23.02.385 Pedestrian Wayfinding Sign, 23.02.424 Public Entryway, Public Entryway Width.
- (b) Amending various Sections of Chapter 23.02, Part 2, General Provisions, including revising Section 23.02.920 Signs That Do Not Reduce Allowable Signage, adding Section 23.02.1045 Pedestrian Wayfinding Signs as signs that do not reduce signage otherwise allowable Under Title 23.
- (c) Amending various Sections of Chapter 23.04, Part 1, CO, CP, CN, CG, IP, LI, and HI Commercial and Industrial Zoning Districts and Neighborhood Business Districts, including amending Section 23.04.020, Attached Signs, to allow additional Attached Signs for large buildings located with a Shopping Center Site, to specify the maximum size of these additional signs for large buildings located within a Shopping Center Site, and for certain other large buildings, and to add Entryway Signs as a new type of Attached Sign allowable on large buildings located within a Shopping Center Site.
- (d) Making other nonsubstantive, ministerial, technical, or typographical changes to various Sections of said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

CEQA: Negative Declaration, File No. PP10-111, and addendum thereto, File No PP13-033. (Planning, Building and Code Enforcement)

Documents Filed: (1) Memorandum from Mayor Reed and Council Members Khamis, Oliverio and Herrera, dated April 25, 2013, with recommendations as described in “Action”. (2) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated April 8, 2013, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PP13-033, dated April 8, 2013. (3) Supplemental memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated April 26, 2013, proving information on some of the shopping center sites that may be able to qualify for additional signage under the proposed sign ordinance amendment. (4) Proof of Publication of Notice of Public Hearing, executed on April 12, 2013, submitted by the City Clerk. (5) Letter from Randy Paul, Federal Realty Investment Trust, dated April 26, 2013, regarding the ordinance amending the City’s Sign Ordinance.

4.3 (Cont'd.)

Mayor Reed opened the Public Hearing.

Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti provided introductory remarks. Senior Planner Andrew Crabtree presented the report.

Motion: Council Member Constant moved approval of the memorandum he cosigned with Mayor Reed and Council Members Khamis, Oliverio and Herrera, dated April 25, 2013, with recommendations as described in “Action”. Council Member Herrera seconded the motion.

Council Member Constant requested to amend the motion to direct Staff to return to Council in August 2013 with an additional amendment that allows for one “Attached Shopping Center Identification Sign” for shopping centers. Council Member Herrera accepted the amendment.

Public Comments: Randy Paul, Federal Realty Investment Trust, spoke in support 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 and Council Members Constant, Khamis, Oliverio and Herrera, dated April 25, 2013, was approved: (1) Approving the proposed ordinance amending Title 23 (The Sign Code) including Policy Alternative #1, Entryway Signs, with a slight modification to allow up to one hundred and eighty (180) square feet of sign area. (2) Staff was directed to return to Council *August 2013* with an additional amendment that allows for one “Attached Shopping Center Identification Sign” for shopping centers in which a building is located at the corner of a site, adjacent to two city connectors or main streets such that: (a) A double sided sign shall be allowed so that it is visible from both streets. (b) The area of the sign shall not exceed 200 square feet. (c) The sign shall not exceed more than 40 feet in height above grade. Ordinance No. 29246, entitled: “An Ordinance of the City of San José Amending Title 23 of the San José Municipal Code by Amending Section 23.02.1045 and Adding New Sections 23.02.155, 23.02.385, 23.02.424, 23.02.290 and 23.02.1045 to Chapter 23.02 and Amending Section 23.04.020 of Chapter 23.04, All to Add Pedestrian Wayfinding Signs as Signs that Do Not Reduce Signage Otherwise Allowable Under Title 23, To Allow for Additional Attached Signs for Large Shopping Center Buildings and Specify the Maximum Size of Such Signs and To Allow for Entryway Signs as A New Type of Attached Sign on Large Shopping Center Buildings, and Making Other Nonsubstantive, Ministerial, Technical or Typographical Changes to Said Chapters 23.02 and 23.04 of Title 23 of San José Municipal Code”, was passed for publication, as amended. (11-0.)

- 4.4 (a) **Approve amendments to the following master consultant agreements for the purpose of providing services for the San José Environmental Innovation Center Project:**
- (1) **A fifth amendment to the master agreement with Group 4 Architecture, Research + Planning, increasing compensation by \$210,000 for a total amount not to exceed \$3,285,000, and extending the term from June 30, 2013 to March 31, 2014.**
 - (2) **A first amendment to the master agreement for consultant services with Gilbane Building Company, increasing compensation by \$155,000 for a total amount not to exceed \$405,000, and extending the term from December 31, 2013 to March 31, 2014.**
- (b) **Approve an increase to the construction contingency by \$865,000 to pay for additional project costs provided that \$325,000 of the increase is subject to appropriation of funds in FY2013-14.**
- (c) **Adopt a resolution authorizing the Director of Public Works to negotiate and execute the following change orders:**
- (1) **One or more change orders extending the project completion date for a total of more than 180 days beyond the original contract completion of December 20, 2012.**
 - (2) **A change order resolving delay claims, including any related to the remediation of asbestos and lead-containing paint in the warehouse portion of the project, not to exceed the total amount of the construction contingency less amounts that the Director estimates are needed to pay for other costs associated with completing the project.**

CEQA: Negative Declaration, File No. PP09-138. Council District 3. (Public Works)

Documents Filed: (1) Memorandum from Mayor Reed, dated April 29, 2013, recommending approval of the Staff recommendations with further direction as described in “Action”. (2) Memorandum from Director of Public Works David Sykes, dated April 17, 2013, recommending approval of the amendments in the master consultant agreements, increase in the construction contingency and adoption of a resolution.

Director of Environmental Services Kerrie Romanow, Director of Public Works David Sykes, and Director of Economic Development/Chief Strategist Kim Welsh provided the report.

Mayor Reed discussed key points as described in his memorandum dated April 29, 2013. Brief discussion followed.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried, The memorandum from Mayor Reed, dated April 29, 2013, was approved, approving the recommendations as outlined in the April 17, 2013 Staff Report with the following direction: (1) Return to council on August 13, 2013 with a detailed project status update showing steps taken to expedite the construction phase and complete

4.3 (Action Cont'd).

the project by December 2013. (2) Consider the feasibility of completing the construction of the new 10,000 square foot building to house the hazardous waste facility ahead of the rest of the project. (3) Identify cost saving measures as feasible from sources such as: (a) F& E budget. (b) City matching funds for the PV project. (c) Consulting services for construction and planning for operations and Resolution No. 76619, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Negotiate and Execute Change Orders Related to the Environmental Innovation Center", was adopted. (9-1-1. Noes: Oliverio. Absent: Rocha.)

NEIGHBORHOOD SERVICES

5.1 Adopt a resolution authorizing the City Manager or designee to:

- (a) **Submit a preliminary grant application and related documents to the Federal Highway Administration for grant funds of \$12,267,398 as part of the Federal Lands Access Program grant program with a local match of \$1,589,371 for the Bay Trail Reaches 7A, 9 and 9B (Alviso Marina to Hwy 237 Bikeway) project.**
- (b) **Certify in the grant application that if the City is awarded the grant the City will have sufficient funding to maintain the completed trail for a period of at least 20 years.**

CEQA: Mitigated Negative Declaration, File No. PP01-150. Council District 4. (Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated April 9, 2013, recommending adoption of a resolution.

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

Deputy Director of Parks, Recreation and Neighborhood Services Matt Cano responded to Council questions.

Action: On a call for the question, the motion carried unanimously, Resolution No. 76620, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Submit a Preliminary Grant Application and Related Documents to the Federal Highway Administration as Part of the Federal Lands Access Program for the Bay Trail Reaches 7A, 9 and 9B (Alviso Marina to Highway 237 Bikeway) Project and Certify that if the City is Awarded the Grant the City Will Have Sufficient Funds to Maintain the Completed Trail for a Period of At Least 20 Years", was adopted. (11-0.)

- 5.2 Conduct a Public Hearing and adopt a resolution to be effective August 1, 2013 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.**
 - (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 zones.**

**CEQA: Not a Project, File No. PP10-067(a), Adjustments to fees, rates, and charges. (Parks, Recreation and Neighborhood Services)
(Deferred from 4/23/13 – Item 5.1)**

Action: Deferred to May 7, 2013 per Orders of the Day.

TRANSPORTATION & AVIATION SERVICES

- 6.1 Adopt a resolution authorizing the City Manager to exercise the City’s option to extend the Advertising Concession Agreement between the City of San José and Clear Channel Outdoor, Inc. d/b/a Clear Channel Airports on the same terms and conditions for three years from July 1, 2014 through June 30, 2017. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)**

Action: Deferred to June 4, 2013 per Administration.

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 As recommended by the Transportation and Environment Committee on April 8, 2013, accept the Semiannual Status Report on the San José/Santa Clara Water Pollution Control Plant Capital Improvement Program for the period July through December 2012. CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Annual Reports. (Environmental Services)
[Transportation and Environment Committee referral 4/18/13 – Item D(4)]**

Documents Filed: (1) Memorandum from Acting City Clerk Toni Taber, CMC, dated April 17, 2013, transmitting the recommendations of the Transportation and Environment Committee. (2) Letter from Chuck Reed, Chair, the Treatment Plant Advisory Committee, dated April 11, 2013, stating concurrence with the Staff recommendations.

Assistant Director of Environmental Services Ashwini Kantak provided the report.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, the Semiannual Status Report on the San José/Santa Clara Water Pollution Control Plant Capital Improvement Program for the period July through December 2012 was accepted. (10-0-1. Absent: Khamis.)

- 7.2 (a) **Conduct a Public Hearing on the applications of the following companies for Commercial Solid Waste and Recyclables Collection Franchises for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris.**
- (b) **Approve the ordinances granting the franchises.**
- (c) **Approve the Commercial Solid Waste and Recyclables Collection Franchise Agreements for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris for a term from June 1, 2013 to June 30, 2014 with the option of three one-year extensions:**
- (1) **American Debris Box Services, Inc. dba American Portables.**
 - (2) **Best Deal Transport LLC.**

CEQA: Categorically Exempt, File No. PP08-228. (Environmental Services)

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow, dated April 8, 2013, recommending conducting a public hearing, approval of the ordinances. (2) Two Proofs of Publications of Notices of Public Hearings, both executed on April 12, 2013, submitted by the City Clerk.

Mayor Reed opened the Public Hearing.

Public Comments: There was no public testimony from the floor. Mayor Reed closed the Public Hearing.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, Ordinance No. 29247, entitled: “An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to American Debris Box Service, Inc. dba American Portables” and Ordinance No. 29248, entitled: “An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Best Deal Transport LLC”, were passed for publication and the Commercial Solid Waste and Recyclables Collection Franchise Agreements for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris for a term from June 1, 2013 to June 30, 2014 with the option of three one-year extensions for American Debris Box Services, Inc. dba American Portables and Best Deal Transport LLC were approved. (11-0.)

PUBLIC SAFETY SERVICES

8.1 Accept the 2012 Independent Police Auditor Year End Report. (Independent Police Auditor)

Note: Items 8.1 and 8.2 were heard together.

Documents Filed: (1) Memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Liccardo and Constant, dated April 26, 2013, recommending direction to the City Manager as described in “Action”. (2) The 2012 IPA Year End Report from the Office of the Independent Police Auditor.

Independent Police Auditor Judge LaDoris Cordell and Assistant Independent Police Auditor Shivaun Nurre offered the report

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Liccardo and carried unanimously, the 2012 IPA Year End Report from the Office of the Independent Police Auditor was accepted and the memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Liccardo and Constant, dated April 26, 2013, was approved, with the City Manager directed to determine the cost and be prepared to discuss the following in the Police Department Budget Study Session: (1) What steps would be necessary to get more officers to participate in the Bilingual Pay Program at higher proficiency levels? (2) What steps would be necessary to ensure that bilingual officers are engaged when protective custody decisions are made? (3) Analyze why Internal Affairs was able to improve the completion rates of complaints in 2012 versus 2011. (4) It is in the best interest of the public and the officers involved to complete investigations in a timely manner. What changes would be necessary to ensure the department completes all investigations within 300 days? (11-0.)

8.2 Accept the San José Police Department’s Internal Affairs Unit (IA) report on Department Initiated Investigations for CY 2012. CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Police)

Documents Filed: Memorandum from Acting Chief of Police Larry Esquivel, dated April 16, 2013, recommending acceptance of the San José Police Department’s Internal Affairs Report on Initiated Investigations for City Year 2012.

Acting Chief of Police Larry Esquivel presented the report.

Motion: Vice Mayor Nguyen moved acceptance of the memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Liccardo and Constant, dated April 26, 2013, recommending direction to the City Manager as described in Item 8.1 “Action” above, and approval of both Items 8.1 and 8.2. Council Member Liccardo seconded the motion.

Acting Chief of Police Larry Esquivel and Independent Police Auditor Judge LaDoris Cordell responded to Council questions and concerns.

8.2 (Cont'd.

Public Comments: Ross Signorino thanked the Police Department and the Independent Police Auditor for all their hard work.

Action: On a call for the question, the motion carried unanimously, the San José Police Department's Internal Affairs Report on Initiated Investigations for City Year 2012 was accepted. (11-0.)

ADJOURNMENT

The Council of the City of San José was adjourned at 5:17 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
Acting City Clerk

smd/04-30-13 MIN

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

JOINT COUNCIL/SAN JOSE FINANCING AUTHORITY MEETING

2. (a) **Actions related to the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013A (Civic Center Project):**
 - (1) **Adopt a resolution of the City Council:**
 - (a) **Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013A (Civic Center Project) (the “Civic Center Refunding Bonds”) in an aggregate principal amount not to exceed \$350,000,000, in connection with the refinancing of certain public capital improvements of the City of San José.**
 - (b) **Authorizing the City Manager, Director of Finance, or their authorized designees to take other actions as necessary in connection with the issuance of the Civic Center Refunding Bonds.**
 - (2) **Adopt a resolution of the City of San José Financing Authority Board:**
 - (a) **Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the Civic Center Refunding Bonds in an aggregate principal amount not to exceed \$350,000,000, in connection with the refinancing of certain public capital improvements of the City of San José.**
 - (b) **Authorizing the Authority’s Executive Director, Treasurer, or their authorized designees to take other actions as necessary in connection with the issuance of the Civic Center Refunding Bonds.**
- (b) **Actions related to the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013B (Civic Center Garage Project):**
 - (1) **Adopt a resolution of the City Council:**
 - (a) **Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the City of San José Financing Authority Lease Revenue Refunding Bonds, Series 2013B (Civic Center Garage Project) (the “Garage Refunding Bonds”) in an aggregate principal amount not to exceed \$40,000,000, in connection with the refinancing of certain public capital improvements of the City of San José.**
 - (b) **Authorizing the City Manager, Director of Finance, or their authorized designees to take other actions as necessary in connection with the issuance of the Garage Refunding Bonds.**

2. (b) (2) **Adopt a resolution of the City of San José Financing Authority Board:**
- (a) **Approving and authorizing execution of certain financing documents including an Official Statement in connection with the issuance of the Garage Refunding Bonds in an aggregate principal amount not to exceed \$40,000,000, in connection with the refinancing of certain public capital improvements of the City of San José.**
 - (b) **Authorizing the Authority’s Executive Director, Treasurer or their authorized designees to take other actions as necessary in connection with the issuance of the Garage Refunding Bonds.**

CEQA: Not a Project, File No. PP10-069, City organizational and administrative activities. (Finance)

Action: Deferred to May 7, 2013 per Administration.

3. **Adopt a resolution authorizing the City Attorney to negotiate and execute an agreement with Jones Hall, a Professional Law Corporation, for bond and disclosure counsel services in connection with the issuance of the City of San José Financing Authority Lease Revenue Refunding Bonds Series 2013A and Series 2013B in an amount not to exceed \$307,500. CEQA: Not a Project; PP10-066(e), services that involve no physical changes to the environment. (City Attorney's Office)**

Action: Deferred to May 7, 2013 per Administration.