

## MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 11, 2013

The Council of the City of San José convened in Regular Session at 9:06 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu, Constant, Nguyen, Rocha; Reed.

Absent: Council Members - Herrera, Kalra, Liccardo, Khamis, Oliverio. (Excused)

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

Documents Filed: (1) OE-3 Proposal to the City of San José, dated June 10, 2013. (2) CAMP Package Proposal #1 dated June 5, 2013. (3) AMSP Package Proposal #1 dated June 5, 2013.

Deputy Director of Employee Relations Jennifer Schembri presented a brief report on labor negotiations.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:07 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9, Subsection (b) with respect anticipated litigation (Claim Filed) pertaining to significant exposure to litigation: Claimants: In re Claim of Ghenis; City Department: Parks, Recreation and Neighborhood Services. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9, Subsection (b) with respect anticipated litigation (Claim Not Filed) pertaining to significant exposure to litigation in one (1) matter. (C) to confer with Real Property Designated Representatives pursuant to Government Code Section 54956.8: Property: Generally located in the blocks bounded by Highway 87 to the west, West Saint James Street to the south, North Market Street to the east and a Union Pacific Railway right-of-way to the north; Negotiating Parties: Thomas Murtha, Richard Keit, Kelly Hyland and Robert Staelder to the Successor Agency to the Redevelopment Agency of the City of San José and the City of San José and

## CLOSED SESSION (Cont'd.)

Mike Lierman and Tony Bosowski for North San Pedro Townhomes and Martin Menne and Christy Marbury for San Pedro Life I, LLC and Green Valley Corporation dba Barry Swenson Builder; Under Negotiation: The direction will concern pride and terms of payment; Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values. (D) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)1) with respect to existing litigation: (1) In re claim of Robinson; Amount of Money or Other Relief Sought: Administrative Appeal. (2) In re claim of Edillo-Brown; Amount of Money or Other Relief Sought: Administrative Appeal. (3) In re claim of Sekany; Amount of Money or Other Relief Sought: Administrative Appeal. (4) San José Police Officers' Association v. City, et al; Names of Parties Involved: San José Police Officers' Association, City of San José, Board of Administration for Police and Fire Department Retirement Plan of City of San José and Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225926; Amount of Money or Other Relief Sought: Declaratory and injunctive relief. (5) San José Retired Employees Association, et al. v. City et al. Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José, Does 1-50; Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (6) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Mary Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225929; Amount of Money or Other Relief Sought: Challenge to Measure B. (7) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone, in her capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (8) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone, in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan and Does 1-15; Court: Superior Court of California, County of Santa Clara; Amount of Money or Other Relief Sought: Challenge to Measure B. (9) AFSCME, et al. v. City of San José, et al. Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, Debra Figone in her official capacity as City Manager, The Board of Administration for the Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) 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

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

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 8<sup>th</sup> addendum to Airport Master Plan. (11) 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. (12) 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. (13) 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. (14) 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. (15) 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. (16) 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. (17) 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. (18) 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. (19) 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. (20) 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. (21) 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-945-M; Amount of Money or Other Relief Sought: Damages according to proof. (22) 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. (23) American Federation

## CLOSED SESSION (Cont'd.)

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-972-M; Amount of Money or Other Relief Sought: Damages according to proof. (24) City of San José v. SJPOA; Names of Parties Involved: City of San José, San José Police Officers' Association; Case No: CSMCS ARB 11-0477. (25) 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. (26) 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. (27) 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. (28) 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. (29) 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. (30) 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. 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. (31) Sipple, et al. v. City of

## CLOSED SESSION (Cont'd.)

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. (32) 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 California, County of Santa Clara; Case No: 1-11-CV-200068; Amount of Money or Other Relief Sought: Damages according to proof. (33) 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

## CLOSED SESSION (Cont'd.)

No: 1-11CV2040986; Amount of Money or Other Relief Sought: Damages according to proof. (34) 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. (35) 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. (36) 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. (37) 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. (38) 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; (39) 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. (40) 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. (41) City v. Marquez, Rita and Avalos, Luzmarie; Names of Parties Involved: City of San José, Rita Marquez, Luzmarie Avalos, Court: Superior Court of California, County of Santa Clara; Case No: C-1354130; Amount of Money or Other Relief Sought: Damages according to proof. (42) 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;

## CLOSED SESSION (Cont'd.)

Case No: 1-12-CV235487; Amount of Money or Other Relief Sought: Injunctive Relief. (43) 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. (44) 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. (45) 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. (46) 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. (47) 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. (48) 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 Pfiefer (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. (49) Galindo, Celina et al. v. Tassio, Kilmer, et al; Names of Parties Involved: Celina Galindo, Sabrina Galinda, 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. (50) 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

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

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. (51) 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. (52) 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. (53) 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. (54) 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. (55) 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. (56) 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, 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. (57) 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. (58) 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



## CLOSED SESSION (Cont'd.)

District of California, San José Division; Case No: C07 05490 PSG; Amount of Money or Other Relief Sought: Damages according to proof. (59) 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. (60) 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. (61) 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. (62) 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. (63) 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. (64) Valdez, et al. v. City, et al. Names of Parties Involved: Franciscan Valdez, Ricardo Vasquez, Daniel Martinez, Jamil Stubbs, City of 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. (65) 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

## CLOSED SESSION (Cont'd.)

Relief Sought: Damages according to proof. (66) 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. (67) 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. (68) 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. (69) 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. (70) 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. (71) 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. (72) City v. Rosdruliscesenbery Architecture, Inc., et al. Names of Parties Involved: City of San José, Rosdruliscesenbery Architecture, Inc., aka Michael Ross Charles Drulis Architects 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. (73) 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 , 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

## CLOSED SESSION (Cont'd.)

Chen José Division; Case No: CV1-0-01029 PSG; Amount of Money or Other Relief Sought: Damages according to proof. (74) 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. (75) 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. (76) 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. (77) 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. (78) 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. (79) 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. (80) 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. (81) 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, 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. (82) 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,

## CLOSED SESSION (Cont'd.)

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. (83) 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. (E) 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 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/employeerelations/moa.asp>; Telephone for Employee Relations: 408-535-8150.

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

(F) To confer with Legal Counsel pertaining to the Successor Agency to the Redevelopment Agency with regard to Real Property Designated Representatives pursuant to Government Code Section 54956.8: Property: Generally located in the blocks bounded by Highway 87 to the west, West Saint James Street to the south, North Market Street to the east and a Union Pacific Railway right-of-way to the north; Negotiating Parties: Thomas Murtha, Richard Keit, Kelly Hyland and Robert Staelder to the Successor Agency to the Redevelopment Agency of the City of San José and the City of San José and Mike Lierman and Tony Bosowski for North San Pedro Townhomes and Martin Menne and Christy Marbury for San Pedro Life I, LLC and Green Valley Corporation dba Barry Swenson Builder; Under Negotiation: The direction will concern pride and terms of payment; Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values.

By unanimous consent, Council recessed from the Closed Session at 12:05 a.m. and reconvened to Regular Session at 1:33 p.m. in the Council Chambers.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra (1:40 p.m.), Khamis, Liccardo, Nguyen, Oliverio, Rocha; Reed.

Absent: Council Members - All Present.

## **INVOCATION**

Rabbi Menachem Levine, Congregation Am Echad presented the Invocation. (District 6)

## **PLEDGE OF ALLEGIANCE**

Mayor Reed led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

Upon motion by Council Member Khamis, seconded by Vice Mayor Nguyen and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (10-0-1. Absent: Kalra.)

## **CEREMONIAL ITEMS**

### **1.1 Presentation of a proclamation declaring June 20, 2013 as “World Refugee Day” in the City of San José. (Herrera/Nguyen)**

Mayor Reed, Vice Mayor Nguyen and Council Member Herrera recognized June 20, 2013 as “World Refugee Day” in San José.

- 1.2 Presentation of a commendation to Urvi Gupta, founder of the OneInMath tutoring program, for providing more than 250 students with additional help with math skills at the Evergreen, Berryessa, and Hillview Branch Libraries. (Herrera)  
(Rules Committee referral 5/29/13)**

Mayor Reed and Council Members Herrera, Chu and Campos recognized and commended Urvi Gupta.

- 1.3 Presentation of a commendation to Embarcadero Realty and the Fairmont Hotel for more than doubling their landfill diversion rates, to nearly 80 percent of generated waste diverted from landfills in less than one year. (Liccardo)  
(Rules Committee referral 6/5/13)**

Mayor Reed and Council Member Liccardo recognized and commended Embarcadero Realty and the Fairmont Hotel for more than doubling their landfill diversion rates.

## **STRATEGIC SUPPORT SERVICES**

- 3.6 Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2013-2014 by 2.45% over the fiscal year 2012-2013 rates and approving the placement of the Library Parcel Tax on the fiscal year 2013-2014 Santa Clara County Property Tax Roll. CEQA: Not a Project, File No. PP10-067(a), Rates, Tolls, Fares, and Charges. (Finance)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated May 31, 2013, recommending consideration of this item in advance of approval of the 2013-2014 proposed operating budget and adoption of a resolution.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Kalra and carried unanimously, Resolution No. 76657, entitled: "A Resolution of the Council of the City of San José Approving the Increased Library Parcel Tax Rates for FY 2013-2014 and Approving the Placement of the Library Parcel Tax on the FY 2013-2014 Santa Clara County Property Tax Roll", was adopted. (11-0.)

- 3.7 (a) Conduct a public hearing on proposed San José Municipal Water System 2013-2014 potable water rates and charges.  
(b) Adopt a resolution increasing the San José Municipal Water System potable water rates and charges by 8.0%, effective July 1, 2013.  
CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates and Fares. Council Districts 2, 4, 7 and 8. (Environmental Services)**

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow, dated May 15, 2013, recommending holding a public hearing and adoption of a resolution. (2) Supplemental memorandum from Director of Environmental Services Kerrie Romanow, dated June 5, 2013, reporting on the written protests received through June 3, 2013 in response to the public notices mailed to property owners regarding the proposed Municipal Water System rate increase for 2013-2014.

### 3.7 (Cont'd.)

Mayor Reed opened the Public Hearing.

Motion: Council Member Constant moved approval of the Staff recommendations. Vice Mayor Nguyen seconded the motion.

Acting City Clerk Toni Taber, CMC stated that subsequent to the supplemental memorandum from the Environmental Services Department, dated June 5, 2013, the Office of the City Clerk received six additional valid written protests bringing the total number of valid written protests to 86 for the Municipal Water System rate increase.

Public Comments: Leon Dryden expressed opposition to the Municipal Water System rate increase.

Mayor Reed closed the Public Hearing.

Acting Senior Civil Engineer Jeffrey Provenzano and Budget Director Jennifer A. Maguire responded to Council questions and concerns.

Action: On a call for the question, the motion carried unanimously, Resolution No. 76658, entitled: "A Resolution of the Council of the City of San José To Establish New Quantity Charges for Potable Water Service Effective July 1, 2013", was adopted. (11-0.)

- 3.8 (a) **Review, discussion and approval of the Mayor's 2013 June Budget Message.**  
(b) **Adopt a resolution by the City Council authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed.**  
(Mayor)

Documents Filed: (1) Memorandum from Mayor Reed, dated May 31, 2013, providing recommendations in the June Budget Message for Fiscal Year 2013-2014. (2) Memorandum from Council Member Rocha, dated June 7, 2013, recommending approval of the Mayor's June Budget Message with amendments. (3) Memorandum from Council Members Campos and Kalra, dated June 7, 2013, recommending the allocation of \$32,000 for the retention and extension of the paratransit and van service for senior transportation services. (4) Memorandum from Council Members Kalra, Chu and Campos, dated June 7, 2013, recommending including funding and direction to open all libraries 4.5 days per week. (5) Memorandum from Council Members Kalra, Chu and Campos, dated June 7, 2013, recommending amending including funding for two additional Code Enforcement Inspectors. Memorandum from Council Member Kalra, dated June 7, 2013, recommending revising contract negotiation pertaining to police to propose a 5% wage increase for 2013-2014 and an additional 5% increase for 2014-2015, suspend the 4% cut scheduled to take place for all employees in July 2013 until Internal Revenue Service approval is obtained and set a goal of restoring 10% for all employees.

### 3.8 Documents Filed (Cont'd.)

(6) Memorandum from Council Member Herrera, dated June 10, 2013, approving the Mayor's June Budget Message with amendments. (7) Memorandum from Council Member Campos, dated June 10, 2013, approving the Mayor's June Budget Message with amendments. (8) Letter from San José City Employees, dated June 4, 2013, regarding their recommended salary adjustment for Planner II and Senior Planner Classifications. (9) Letters of support for the Aquarius Project submitted by Hewitt R. Joyner dated June 11, 2013.

Mayor Reed opened the Public Hearing.

Public Comments: Providing comments to the Mayor's June Budget Message were Alejandra Herrera, Destination: Home; Aurelia Sanchez, Hewitt R. Joyner, Justin Ontiveros, Mark Collins, Aquarius Project; Frederick Ferrer, The Health Trust; Jenny Nusbaum and Bob Hennessey.

Mayor Reed closed the Public Hearing.

Mayor Reed presented introductory comments. Mayor Reed provided clarifications and modifications of his June Budget Message for Fiscal Year 2013-2014.

Motion: Vice Mayor Nguyen moved approval of the Mayor's June Budget Message, including Mayor Reed's clarifications and modifications. Council Member Herrera seconded the motion.

Council Member Rocha requested to amend the motion to include his memorandum dated June 7, 2013, approving Mayor's June Budget Message with the following amendments: defer the opening of the South San José Police Substation until Fiscal Year 2014-2015; allocated \$1,896,000 toward pavement maintenance and allocate \$250,000 toward the Health Trust's Corner Store's Program. Vice Mayor Nguyen respectfully declined to accept the amendment from Council Member Rocha.

Council Member Kalra moved approval of the memorandum he consigned with Council Members Chu and Campos, dated June 7, 2013, to include funding for two additional Code Enforcement Inspectors. Council Member Campos seconded the motion. On a call for the question, the motion failed. (4-7. Noes: Constant, Herrera, Liccardo, Nguyen, Oliverio, Rocha; Reed.)

Council Member Kalra moved approval of the memorandum he consigned with Council Members Chu and Campos, dated June 7, 2013, to include funding and direction to open all libraries 4.5 days per week. Council Member Chu seconded the motion. On a call for the question, the motion failed. (3-8. Noes: Constant, Herrera, Khamis, Liccardo, Nguyen, Oliverio, Rocha; Reed.)

Council Member Liccardo suggested that Staff analyze a universal Saturday when the new Library Director comes on board.



### 3.8 (Cont'd.)

Council Member Kalra moved approval of his memorandum dated June 7, 2013, recommending revising contract negotiation pertaining to Police to propose a 5% wage increase for 2013-2014 and an additional 5% increase for 2014-2015, suspend the 4% cut scheduled to take place for all employees in July 2013 until IRS approval is obtained and set a goal of restoring 10% for all employees. Council Member Campos seconded the motion. On a call for the question, the motion failed. (3-7-1. Noes: Constant, Herrera, Khamis, Liccardo, Nguyen, Rocha; Reed. Absent: Oliverio.)

Council Member Campos requested to amend the motion to include his memorandum dated June 10, 2013. Vice Mayor Nguyen and Council Member Herrera accepted the amendment and directed Staff to analyze the memorandum from Council Member Campos and provide a recommendation to Council.

Council Member Campos requested to amend the motion to include the memorandum he cosigned with Council Member Kalra, dated June 7, 2013, requesting allocation of \$32,000 for the retention and extension of the paratransit and van service for senior transportation. Vice Mayor Nguyen respectfully declined to accept the amendment.

Mayor Reed referred the memorandum from Council Members Campos and Kalra, dated June 7, 2013, and declined by Vice Mayor Nguyen, to August when Council will be discussing additional funding and community center issues.

Council Member Liccardo requested to amend the motion to include on Page 11, of the Mayor's June Budget Message: 3.a. Traffic Calming: Commence the expenditure of the funds after Council has had an opportunity to discuss and make a decision about whether to streamline implementation of traffic calming. The amendment was accepted by Vice Mayor Nguyen and Council Member Herrera.

Action: On a call for the question, the motion carried, the Mayor's 2013 June Budget Message was approved, as amended: (1) City Manager directed to consider including the park rangers in the Public Safety CSA for next Fiscal Year 2014-2015 Budget. (2) The Manager's Budget Addendum 29 was not revised: the reorganization of the Gaming Control Division was not a change but stating direction, which was previously given February 2013 based on the City Auditor's Report. (a) (3) Relating to the Homeless Rapid Rehousing \$4M allocation for two years, Staff directed to report back to Neighborhood Services and Education Committee as a work plan item in order for the Committee and Council to evaluate the effectiveness. (4) Relating to the Downtown Ice Rink Capital repairs of \$70,000 one time funding monies for the replacement of the chiller equipment and other capital repairs, Staff directed to use the leftover monies to repair other items. (5) The memorandum from Council Members Campos and Kalra, dated June 7, 2013, requesting allocation of \$32,000 for the retention and extension of the paratransit and van service for senior transportation, was referred to August when Council will be discussing additional funding and community center issues. (6) The memorandum from Council Member Campos, dated June 10, 2013, accepting the

### 3.8 (Action Cont'd.)

Mayor's June Budget Message with the following amendments, was approved: (a) The City Manager directed to evaluate and recommend during the Mid-Year Budget a plan to implement Budget Document 59 entitled, Open One Community Center: High Need Area at the Alum Rock Youth Center. (b) The City Manager directed to return to Council during the Mid-Year Budget with a recommendation to provide one additional cleaning service day to all City owned Youth Center Facilities. (7) On Page 11, of the Mayor's June Budget Message, 3.a. Traffic Calming: Commence the expenditure of the funds after Council has had an opportunity to discuss and make a decision about whether to streamline implementation of traffic calming and Resolution No. 76659, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Certain Agreements Identified in the Mayor's 2013 June Budget Message and Approve Amendments in Amounts that Exceed the City Manager's Contract Authority", was adopted. (9-2. Noes: Kalra, Rocha.)

- 3.9
- (a) **Adopt a resolution approving the Operating Budget for 2013-2014 for the City of San José, the Capital Budget for 2013-2014 for the City of San José, and the Five-Year Capital Improvement Program for 2014-2018 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.**
  - (b) **Adopt a resolution establishing the Schedule of Fees and Charges for 2013-2014.**
  - (c) **Adopt a resolution amending Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to amend Section 3 (Contingency Funds or Accounts), Section 4 (Fund Balance), and Section 8 (Debt).**  
**(City Manager's Office)**

Documents Filed: (1) Proposed Operating Budget Binder for Fiscal Year 2013-2014. (2) Proposed Fiscal Year 2013-2014 Capital Budget and 2013-2018 Capital Improvement Program Binder. (3) Proposed 2013-2014 Fees and Charges Report.

See Appendix A, Page 32 for related Budget Documents, Manager's Budget Addenda and Public Correspondence.

Mayor Reed presented introductory remarks.

Acting Assistant Director of Parks, Recreation and Neighborhood Services Angel Rios responded to Council questions and concerns.

### 3.9 (Cont'd.)

Action: Upon motion by Council Member Oliverio, seconded by Council Member Herrera and carried unanimously, Resolution No. 76660, entitled: “A Resolution of the Council of the City of San José Approving for Adoption the Operating Budget for Fiscal Year 2013-2014”; Resolution No. 76661, entitled: “A Resolution of the Council of the City of San José Approving for Adoption the Capital Budget for Fiscal Year 2013-2014”; Resolution No. 76662, entitled: “A Resolution of the Council of the City of San José Approving for Adoption the Five Year Capital Improvement Program for Fiscal Years 2014-2018”; Resolution No. 76663, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 72737 To Amend and Establish Various Fees and Charges Effective July 1, 2013” and Resolution No. 76664, 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”, were adopted. (11-0)

## 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. (11-0)

### 2.1 Approval of minutes.

- (a) **Regular Minutes of November 06, 2012.**
- (b) **Study Session Minutes of November 13, 2012 on Housing Needs and Strategies and Special Closed Session Minutes of November 13, 2012.**
- (c) **Regular Minutes of November 27, 2012.**
- (e) **Regular Minutes of December 04, 2012.**
- (f) **Joint Council/San José Financing Authority Minutes of December 4, 2012.**
- (g) **Joint Council/Santa Clara Valley Water District Board Minutes of December 10, 2012.**
- (h) **Regular Minutes of December 11, 2012.**
- (i) **Regular Minutes of December 18, 2012.**
- (j) **Joint Council/San José Financing Authority Minutes of December 18, 2012.**

Documents Filed: (1) The Regular Minutes dated November 06, 2012, November 27, 2012, December 04, 2012, December 11, 2012 and December 18, 2012. (2) The Study Session Minutes dated November 13, 2012 on Housing Needs and Strategies and the Special Closed Session Minutes dated November 13, 2012. (3) The Joint Council/San José Financing Authority Minutes dated December 4, 2012, Joint Council/Santa Clara Valley Water District Board Minutes dated December 10, 2012 and Joint Council/San José Financing Authority Minutes dated December 18, 2012.

Action: The City Council Minutes were approved. (11-0)

- (d) **Joint City of San José/Financing Authority Minutes November 27, 2012.**

Action: Item (d) was dropped.

**2.2 Final adoption of ordinances.**

- (a) **ORD. NO. 29260 – Amending Section 3.54.020.20 of Chapter 3.54 and Section 3.56.020.20 of Chapter 3.56 of Title 3 of the San José Municipal Code for the purpose of clarifying that two new trusts may be subtrust of one trust pursuant to Section 115 of the Internal Revenue Code related to retiree healthcare benefit funding and payment of retiree health care benefits.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29260 executed on June 7, 2013, submitted by the City Clerk.

Action: Ordinance No. 29260 was adopted. (11-0.)

**2.3 Approval of Council Committee Reports.**

There were none.

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

There were none.

**2.5 City Council Travel Reports.**

There were none.

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

Council Member Constant offered a brief report on the Police and Fire Retirement Board Meeting of June 6, 2013.

**2.7 Adopt a resolution:**

- (a) **Approving a purchase and sale agreement with the Santa Clara Valley Water District for the City's purchase of a portion of land located at 479 Howard Street, APN: 259-25-053 in the amount of \$22,000 as part of the Autumn Street Extension Project.**
- (b) **Authorizing the City Manager or her designee to execute the purchase agreement and all other documents needed to conclude the transaction.**
- CEQA: Coleman Avenue/Autumn Street Improvement Project Environmental Impact Report, EIR Resolution No. 74870, File No. PP06-166. Council District 3. (Economic Development)**

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Welsh, dated May 20, 2013, recommending adoption of a resolution.

2.7 (Cont'd.)

Action: Resolution No. 76665, entitled: "A Resolution of the Council of the City of San José Approving a Purchase and Sale Agreement with the Santa Clara Valley Water District for the City's Purchase of a Portion of Land Located at 479 Howard Street, APN: 259-25-053 In The Amount of \$22,000 as Part of the Autumn Street Extension Project and Authorizing the City Manager or Her Designee to Execute the Purchase Agreement and All Other Documents Needed to Conclude the Transaction", was adopted. (11-0.)

2.8 (a) **Adopt an annual renewal resolution authorizing the City Manager or designee to:**

- (1) **Negotiate and execute all contracts, amendments, agreements, leases, subleases and memorandums of understanding with contractors and vendors providing services to the Workforce Investment Act Program (WIA), including, but not limited to, novations or assignments, vendor training contracts, case management contracts, consultant contracts, memorandums of understanding required with Mandatory Partners for the use of One-Stop facilities, and cities and the unincorporated area of Santa Clara County whose residents receive service under the WIA program for the period from July 1, 2013 to June 30, 2014, in accordance with procurement procedures and requirements mandated by the state and federal governments for Workforce Investment Act grant recipients and with established City procurement procedures and requirements that have been reviewed and approved, as required, by the Silicon Valley Workforce Investment Network (work2future) Board, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.**
- (2) **Negotiate and execute all amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.**
- (3) **Negotiate and execute all grants agreements, subgrant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for the period from July 1, 2013 to June 30, 2014, so long as moneys have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.**
- (4) **Negotiate and execute all Eligible Training Provider List (ETPL) agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2013 to June 30, 2015, subject to annual appropriation of funds by the City Council.**

- 2.8 (a) (5) **Negotiate and execute all agreements specified in (1) above with an end term beyond the fiscal year in which the contract begins (beyond June 30, 2014), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement, but not beyond the end of the following fiscal year (not beyond June 30, 2015).**
- (6) **Negotiate and execute all agreements specified in Resolution No. 76307, Section 1 with an end term beyond the fiscal year in which the contract began (beyond June 30, 2013), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement, but not beyond the end of the following fiscal year (not beyond June 30, 2014).**
- (7) **Negotiate and execute all agreements specified in (1) above that do not involve a disbursement of funds (no-fund agreement) beyond the fiscal year in which the agreement begins (beyond June 30, 2014), but not beyond the end of the following fiscal year (not beyond June 30, 2015).**
- (b) **The authority given under this resolution does not include authority for the City Manager to negotiate and execute agreements with any third party administrators to perform any functions relating to the Workforce Investment Act program and projects currently performed by City staff.**  
**CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Economic Development)**

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, dated May 24, 2013, recommending adoption of an annual renewal resolution.

City Attorney Richard Doyle and Director of Strategic Partnership Development Jeff Ruster responded to questions from Council Member Liccardo concerning alternative service delivery.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Resolution No. 76666, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Certain Agreements Related to the Workforce Investment Act Program and Projects During FY 2013-2014", was adopted. (11-0.)

- 2.9 **Approve the First Amendment to the Master Agreement with URS Corporation for environmental services to increase the total compensation by \$200,000 for a maximum not to exceed amount of \$450,000, and to extend the term of the agreement to June 30, 2014. CEQA: Not a Project, File No. PP10-066(d), Consultant services. Council District 3. (Environmental Services)**

Documents Filed: City Council Action Request from Director of Environmental Services Kerrie Romanow, dated May 24, 2013, recommending approval of the first amendment to the master agreement.

## 2.9 (Cont'd.)

Action: The First Amendment to the Master Agreement with URS Corporation for environmental services to increase the total compensation by \$200,000 for a maximum not to exceed amount of \$450,000, and to extend the term of the agreement to June 30, 2014, was approved. (11-0.)

## 2.10 **Accept the report on Request for Proposal for the purchase of a hosted shift bidding and workforce scheduling system and adopt a resolution authorizing the City Manager to:**

- (a) **Execute an agreement with eResourcePlanner, Inc. (Glendale, AZ) for a fully hosted shift bidding and workforce scheduling system to include all professional and technical support services, product upgrades, training and ongoing product support, for an initial five-year term not-to-exceed maximum compensation of \$513,948, subject to annual appropriations.**
- (b) **Execute change orders not-to-exceed a 10% contingency in the amount of \$51,395 to cover any unanticipated changes or requirements related to the initial purchase, implementation, and support of the system.**
- (c) **Execute one-year options to provide continuous hosting services and technical support after the initial five year term of the agreement, subject to the appropriation of funds.**

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

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated May 20, 2013, recommending acceptance of the report and adoption of a resolution.

Action: The report on Request for Proposal for the purchase of a hosted shift bidding and workforce scheduling system was accepted and Resolution No. 76667, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute An Agreement, Change Orders and One Year Options with eResourcePlanner, Inc. for a Fully Hosted Shift Bidding and Workforce Scheduling System", was adopted. (11-0.)

## 2.11 **Adopt a resolution authorizing the City Manager to:**

- (a) **Execute the Third Amendment to the Elevator Maintenance Agreement with Kone, Inc. (San Leandro, CA), to add six elevators located at the Fourth and San Fernando Parking Garage and increase compensation for a not-to-exceed amount of \$164,000, for the renewal term of May 22, 2013 through June 30, 2014; and**
- (b) **Negotiate and execute subsequent amendments to the Agreement to add or delete elevators as required, subject to the annual appropriation of funds.**

**CEQA: Not a Project; File No. PP10-066(a), Purchase of Supplies, Equipment & Professional Services with no changes in the physical environment. (Finance)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated May 20, 2013, recommending adoption of a resolution.

2/11 (Cont'd.)

Action: Resolution No. 76668, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Third Amendment to the Elevator Maintenance Agreement with Kone, Inc. to Add Six Elevators Located at the 4<sup>th</sup> and San Fernando Parking Garage and To Negotiate and Execute Subsequent Amendments to the Agreement To Add or Delete Elevators as Required", was adopted. (11-0.)

**2.12 Approve an amendment to Lease Agreement, dated August 1, 2003, between City of San José, San José State University, and Spartan Shops, Inc., to expand the On Fourth Library Café in the Dr. Martin Luther King, Jr. Library, to include an additional 420 square feet of retail storefront space to offer a snack shack. CEQA: Exempt, File No. PP13-021. Council District 3. (Library)**

Documents Filed: Memorandum from Interim Library Director Anne Cain, dated May 20, 2013, recommending approval of an amendment to the lease agreement.

Action: An amendment to Lease Agreement, dated August 1, 2003, between City of San José, San José State University, and Spartan Shops, Inc., to expand the On Fourth Library Café in the Dr. Martin Luther King, Jr. Library, to include an additional 420 square feet of retail storefront space to offer a snack shack, was approved. (11-0.)

**2.13 Approve the First Amendment to the Consultant Agreement with HDR Engineering, Inc. for the Spreckles Force Main Supplement and Pump Station Rehabilitation Project by extending the term of the Agreement from June 30, 2013 to December 31, 2014, at no additional cost for a total amount not to exceed \$897,463. CEQA: Mitigated Negative Declaration, File No. PP11-104. Council District 4. (Public Works)**

Documents Filed: City Council Action Request from Director of Public Works David Sykes, dated May 20, 2013, recommending approval of the first amendment to the consultant agreement.

Action: The First Amendment to the Consultant Agreement with HDR Engineering, Inc. for the Spreckles Force Main Supplement and Pump Station Rehabilitation Project by extending the term of the Agreement from June 30, 2013 to December 31, 2014, at no additional cost for a total amount not to exceed \$897,463, was approved. (11-0.)

**2.14 Adopt a resolution:**

- (a) **Approving the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners Association for Fiscal Year 2013-2014 as filed or modified by Council.**
- (b) **Confirming the individual assessments as proposed by the Downtown San José Property Owners Association, or as modified by Council.**
- (c) **Directing that the City baseline services contribution in the amount of \$365,000 be continued in Fiscal Year 2013-2014.**



**2.14 (d) Directing the Director of Public Works to deliver the assessment roll to the County for collection with the property taxes.**

**CEQA: Not a Project, File No. PP10-069(a), Assessments/annual reports. Council District 3. (Transportation/Public Works)**

Documents Filed: Memorandum from Director of Transportation Hans F. Larsen and Director of Public Works David Sykes, dated May 20, 2013, recommending adoption of a resolution.

Action: Resolution No. 76669, entitled: "A Resolution of the Council of the City of San José Approving the Downtown San José Property Based Improvement District Annual Report Prepared by the Downtown San José Property Owners Association for Fiscal Year 2013-2014 as Filed or Modified by the City Council; Confirming the Individual Assessments as Proposed or as Modified by the City Council Including the Assessment on City Owned Property and the Assessment on Successor Agency Owned Property; Directing that the City Baseline Services Contribution in the Amount of \$365,000 Be Continued in Fiscal Year 2013-2014; and Directing the Director of Public Works To Deliver the Assessment Roll to the County of Santa Clara for Collection with the Property Taxes", was adopted. (11-0.)

**2.15 As recommended by the Rules and Open Government Committee on June 5, 2013:**

**(a) Approve the Portuguese Flag Raising as a City Council sponsored Special Event.**

**(b) Approve expending funds and accept donations from various individuals, businesses, or community groups to support the event.**

**CEQA: Not a Project. (Campos)**

Documents Filed: Memorandum from Acting City Clerk Toni Taber, CMC, dated June 6, 2013, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Portuguese Flag Raising as a City Council sponsored Special Event was approved, expenditure of funds and acceptance of donations from various individuals, businesses, or community groups to support the event was authorized. (11-0.)

**2.16 As recommended by the Rules and Open Government Committee on June 5, 2013:**

**(a) Approve the Philippines Flag Raising as a City Council sponsored Special Event.**

**(b) Approve expending funds and accept donations from various individuals, businesses, or community groups to support the event.**

**CEQA: Not a Project. (Campos)**

Documents Filed: Memorandum from Acting City Clerk Toni Taber, CMC, dated June 6, 2013, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Philippines Flag Raising as a City Council sponsored Special Event was approved, expenditure of funds and acceptance of donations from various individuals, businesses, or community groups to support the event was authorized. (11-0.)

## STRATEGIC SUPPORT SERVICES

- 3.3 Approve an ordinance amending various sections of Chapters 3.32, 3.36 and 3.44 of Title 3 of the San José Municipal Code to implement a Tier 2 pension plan for new Police employees of the City of San José in the Police and Fire Department Retirement Plan. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Attorney's Office)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated May 29, 2013, recommending approval of an ordinance.

Action: Upon motion by Council Member Constant, seconded by Council Member Herrera and carried unanimously, Ordinance No. 29266, entitled: “An Ordinance of the City of San José Amending Various Section of Chapter 3.32, 3.36 and 3.44 of Title 3 of the San José Municipal Code to Implement a Tier 2 Pension Plan for New Employees in the Police Department of the City of San José in the Police and Fire Department Plan”, was passed for publication. (9-0-2. Absent: Kalra, Rocha.)

- 3.4 (a) Consider the appeal by Retro-Tek Energy Services, Inc. regarding the Report on Request for Bids for Lighting Retrofit Equipment and Services and adopt a resolution setting forth the decision of the City Council.**
- (b) Report on Request for Bids for Lighting Retrofit Equipment and Services and adopt a resolution authorizing the City Manager to:**
- (1) Execute the Purchase Order with low bidder ABM Electrical and Lighting Solutions (Pleasanton, CA) to purchase and install lighting retrofit equipment at two City locations, including labor, material, equipment and applicable sales taxes, for a not-to-exceed amount of \$300,000.**
  - (2) Approve a contingency in the amount of \$50,000 for any unforeseen changes or requirements that may arise prior to the completion of the repairs and amend the Purchase Order to purchase additional lighting and installation services as may be required, at the same unit prices, subject to the appropriation of funds.**

**CEQA: Exempt, File No. PP13-055. (Finance)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated May 20, 2013, recommending considering the appeal by Retro-Tek Energy Services, Inc. and adopt a resolution setting for the decision of the Council, approval of the request for bids for Lighting Retrofit and Services and adoption of a resolution.

Motion: Council Member Constant moved approval to deny the appeal by Retro-Tek Energy Services, Inc and to approve the report on request for bids for Lighting Retrofit Equipment and Services. Council Member Herrera seconded the motion.

### 3.4 (Cont'd.)

Public Comments: Mark Fisher, ABM Electrical and Lighting, spoke in support to the Staff recommendations.

Action: On a call for the question, the motion carried unanimously, Resolution No. 76670, entitled: “A Resolution of the Council of the City of San José Denying the Appeal by Retro-Tek Energy Services, Inc. of the Denial of Its Protest Regarding the Lighting Retrofit Equipment and Services Request for Bid” and Resolution No. 76671, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Purchase Order with ABM Electrical and Lighting Solutions to Purchase and Install Lighting Retrofit Equipment at Two City Locations for a Not To Exceed Amount of \$300,000 and To Approve a Contingency In The Amount of \$50,000”, were adopted. (9-0-2. Absent: Kalra, Nguyen.)

### 3.5 **Approve an ordinance retroactively extending the Business Tax Amnesty and Business Improvement District Assessment Amnesty Programs from May 31, 2013 up through and including August 30, 2013. CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy. (Finance)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated May 30, 2013, recommending approval of an ordinance.

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

Director of Finance Julia H. Cooper responded to Council questions and concerns.

Action: On a call for the question, the motion carried unanimously, Ordinance No. 29267, entitled: “An Ordinance of the City of San José Retroactively Extending the Business Tax Amnesty and Business Improvement District Assessment Amnesty Programs (Ordinance Nos. 29166 and 29167, Respectively, As Amended by Ordinance No. 29219) From May 31, 2013 Up Through and Including August 30, 2013”, was passed for publication. (11-0.)

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.1 **Approve the San José Municipal Water System’s Water Supply Assessment for the Zanker Road Materials Recovery Facility Planned Development Zoning (PDC12-029). CEQA: Not a Project, File No. PP10-066(d), Planning and Feasibility Studies. Council District 4. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services Kerrie Romanow, dated May 21, 2013, recommending approval of the San José Municipal Water System’s Water Supply Assessment.

#### 4.1 (Cont'd.)

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

Mayor Reed announced that public testimony will be heard on both Items 4.1 and 4.2.

Erik Schoennauer, representing the Applicant, Zanker Road Resource Management, spoke in support to the Staff recommendations and to the merits of the project.

Public Comments: Jim Piazza, Green Earth Management, and Eileen McLaughlin, Citizens Committee to Complete the Refuge expressed opposition to the Staff recommendations.

Director of Planning, Building and Code Enforcement Joseph Horwedel presented clarifications.

Mayor Reed provided meeting disclosures.

Action: On a call for the question, the motion carried unanimously, the San José Municipal Water System's Water Supply Assessment for the Zanker Road Materials Recovery Facility Planned Development Zoning, was approved. (11-0.)

- 4.2 Consideration of an ordinance rezoning the real property located on the north side of Los Esteros Road, approximately 2,500 feet east of Grand Avenue (675 Los Esteros Road, APN: 015-30-071) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to increase the maximum height of the landfill from 50 feet to 80 feet, increase the remaining landfill capacity from approximately 62,000 cubic yards to 700,000 cubic yards, modify the phasing plan of daily tonnage of waste accepted, and establish a phasing plan for the development of a 200,000 square foot materials recovery facility on a 52.5 gross acre site (Zanker Road Resource Management, Ltd, Owner). CEQA: Addendum to the Zanker Materials Recycling Facility EIR and subsequent Mitigated Negative Declaration, Resolution to be considered for adoption. Planning Commission recommends approval (7-0-0).  
PDC12-029 – District 4  
(Deferred from 5/21/13 – Item 11.2)**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated May 1, 2013, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC12-029, dated May 1, 2013. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated May 13, 2013, transmitting the Planning Commission recommendation. (3) Proof of Publication of Notice of Public Hearing, executed on April 19, 2013, submitted by the City Clerk.

## 4.2 (Cont'd.)

Action: Upon motion by Council Member Chu, seconded by Council Member Constant and carried unanimously, the recommendation of the Planning Commission and Planning Director was approved, Ordinance No. 29268, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on Los Esteros Road, Approximately 2,500 Feet East of Grand Boulevard, From A(PD) Planned Development Zoning District to the Planned Development Zoning District”, was passed for publication and CEQA Resolution No. 76672, entitled: “A Resolution of the Council of the City of San José Adopting An Addendum to the Zanker Materials Recycling Facility Final Environmental Impact Report and Subsequent Mitigated Negative Declaration, For Which an Initial Study Was Prepared, All in Accordance with the California Environmental Quality Act, As Amended, and Adopted a Revised Mitigation Monitoring and Reporting Program”, was adopted. (11-0.)

## 4.3 **Adopt a resolution summarily vacating portions of irrevocable offers of dedication for public street purposes and a public service easement located north of Springbrook Avenue and Canyon Ridge Drive. CEQA: Mitigated Negative Declaration, File No. PDC07-077. Council District 8. (Public Works)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated May 20, 2013, recommending adoption of a resolution.

Action: Upon motion by Council Member Herrera, seconded by Vice Mayor Nguyen and carried unanimously, Resolution No. 76673, entitled: “A Resolution of the Council of the City of San José Summarily Vacating Portions of Irrevocable Offers of Dedication for Public Street Purposes and a Public Service Easement, Located North of Springbrook Avenue and Canyon Ridge Drive”, was adopted. (11-0.)

## NEIGHBORHOOD SERVICES

### 5.1 **Conduct a public hearing and adopt a resolution:**

- (a) **Accepting the summary of costs and findings of the Summary 33433 Report pursuant to health and Safety Code Section 33433 for the conveyance and disposition of the property located at the Northeast corner of Almaden Expressway and Coleman Road under the terms and conditions of the proposed Disposition and Development Agreement (“DDA”).**
- (b) **Approving a DDA between the City of San José and Barry Swenson Builder, or its designated affiliate, enabling the development of Sycamore Terrace, a 27-unit for-sale housing development, and authorizing the City Manager or her designee to negotiate, execute, and record all documents reasonably necessary to convey the property as provided in the DDA.**

**CEQA: Mitigated Negative Declaration, File No. PDC90-061. (Housing)**

Action: Deferred to August 13, 2013 per Administration.

## TRANSPORTATION & AVIATION SERVICES

- 6.1 Report on bids and award of a construction contract for the 2013 Remove and Replace Pavement Project to the low bidder, G. Bortolotto & Co., Inc., in the amount of \$2,856,439, and approval of a five percent (5%) contingency in the amount of \$142,822. CEQA: Exempt, File No. PP11-035. (Transportation)**

Documents Filed: Memorandum from Director of Transportation Hans F. Larsen, dated May 20, 2013, recommending award of the contract to the low bidder.

Action: Upon motion by Council Member Chu, seconded by Vice Mayor Nguyen and carried unanimously, the award of a construction contract for the 2013 Remove and Replace Pavement Project to the low bidder, G. Bortolotto & Co., Inc., in the amount of \$2,856,439, with related contingency, was approved. (11-0.)

## REDEVELOPMENT – SUCCESSOR AGENCY

- 9.1 Adopt the following Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:**
- (a) Increase the appropriation to the Housing Department for: Successor Agency to the Redevelopment Agency by \$1,430,000.**
  - (b) Decrease the Ending Fund Balance by \$1,430,000.**
- CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Housing/City Manager’s Office)**

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia and Budget Director Jennifer A. Maguire, dated May 23, 2013, recommending adoption of appropriation ordinance amendments.

Action: Upon motion by Council Member Herrera, seconded by Vice Mayor Nguyen and carried unanimously, Ordinance No. 29269, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29102 to Appropriate Monies in the Low and Moderate Income Housing Asset Fund for the Housing Department for the Successor Agency to the Redevelopment Agency; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (11-0.)

## **ADJOURNMENT**

The Council of the City of San José was adjourned at 4:05 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
Acting City Clerk

smd/06-11-13 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.ty>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

## APPENDIX A

### 3.9 (Continued from Page 18)

**[A] FISCAL YEAR 2013-2014 BUDGET DOCUMENTS (BD) AND DOCUMENT LOG:** [1] Memorandum from Mayor's Policy Office Director Armando Gomez, dated April 30, 2013, providing information for the Budget Process for FY 2013-2014 and the Budget Document Template. [2] Replacement memorandum from Council Member Liccardo, dated May 14, 2013, requesting a pilot project for participating budgeting in the amount of \$1,075,000. [3] Memorandum from Council Member Kalra, dated May 14, 2013, requesting \$1,000,000 for neighborhood transportation improvement projects. [4] Memorandum from Council Member Kalra, dated May 21, 2013, requesting Council District 2 budget carryover. [5] Memorandum from Council Member Khamis, dated May 20, 2013, requesting the opening of South San José Police Substation. [6] Memorandum from Council Member Khamis, dated May 20, 2013, requesting the establishment of pre-tax transit/vanpooling/bicycling accounts for City employees. [7] Memorandum from Council Member Khamis, dated May 20, 2013, requesting the outsourcing of Parks, Recreation and Neighborhood Services small tree care and maintenance. [8] Memorandum from Council Member Khamis, dated May 20, 2013, requesting District 10 Office and constituent outreach budgets rebudget request. [9] Memorandum from Council Member Oliverio, dated May 22, 2013, requesting District 6 Office budget carryover. [10] Memorandum from Council Member Oliverio, dated May 22, 2013, requesting \$45,000 for Neighborhoods of Distinction. [11] Memorandum from Council Member Oliverio, dated May 22, 2013, requesting funding for two additional code enforcement inspectors, specifically for apartment inspections. [12] Memorandum from Council Member Kalra, dated May 22, 2013, requesting opening all libraries 5-1/2 days a week, including Saturdays. [13] Memorandum from Council Member Kalra, dated May 22, 2013, requesting opening the South San José Police Substation. [14] Memorandum from Council Member Herrera, dated May 22, 2013, requesting \$250,000 for the Front Loader from the Storm Sewer Operating Fund. [15] Memorandum from Council Member Herrera, dated May 22, 2013, requesting monies for the Traffic Calming Pilot project. [16] Memorandum from Council Member Herrera, dated May 22, 2013, requesting gas cards for the senior nutrition program participant in the amount of \$10,000. [17] Memorandum from Council Member Herrera, dated May 22, 2013, requesting Council District 8 budget carryover. [18] Memorandum from Council Member Herrera, dated May 22, 2013, requesting monies for gender specific gang prevention. [19] Memorandum from Council Member Herrera, dated May 22, 2013, requesting Saturday hours for the Evergreen Library. [20] Memorandum from Council Members Chu and Kalra, dated May 22, 2013, requesting \$60,000 one time funding for San José Parks Foundation. [21] Memorandum from Council Member Chu, dated May 22, 2013, requesting an additional Neighborhood Traffic Calming Engineer. [22] Memorandum from Council Member Chu, dated May 22, 2013, requesting enhanced park maintenance at Penitencia Creek Park.



### 3.9 (Cont'd.)

**[A] FISCAL YEAR 2013-2014 BUDGET DOCUMENTS (BD) AND DOCUMENT LOG (Cont'd):** [23] Memorandum from Council Member Chu, dated May 22, 2013, requesting increasing hours at the existing branch libraries to 4.5 days. [24] Memorandum from Council Member Chu, dated May 22, 2013, requesting free parking at San José's regional parks. [25] Memorandum from Council Member Chu, dated May 22, 2013, requesting \$50,000 for art box project. [26] Memorandum from Council Member Chu, dated May 22, 2013, requesting District 4 Office rebudget. [27] Memorandum from Council Members Kalra and Chu, dated May 22, 2013, requesting two full time Code Enforcement Inspectors. [28] Memorandum from Council Members Kalra and Chu, dated May 22, 2013, requesting additional parks maintenance staff. [29] Memorandum from Council Member Constant, dated May 22, 2013, requesting \$2,199,372 for pavement maintenance infrastructure backlog. [30] Memorandum from Council Member Constant, dated May 22, 2013, requesting monies for police crime analysis staffing. [31] Memorandum from Council Member Campos, dated March 22, 2013, requesting \$1,804,223 for police gang enhancement services. [32] Memorandum from Council Member Campos, dated May 22, 2013, requesting \$32,600 for retention and extension of paratransit and van service for senior transportation services. [33] Memorandum from Council Members Campos and Chu, dated May 22, 2013, requesting \$293,837 for TABS Program. [34] Memorandum from Council Member Campos, dated May 22, 2013, requesting a one-time pilot program for an evening Code Enforcement. [35] Memorandum from Council Member Campos, dated May 21, 2013, requesting the restoration use of the Alum Rock Youth Center. [36] Memorandum from Council Member Campos, dated May 21, 2013, requesting up to three additional Gang Intervention and Outreach Specialist positions. [37] Memorandum from Council Member Campos, dated May 21, 2013, requesting the City of San José Gun By Back Program for \$75,000. [38] Memorandum from Council Member Campos, dated May 21, 2013, requesting restoring library service to 5.5 days per week at all branch libraries, including Saturdays. [39] Memorandum from Council Member Campos, dated May 21, 2013, requesting \$168,155 for school transportation safety. [40] Memorandum from Council Member Campos, dated May 21, 2013, requesting District 5 Office and constituent outreach budget carryover. [41] Memorandum from Council Member Campos, dated May 22, 2013, requesting the addition of two Crime Analyst Positions. [42] Memorandum from Council Member Liccardo, dated May 22, 2013, requesting \$100,000 for CommUniverCity San José. [43] Memorandum from Council Member Liccardo, dated May 22, 2013, requesting \$25,000 for African American Community Services Center repairs. [44] Memorandum from Council Member Liccardo, dated May 22, 2013, requesting monies for rapid rehousing. [45] Memorandum from Council Member Liccardo, dated May 22, 2013, requesting \$276,643 for senior nutrition on site cooking of meals. [46] Memorandum from Council Member Liccardo, dated May 22, 2013, requesting Council District 3 budget carryover. [47] Memorandum from Council Member Liccardo, dated May 22, 2013, requesting \$70,000 for the Downtown ice rink capital repairs. [48] Memorandum from Council Member Liccardo, dated May 22, 2013, requesting \$250,000 for Startup San José, filling vacant storefronts pilot project.

### 3.9 (Cont'd.)

**[A] FISCAL YEAR 2013-2014 BUDGET DOCUMENTS (BD) AND DOCUMENT LOG (Cont'd):** [49] Memorandum from Council Member Liccardo, dated May 22, 2013, requesting \$104,463 for Spartan/Keyes Neighborhood Action Center. [50] Memorandum from Council Member Constant, dated May 22, 2013, requesting an additional analysis/study of Fire Department consolidation. [51] Memorandum from Council Member Constant, dated May 22, 2013, requesting increasing funding to the Police Department for recruiting, hiring, background checks and other related expenses. [52] Memorandum from Council Member Constant, dated May 22, 2013, requesting \$30,543 for City Domestic Violence Awareness. [53] Memorandum from Vice Mayor Nguyen, dated May 22, 2013, requesting multiple housing occupancy permit proposed pilot program. [54] Memorandum from Vice Mayor Nguyen, dated May 22, 2013, requesting \$250,000 for joint use park and recreation facilities with ACE Charter School Franklin McKinley. [55] Memorandum from Vice Mayor Nguyen, dated May 22, 2013, requesting \$25,000 for Franklin McKinley Children's Initiative Summer programming. [56] Memorandum from Vice Mayor Nguyen, dated May 22, 2013, requesting Council District 7 budget carryover. [57] Memorandum from Council Member Rocha, dated May 22, 2013, requesting opening all branch libraries 4.5 days per week. [58] ] Memorandum from Council Member Rocha, dated May 22, 2013, requesting increasing community center hours from 59 to 63. [59] Memorandum from Council Member Rocha, dated May 22, 2013, requesting opening one hybrid model community center in a high need area. [60] Memorandum from Council Member Rocha, dated May 22, 2013, requesting an additional Police Department Investigator position to the property crimes unit. [61] Memorandum from Council Member Rocha, dated May 22, 2013, requesting \$200,000 for radar speed display signs. [62] Memorandum from Council Member Rocha, dated May 22, 2013, requesting \$16,000 for radar speed display trailer. [63] Memorandum from Council Member Rocha, dated May 22, 2013, requesting an addition Code Enforcement Officer. [64] Memorandum from Council Member Rocha, dated May 22, 2013, requesting an additional Park Ranger. [65] Memorandum from Council Member Rocha, dated May 22, 2013, requesting District 9 traffic safety improvements. [66] Memorandum from Council Member Rocha, dated May 22, 2013, requesting retaining the Smart Start Program. [67] Memorandum from Council Member Rocha, dated May 22, 2013, requesting implementing recommendations 4-7 of the Human Resources Staffing Audit. [68] Memorandum from Council Member Rocha, dated May 22, 2013, requesting \$415,000 for repaving Foxworthy Avenue between Manda Drive and Meridian Avenue. [69] Memorandum from Council Member Rocha, dated May 22, 2013, requesting \$50,000 for Domestic Violence coordination and program funding allocation. [70] Memorandum from Council Member Rocha, dated May 22, 2013, requesting \$400,000 for capital maintenance at City owned cultural facilities. [71] Memorandum from Council Member Rocha, dated May 22, 2013, requesting \$21,000 for Get Fit Camp for Kids. [72] Memorandum from Council Member Rocha, dated May 22, 2013, requesting District 9 Office budget rebudget. [73] Memorandum from Council Member Kalra, dated May 22, 2013, requesting expanding the burglary investigative unit.

### 3.9 (Cont'd.)

**[A] FISCAL YEAR 2013-2014 BUDGET DOCUMENTS (BD) AND DOCUMENT LOG (Cont'd):** [74] Memorandum from Council Member Constant, dated May 22, 2013, requesting additional Police Field Patrol Community Service Officers. [75] Memorandum from Council Member Khamis, dated May 22, 2013, requesting an additional analysis/study of Fire Department consolidation. [76] Memorandum from Council Member Khamis, dated May 22, 2013, requesting Planning, Building and Code Enforcement service enhancement. [77] Memorandum from Council Member Constant, dated May 22, 2013, requesting reactivating the Employee Suggestion Award Program. [78] Memorandum from Council Member Constant, dated May 22, 2013, requesting additional public safety equipment. [79] Memorandum from Council Member Liccardo, dated May 22, 2013, requesting suspending funding for the Roosevelt Park Softball upgrades and St. James Park Security Study. [80] Memorandum from Council Member Liccardo, dated May 22, 2013, requesting \$150,000 for predictive analytics policing pilot program, two full time Crime and Intelligence analysts. [81] Memorandum from Council Member Liccardo, dated May 22, 2013, requesting \$276,643 for Senior Nutrition, on site cooking of meals. [82] Memorandum from Council Member Liccardo, dated May 22, 2013, requesting \$614,665 funding for Development Services "Chess Clock".

**[B] FISCAL YEAR 2013-2014 MANAGER'S BUDGET ADDENDA (MBA) AND DOCUMENT LOG:** [1] Memorandum from Budget Director Jennifer A. Maguire, dated May 2, 2013, transmitting the 2013-2014 Budget Study Sessions Schedule and Agendas. [2] Memorandum from Budget Director Jennifer A. Maguire, dated May 9, 2013, transmitting the 2013-2014 Proposed Budget in Brief. [3] Memorandum from Planning Commission Secretary Joseph Horwedel, dated May 3, 2013, recommending adoption of the Proposed 2014-2018 Capital Improvement Program. [4] Memorandum from Director of Housing Leslye Corsiglia, dated May 10, 2013, transmitting background information on the Downtown College Preparatory Loan. [5] Memorandum from Director of Transportation Hans F. Larsen, dated May 14, 2013, transmitting information about employee transit benefits. [6] Memorandum from Acting Chief of Police Larry Esquivel, dated May 17, 2013, transmitting information about residential burglary reduction efforts. [7] Memorandum from Interim Library Director Anne Cain, dated May 17, 2013, transmitting expanding library hours, including Saturday options. [8] Memorandum from Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares and Budget Director Jennifer A. Maguire, dated May 20, 2013, recommending McKinley Neighborhood Center funding. [9] Memorandum from Director of Housing Leslye Corsiglia, dated May 20, 2013, transmitting information about homeless outreach services, creek cleanups and permanent housing strategies. [10] Memorandum from Assistant City Manager Edward K. Shikada, dated May 20, 2013, transmitting information about the E-Ideas Update and Financial Incentives Evaluation. [11] Memorandum from Budget Director Jennifer A. Maguire, dated May 20, 2013, recommending amending City Policy 1-18. [12] Memorandum from Director of Economic Development/Chief Strategist Kim Walesh and Budget Director Jennifer A. Maguire, dated May 21, 2013, recommending approval for the Arena Authority funding.

### 3.9 (Cont'd.)

**[B] FISCAL YEAR 2013-2014 MANAGER'S BUDGET ADDENDA (MBA) AND DOCUMENT LOG (Cont'd.):** [13] Memorandum from Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated May 21, 2013, providing background on San José Best and Safe Summer Initiative Spending Plan. [14] Memorandum from Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated May 21, 2013, responding to questions raised by Council regarding the HUB Community Center Service hours increase and cost. [15] Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, dated May 22, 2013, proving additional information about the alternative service delivery proposal for Work2future direct client services. [16] Memorandum from Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated May 22, 2013, responding to parks maintenance level and schedules. [17] Memorandum from Director of Economic Development/Chief Strategist Kim Walesh and Budget Director Jennifer A. Maguire, dated May 23, 2013, recommending approval of the Ice Centre revenue fund amendments and Sharks Ice at San José proposed capital budget. [18] Memorandum from Director of Transportation Hans F. Larsen and Budget Director Jennifer A. Maguire, dated May 23, 2013, recommending approval of the position amendment, amendments in the proposed capital budget, proposed capital improvement program amendments in the building and structure construction tax fund and construction excise tax fund. [19] Memorandum from Deputy City Manager Alex Gurza, dated May 21, 2013, summarizing the bilingual pay program and current premiums by bargaining unit. [20] Memorandum from Director of Finance Julia H. Cooper, dated May 23, 2013, recommending approval and budgeting an advance to the Successor Agency to the Redevelopment Agency of the City of San José. [21] Memorandum from Fire Chief William L. McDonald, dated May 24, 2013, providing Council the cost and feasibility of updating the Fire Department's technology systems, including global positioning technology system mapping. [22] Memorandum from Director of Public Works David Sykes, Fire Chief William L. McDonald and Budget Director Jennifer A. Maguire, dated May 24, 2013, recommending adjustments to the fire facilities assessment and funding. [23] Memorandum from Budget Director Jennifer A. Maguire, dated May 24, 2013, recommending proposed budget net zero general fund adjustments. [24] Memorandum from Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated May 24, 2013, providing information on the status of the Children's Health Initiative managed by the Santa Clara Family Health Plan. [25] Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, Fire Chief William L. McDonald, Director of Public Works David Sykes and Budget Director Jennifer A. Maguire, dated May 23, 2013, recommending the elimination of the development services technology fee and related appropriation and funding sources amendments. [26] Memorandum from Acting Chief of Police Larry Esquivel, dated May 28, 2013, providing a cost estimate of a regional gun task force. [27] Memorandum from Director of Public Works David Sykes and Budget Director Jennifer A. Maguire, dated May 28, 2013, recommending adjustments to Public Works 2013-2014 Staffing. [28] Memorandum from Budget Director Jennifer A. Maguire, dated May 28, 2013, recommending amendments to the 2013-2014 proposed fees and charges document.

### 3.9 (Cont'd.)

**[B] FISCAL YEAR 2013-2014 MANAGER'S BUDGET ADDENDA (MBA) AND DOCUMENT LOG (Cont'd.):** [29] Memorandum from Acting Chief of Police Larry Esquivel and Director of Finance Julia H. Cooper, dated May 28, 2013, recommending direction to the administration to proceed with activities related to the reorganization of the Gaming Control Division and transfer appropriate functions to the Finance Department. [30] Memorandum from Acting Chief of Police Larry Esquivel, dated May 28, 2013, reporting back to Council regarding the opening of the Police Substation as part of the budget process. [31] Memorandum from Director of Public Works David Sykes and Fire Chief William L. McDonald, dated May 28, 2013, providing information about the background of Fire Station 37, current construction costs, relocation/remodel of Fire Station 6 cost differential and Fire Station 37 operating costs. [32] Memorandum from Acting Chief of Police Larry Esquivel, dated May 28, 2013, reporting back on additional steps that can be taken to increase the rate of hiring and training of new police officers. [33] Memorandum from Budget Director Jennifer A. Maguire, dated May 29, 2013, recommending amending City Policy 1-18, Reserves and Fund Balance. [34] Memorandum from Assistant City Manager Edward K. Shikada, dated May 28, 2013, recommending direction to the City Manager to launch a Public Data Initiative. [35] Memorandum from Deputy City Manager Norberto Dueñas, dated May 29, 2013, proving a summary of community budget meetings. [36] Memorandum from Acting Chief of Police Larry Esquivel and Budget Director Jennifer A. Maguire, dated May 29, 2013, addressing the Cal-ID Program. [37] Memorandum from Budget Director Jennifer A. Maguire, dated May 29, 2013, recommending adjustments to the 2013-2014 proposed budget for the General Fund. [38] [a] Memorandum from Budget Director Jennifer A. Maguire, dated May 30, 2013, recommending amendments to the 2013-2014 proposed operating and capital budgets. [b] Supplemental memorandum from Budget Director Jennifer A. Maguire, dated June 7, 2013, providing additional information due to a technical error in the City's capital budget database.

**[C] BUDGET CORRESPONDENCE FROM THE PUBLIC:** [1] Ninety Three emails from members of the public, all dated June 11, 2013, expressing support to prioritizing libraries, code enforcement, reducing burglaries and the Start Up San José Program.