



# CITY COUNCIL AGENDA

**JUNE 18, 2013**

## SYNOPSIS

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
XAVIER E. CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON NGUYEN, VICE MAYOR  
ROSE HERRERA  
DONALD ROCHA  
JOHNNY KHAMIS

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at [www.sanjoseca.gov/cityclerk](http://www.sanjoseca.gov/cityclerk). Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:06 a.m. - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: All Present.**  
  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: All Present.**  
  
7:02 p.m. - Public Hearings, Council Chambers, City Hall  
**Absent Council Members: All Present.**
- **Invocation (District 6)**  
Reverend Maly Hughes, St. Francis Episcopal Church presented the Invocation.
- **Pledge of Allegiance**  
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**  
The Order of the Day and the Amended Agenda were approved.

- **Closed Session Report**

**City Attorney Doyle disclosed the following Closed Session actions of June 18, 2013:**

**A. Authority to Initiate Litigation:**

**Authority to initiate litigation was given in one (1) matter: City of San José et al. v. Office of the Commissioner of Baseball, et al.**

**Council Vote: Ayes: Campos, Chu, Constant, Herrera, Kalra, Khamis, Liccardo, Nguyen, Oliverio, Rocha; Reed.**  
**Noes: None.**  
**Abstain: None.**  
**Not Present: None.**

## **1. CEREMONIAL ITEMS**

---

- 1.1** Presentation of a commendation to Lynbrook High School Student Eesha Khare for her research and advancement in energy storage technology. (Constant)  
**Heard in the Evening.**  
**Mayor Reed and Council Member Constant recognized and commended Lynbrook High School Student Eesha Khare.**
- 1.2** Presentation of a commendation recognizing the Loma Prieta Chapter of the Sierra Club on their 80<sup>th</sup> Anniversary of protecting our environment as a committed and effective advocate for the planet. (Liccardo)  
**Mayor Reed and Council Members Liccardo, Herrera, Chu and Kalra recognized and commended the Loma Prieta Chapter of the Sierra Club.**
- 1.3** Presentation of a commendation to Jess Morgan for her dedication to the development of San José Beyond the Bell. (Mayor)  
**Mayor Reed recognized and commended Jess Morgan for her exceptional dedication.**
- 1.4** Presentation of a proclamation recognizing June 22 – 23, 2013 as “Radio Amateur Civil Emergency Service (R.A.C.E.S.) Field Day” in the City of San José. (Mayor)  
**Mayor Reed recognized June 22 through June 23, 2013 as “Radio Amateur Civil Emergency Service Field Day” in San José.**
- 1.5** Administer Oaths of Office to Youth Commissioners. (City Clerk)  
**Heard in the Evening.**  
**Acting City Clerk Toni J. Taber, CMC administered the Oaths of Office to the Youth Commissioners.**

## 1. CEREMONIAL ITEMS

---

- 1.6 Presentation of a check in the amount of \$10,000 to Parks, Recreation and Neighborhood Services Department from Youth Connections Foundation to support the upcoming San José FIT Camp. (Campos)  
**Heard in the Evening.**  
**Mayor Reed, Vice Mayor Nguyen and Council Member Campos congratulated the Parks, Recreation and Neighborhood Services Department for being the recipient of \$10,000 from the Youth Connections Foundation to support the upcoming San José FIT Camp.**
- 1.7 Presentation of a proclamation declaring June 20, 2013 as “National Dump the Pump Day” in the City of San José. (Kalra)  
**Heard in the Evening.**  
**Mayor Reed and Council Member Kalra recognized June 20, 2013 as “National Dump the Pump Day” in San José.**
- 1.8 Presentation of a commendation to the winners of the 2013 Falcon Naming Contest. (Mayor)  
**Heard in the Evening.**  
**Mayor Reed recognized and commended the winners of the 2013 Falcon Naming Contest. Nate Pritchett suggested “Orion”; Dakota Nguyen recommended “Comet” and Lauren Russell and Kathleen Wagoner each proposed “Striker”.**

## 2. CONSENT CALENDAR

---

### 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) Regular Meeting Minutes of January 8, 2013
- (b) Regular Meeting Minutes of January 15, 2013
- (c) Regular Meeting Minutes of January 29, 2013

**Approved.**

### 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29258 – Amending Chapter 4.80 of Title 4 of the San José Municipal Code to add new parts to establish new funds, to take effect retroactively on June 30, 2013.

**Ordinance No. 29258 adopted.**

- (b) ORD. NO. 29259 – Repealing various parts of Chapter 4.80 of Title 4 of the San José Municipal Code to eliminate funds which have been closed out or are scheduled to be closed out in Fiscal Year 2012-2013, and amending Section 17.02.300 of Chapter 17.02 of Title 17, to take effect retroactively on June 30, 2013.

**Ordinance No. 29259 adopted.**

## 2. CONSENT CALENDAR

---

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

**Recommendation:** Final adoption of ordinances.

- (c) ORD. NO. 29261 – Amending Section 1.13.050 of Chapter 1.13 of Title 1 of the San José Municipal Code to clarify the definition of public nuisance to include the conduct of business or the operation of a hotel on property in the City of San Jose for which certain taxes assessed by the Director of Finance remain delinquent.  
**Ordinance No. 29261 adopted.**
- (d) ORD. NO. 29262 – Amending Section 4.66.250 of Chapter 4.66 of Title 4 of the San José Municipal Code to increase the rate of taxation for marijuana businesses from 7% to 10% of gross receipts.  
**Dropped. Ordinance No. 29262 was adopted on June 4, 2013.**
- (e) ORD. NO. 29263 – Rezoning certain real property situated on the west side of Bundy Avenue, approximately 200 feet northerly of Adra Avenue (425 Bundy Avenue, APN 303-33-035) from the R-M Multiple Residence Zoning District to the R-M(PD) Planned Development Zoning District. PDC12-014  
**Ordinance No. 29263 adopted.**
- (f) ORD. NO. 29264 – Rezoning certain real property situated on the west side of Meridian Avenue 130 feet northerly of Curci Drive on a 0.38 gross-acre site (979 Meridian Avenue) to the CP Commercial Pedestrian Zoning District. C13-003  
**Ordinance No. 29264 adopted.**
- (g) ORD. NO. 29265 – Amending Title 20 of the San José Municipal Code (the Zoning Ordinance) to amend Sections 20.80.1110, 20.80.1130, and 20.80.1150 of Chapter 20.80 (Specific Use Regulations, Recycling Facilities) to modify regulations for Reverse Vending Machines and Unattended Collection Containers in Small Collection Facilities, to amend Sections 20.100.1240 and 20.100.1250 of Chapter 20.100 (Administration and Permits) to modify requirements for display and terms of administrative permits, to add Section 20.80.1115 to Chapter 20.80 to establish a maximum number of allowable administrative permits for Unattended Collection Containers city-wide, and to add Sections 20.200.877 and 20.200.1303 to Chapter 20.200 (Definitions) to add definitions for “Permittee” and “Unattended Collection Container”; and establishing a retroactive effective date of May 7, 2013 for the applicability of Section 20.80.1115; all to further implement the measurable sustainability/environmental stewardship major strategy, the measurable environmental sustainability goals and policies, and the land use goals and policies set forth within the Envision San José 2040 General Plan and to make other technical, formatting or other nonsubstantive changes within those sections of Title 20.  
**Ordinance No. 29265 adopted.**

## 2. CONSENT CALENDAR

---

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

**Recommendation:** Final adoption of ordinances.

- (h) ORD. NO. 29266 – Amending various Sections 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.

**Ordinance No. 29266 adopted. Effective date of the Ordinance is August 4, 2013.**

- (i) ORD. NO. 29267 – 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.

**Ordinance No. 29267 adopted.**

- (j) ORD. NO. 29268 – Rezoning certain real property situated on Los Esteros Road, approximately 2,500 feet east of Grand Boulevard, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. PDC12-029

**Ordinance No. 29268 adopted.**

### 2.3 Approval of Council Committee Reports.

**Recommendation:** Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of May 15, 2013. (Mayor)  
(b) Rules and Open Government Committee Report of May 22, 2013. (Mayor)

**Deferred to August 13, 2013 per City Clerk.**

### 2.4 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) Request for an excused absence for Vice Mayor Nguyen from the Regular Meeting of the Rules and Open Government Committee on May 29, 2013 due to family emergency. (Nguyen)

**Excused.**

### 2.5 City Council Travel Reports.

**Council Member Herrera and Council Member Constant offered a brief update on their attendance at the League of California Cities last week.**

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

**No Report.**

## 2. CONSENT CALENDAR

---

### 2.7 Agreement with the Clear Channel Airport Advertising Concession.

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

(Deferred from 4/30/13 – Item 6.1 and 6/4/13 – Item 6.1)

**Resolution No. 76681 adopted.**

### 2.8 Settlement in *Chahal v. City of San José, et al.*

**Recommendation:** Approve settlement in the case of *Lakhbir Chahal and Baljit Chahal v. City of San José, et al.*, and authorize the City Attorney to execute a Settlement Agreement and Release with Lakhbir Chahal, Baljit Chahal and their attorney, in the amount of \$662,500. CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney's Office)

**Approved.**

### 2.9 Eighteenth Amendment to Agreement for Legal Services related to the Airport with Orrick Herrington & Sutcliffe LLP.

**Recommendation:** Adopt a resolution authorizing the City Attorney to negotiate and execute an Eighteenth Amendment to the agreement with Orrick Herrington & Sutcliffe LLP for legal services related to the City's outstanding Airport revenue debt to extend the term to June 30, 2014, with no increase in total compensation. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney's Office)

**Resolution No. 76682 adopted.**

### 2.10 Agreement with Patton Boggs LLP for Legislative Representation Services.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute a second amendment to the agreement with Patton Boggs LLP to extend the term of the Agreement for legislative representation services on behalf of the City of San José by one year for the period July 1, 2013 through June 30, 2014, with a renewal option to extend the agreement for a one-year term commencing July 1, 2014 through June 30, 2015, for an amount not to exceed the current compensation amount of \$12,000 per month, not to exceed \$288,000 for the one-year extension and one-year optional renewal term, for a total compensation not to exceed \$926,000.
- (b) Exercise the renewal option to extend the agreement for a one-year term commencing July 1, 2014 through June 30, 2015, subject to the appropriation of funds.

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

**Resolution No. 76683 adopted.**



## **2. CONSENT CALENDAR**

---

### **2.11 Agreement with Vintners Distributors, Inc. for Story Road Ground Lease.**

**Recommendation:** Approve an agreement with Vintners Distributors, Inc. for a ten-year ground lease of real property located at 1699 Story Road (APN 481-39-026) for the purpose of operating a gasoline station for a ten year period with the option to renew for an additional ten years. The annual rent beginning in Year 1 is \$78,000.00; Year 2 - \$80,340.00; Year 3 - \$82,750.20 ; Year 4 - \$85,232.71; Year 5 - \$87,789.69; Year 6 - \$90,423.38; Year 7 - \$93,136.08; Year 8 - \$95,930.16; Year 9 - \$98,808.07; Year 10 - \$101,772.31 for a total compensation to the City of approximately \$894,182 during the initial 10 year term. CEQA: Exempt, File No. PP13-058. Council District 5. (Economic Development)

**Approved.**

### **2.12 Agreement with Zero Waste Energy Development Company, LLC, for Zero Waste Project Ground Lease.**

**Recommendation:** Adopt a resolution authorizing the City Manager to execute the First Amendment to the Zero Waste Project Ground Lease by and between the City of San José and Zero Waste Energy Development Company, LLC, permitting the tenant to sublease certain portions of the ground lease area for parking at the discretion of the City Manager. CEQA: Mitigated Negative Declaration, SP09-057. Council District 4. (Economic Development/Environmental Services)

**Deferred to August 20, 2013 per Administration.**

### **2.13 Report on Bids and Award of Contract for the Handrail Replacement Project at the San José/Santa Clara Regional Wastewater Facility.**

**Recommendation:** Report on bids and award of construction contract for 6835 - Handrail Replacement – Phase V Project to the apparent low bidder, Rodan Builders, in the amount of \$1,254,630, and approval of a 10% contingency in the amount of \$125,463. CEQA: Exempt, File No. PP11-028. (Environmental Services)

**Approved.**

### **2.14 Report on Bids and Award of Contract for the Water Pollution Control Plant Street Treatment Phase II Project.**

**Recommendation:**

(a) Award the construction contract for the Water Pollution Control Plant Street Treatment Phase II Project to the low bidder, Wattis Construction, Inc., in the amount of \$279,598.

(b) Approve a 10% contingency in the amount of \$28,000.

CEQA: Exempt, File No. PP13-018. (Environmental Services)

**Approved.**

## **2. CONSENT CALENDAR**

---

### **2.15 Report on Bids and Award for Contract for the DCS Fiber Optics Network Expansion Project.**

**Recommendation:**

(a) Award the construction contract for the DCS Fiber Optics Network Expansion Project to the lowest responsive bidder, Terry Hanson Electric, in the amount of \$589,000.

(b) Approve a 10% contingency in the amount of \$58,900.

CEQA: Exempt, File Nos. PP12-027, PP13-029. (Environmental Services)

**Approved.**

### **2.16 Agreement with San Francisco Bay Wildlife Society for the Don Edwards San Francisco Bay National Wildlife Refuge.**

**Recommendation:** Approve an agreement with the San Francisco Bay Wildlife Society, fiscal agent for the Don Edwards San Francisco Bay National Wildlife Refuge, with a term from July 1, 2013 through June 30, 2015 for a maximum not to exceed amount of \$179,410, to provide public education regarding water conservation, pollution prevention, and protection of water dependent ecosystems. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)

**Approved.**

### **2.17 Agreement with ABB Inc. for a Distributed Control System Upgrade at the San José/Santa Clara Regional Wastewater Facility.**

**Recommendation:**

(a) Approve an agreement with ABB Inc. for a Distributed Control System Upgrade at the San José/Santa Clara Regional Wastewater Facility, formerly referred to as the San José/Santa Clara Water Pollution Control Plant, for a term beginning from the date of execution through December 31, 2015, for a total amount not to exceed \$1,814,785 for all hardware, software, professional services, and training.

(b) Approve a 10% contingency in the amount of \$181,479 to cover unanticipated expense during the term of the agreement.

CEQA: Exempt, File No. PP13-039. (Environmental Services/Finance)

**Approved.**

### **2.18 Report on Bids and Award of Contract for the Dove Road Main Extension Project.**

**Recommendation:** Report on bids and award of contract for the 7150 – Dove Road Main Extension project to the lowest responsive bidder, Stoloski and Gonzalez, Inc., in the amount of \$704,240, and approve a contingency in the amount of \$70,424. CEQA: Exempt, File No. PP12-104. Council District 8. (Environmental Services/Public Works)

**Approved.**

## 2. CONSENT CALENDAR

---

### 2.19 Report on Bids and Award of Contract for the Nortech and Trimble Reservoir Rehabilitation Project.

**Recommendation:** Report on bids and award of contract for the 7247 – Nortech and Trimble Reservoir Rehabilitation project to the lowest responsive bidder, Paso Robles Tank, Inc., in the amount of \$1,146,092, and approve a contingency in the amount of \$114,609. CEQA: Exempt, File No. PP13-016. Council District 4. (Environmental Services/Public Works)

**Approved.**

### 2.20 Agreement with Arthur J. Gallagher & Co. Insurance Brokers of California Inc. for Insurance Brokerage and Property Loss.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Arthur J. Gallagher & Co. Insurance Brokers of California, Inc. to provide insurance brokerage and property loss control services for the period of July 1, 2013 through June 30, 2015, with authority to exercise up to three one-year options for extension through June 30, 2018, for the City of San José. The annual cost is \$79,000 and the cost for two years of service is not to exceed \$158,000 subject to the appropriation of funds. The costs for years three, four and five will be negotiated, subject to appropriation of funds. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Finance)

**Resolution No. 76684 adopted.**

### 2.21 Actions Related to the Agreement with RFP Depot, LLC for Online Bid Notification and Vendor Management System.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute the Second Amendment to the Agreement with RFP Depot, LLC doing business as BidSync (Provo, UT) for an Online Bid Notification and Vendor Management System to extend the term one year for the period July 1, 2013 through June 30, 2014, and maximum annual compensation not to exceed \$40,000.
- (b) Execute five additional one year options to extend the term of the agreement, with the final term ending on June 30, 2018, not to exceed \$40,000 per year, subject to the annual appropriation of funds.

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

**Resolution No. 76685 adopted.**

## 2. CONSENT CALENDAR

---

### 2.22 Report on Request for Proposal and Award of Contract for Homeless Encampment Clean-Up.

**Recommendation:** Report on Request for Proposal for Homeless Encampment Clean-Up and adopt a resolution authorizing the City Manager to:

- (a) Execute an agreement with Tucker Construction Inc (San José, CA) for the clean-up of homeless encampments, with an initial one-year term of July 1, 2013 through June 30, 2014, and maximum compensation not to exceed \$550,000.
- (b) Add to the maximum compensation as required during the initial term of the agreement in the event that clean-up requirements exceed staff estimates, subject to the appropriation of funds.
- (c) Execute up to four one-year options to extend the term of the agreements, subject to the appropriation of funds.

CEQA: Exempt, File No. PP13-056. (Finance)

**Report Accepted.**

**Resolution No. 76686 adopted.**

### 2.23 Report on Request for Proposal for Internet Protocol Television Maintenance and Support Services at the Norman Y. Mineta San José International Airport.

**Recommendation:** Report on Request for Proposal for Internet Protocol Television (IPTV) Maintenance and Support Services at the Norman Y. Mineta San José International Airport and adopt a resolution authorizing the City Manager to:

- (a) Execute an agreement with ID Consulting Solutions, LLC (San Diego, CA) for IPTV Maintenance and Support Services, for an initial five year term ending June 30, 2018, with maximum compensation not to exceed \$238,220 for the initial twelve months of the agreement, and an estimated \$807,100 excluding potential annual adjustments for the initial five year term, subject to annual appropriations.
- (b) Add or delete cameras and associated maintenance service and support levels to meet the changing security requirements at the Airport, subject to the appropriation of funds.
- (c) Execute five one-year options to extend 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)

**Report Accepted.**

**Resolution No. 76687 adopted.**

## 2. CONSENT CALENDAR

---

### 2.24 Report on Request for Proposal for Automated Access Control System Maintenance and Support Services at the Airport.

**Recommendation:** Report on Request for Proposal for Automated Access Control System Maintenance and Support Services at the Norman Y. Mineta San José International Airport and adopt a resolution authorizing the City Manager to:

- (a) Execute an agreement with Stanley Convergent Security Solution, Inc. (San Diego, CA) for Automated Access Control System Maintenance and Support Services, for an initial five year term ending June 30, 2018, with maximum compensation not to exceed \$245,334 for the initial twelve months of the agreement, and an estimated \$720,270 excluding potential annual adjustments for the initial five year term, subject to the appropriation of funds.
- (b) Add or delete access points and maintenance service levels to meet the changing security requirements at the Airport, subject to the appropriation of funds.
- (c) Execute five one-year options to extend 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)

**Report Accepted.**

**Resolution No. 76688 adopted.**

### 2.25 Agreement with Tucker Construction for Tank and Walkway/Concrete Repair Services at the San José/Santa Clara Regional Wastewater Facility.

**Recommendation:** Authorize the City Manager to:

- (a) Exercise the second of four one-year options to renew an Open Purchase Order with Tucker Construction (San José, CA) for the period July 1, 2013 through June 30, 2014, with total compensation not to exceed \$300,000 for tank and walkway/concrete repair services at the San Jose-Santa Clara Regional Wastewater Facility.
- (b) Increase funding as required based on City facility needs and availability of funding consistent with the scope of the purchase order.
- (c) Exercise the remaining options to renew the purchase order subject to the appropriation of funds.

CEQA: Exempt, File No. PP13-039. (Finance)

**Approved.**

## 2. CONSENT CALENDAR

---

### 2.26 Report on Request for Proposal for Enterprise Cloud Storage.

**Recommendation:** Adopt a resolution authorizing the City Manager to execute various documents (described below) to purchase and install an Enterprise Cloud Storage Solution for a total not-to-exceed cost of \$508,906 including all hardware, software, cloud data storage and data transfer services, and six years of hardware and software maintenance and support:

- (a) Execute purchase orders and other necessary enrollment documents that may be required under the Microsoft Enterprise Agreement to purchase enterprise cloud data storage and data transfer capacity to support the City's requirements, at an initial annual cost of \$303,906, and an ongoing cost not to exceed \$58,476 per year, based on current estimates of the City's data storage requirements.
- (b) Execute a Standard Deployment Services Work Statement Agreement with Microsoft for all professional services and training required to implement the data storage solution.
- (c) Execute purchase orders with Xyratex for the purchase of all hardware, software and six years of maintenance and support, not to exceed \$205,000.
- (d) Purchase additional data storage and data transfer capacity as may be required, at the same unit prices, subject to the appropriation of funds.
- (e) Approve a contingency of \$51,000 for hardware and professional services related to the installation and deployment of the system.

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

**Resolution No. 76689 adopted.**

### 2.27 Agreement with the Santa Clara Valley Water District for Encampment Clean Up, Trash Removal, and Prevention.

**Recommendation:** Adopt a resolution authorizing the Director of Housing to execute a Memorandum of Agreement with the Santa Clara Valley Water District for Encampment Clean Up, Trash Removal, and Prevention for creek-side encampments within City boundaries. CEQA: Exempt, File No. PP04-248. (Housing)

**Resolution No. 76690 adopted.**

### 2.28 Actions Related to the Metropolitan Apartments Family Affordable Rental Project.

**Recommendation:** Adopt a resolution approving a performance-based loan commitment of up to \$240,000 from the Low and Moderate Income Housing Asset Fund to 2112 Monterey Road, L.P. to pay for carrying costs for the Metropolitan Apartments family affordable rental project being developed by Charities Housing Corporation. CEQA: Mitigated Negative Declaration, File Nos. GP08-07-04 and PDC09-015. Council District 7. (Housing)

**Resolution No. 76691 adopted.**

## 2. CONSENT CALENDAR

---

### 2.29 Amendment to the Agreement with Across the Bridge Foundation for Downtown College Preparatory.

**Recommendation:** Approve the Seventh Amendment to the \$600,000 Line of Credit Agreement between the City and Across the Bridge Foundation to forgive \$200,000 each year that Downtown College Preparatory adds an additional grade level at the Alum Rock campus. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts. Council Districts 3 and 5. (Housing)

**Approved.**

**(9-2. Noes: Constant, Rocha. )**

### 2.30 Agreement with AT&T and Team San José for Distributed Antenna System at the Convention Center.

**Recommendation:** Adopt a resolution authorizing the City Manager to execute and consent to an agreement between AT&T and Team San José for the installation of a distributed antenna system at the San José Convention Center. CEQA: Resolution No. 72767 and Addenda thereto, File No. PP08-002. (Information Technology)

**Resolution No. 76692 adopted.**

### 2.31 Maintenance District Annual Budget Reports for Fiscal Year 2013-2014.

**Recommendation:** Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2013-2014 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein. CEQA: Not a Project, File No. PP10-069(a), Assessments and Annual Reports. Council Districts 2, 3, 4, and 8. (Public Works)

**Resolution Nos. 76693, 76694, 76695, 76696, 76697, 76698, 76699, 76700, 76701, 76702, 76703, 76704, 76705 adopted.**

### 2.32 Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2013-2014.

**Recommendation:** Adopt a resolution:

- (a) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2013-2014 as filed or modified by Council.
- (b) Confirming the individual assessments as proposed, or modified by Council.
- (c) Directing the City to pay the assessment on City-owned property within the district in the amount of approximately \$9,312.
- (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 and Annual Reports. Council District 6. (Public Works)

**Resolution No. 76706 adopted.**

## 2. CONSENT CALENDAR

---

### 2.33 Vacation of Greenlee Drive for Public Storm Drain Easement.

**Recommendation:** Adopt a resolution summarily and conditionally vacating a portion of a Public Storm Drain Easement located at the northerly terminus of Greenlee Drive, APN: 303-28-067. CEQA: Exempt, File No. PP13-006. Council District 1. (Public Works)

**Resolution No. 76707 adopted.**

### 2.34 Agreements for the Oakmead – San José Business Park Landscape Improvements Maintenance.

**Recommendation:** Approve a Successor Agreement and terminating and releasing the Oakmead Landscape Maintenance Agreement executed on May 25, 1983, for the maintenance of landscape improvements. CEQA: Exempt, File No. PP13-057. Council District 4. (Public Works)

**Approved.**

### 2.35 Report on Bids and Award of Contract for Bird Avenue Sanitary and Storm Sewer Improvements Project.

**Recommendation:** Report on bids and award of contract for the 6429-Bird Avenue Sanitary and Storm Sewer Improvements Project to the low bidder, Ranger Pipelines, Inc., in the amount of \$1,969,967, and approval of a contingency in the amount of \$196,996. CEQA: Exempt, File No. PP12-102. Council District 6. (Public Works)

**Approved.**

### 2.36 Agreement with CH2M HILL, Inc. for the Los Gatos Creek Trail.

**Recommendation:** Adopt a resolution authorizing the City Manager negotiate and execute the Agreement for Consultant Services for the Los Gatos Creek Reach 5B/C in the amount of \$1,430,050 with CH2M HILL, Inc. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. Council District 6. (Public Works)

**Resolution No. 76708 adopted.**

### 2.37 Report on Bids and Award of Contract for Airport Northeast Parcel Development Project.

**Recommendation:** Report on bids and award of contract for the 6913 - San José International Airport Northeast Parcel Development Project to the low bidder, Zovich & Sons, Inc., for the base bid and Add Alternate Nos. 1, 2, 3 and 4 in the amount of \$5,480,000, and approval of a contingency in the amount of \$548,000. CEQA: Resolution Nos. 67380 and 71451, File No. PP12-065. (Public Works)

**Approved.**



## 2. CONSENT CALENDAR

---

### 2.38 Vacation of Montecito Vista Drive for Public Service Easement.

**Recommendation:** Adopt a resolution summarily vacating a Public Service Easement within a private property located at 80 Montecito Vista Drive (APN 455-09-065). CEQA: Goble Lane Mixed Use Development EIR, File No. PDC02-066, Resolution No. 72877. Council District 7. (Public Works)

**Resolution No. 76709 adopted.**

### 2.39 Actions Related to the TiMC Facility Improvements Project.

**Recommendation:**

- (a) Reject the sole bid received on May 9, 2013, for the 5591 - Transportation Incident Management Center (TiMC) Project and authorize the Director of Public Works to re-advertise and rebid the project.

**Bid Rejected.**

- (b) Approve a second amendment to the agreement for consultant services with IBI Group for the TiMC Project to extend the term of the Agreement from June 30, 2013 to December 31, 2014, revise the scope of work and increase the total compensation from \$400,000 to \$485,000, and amend the fee schedule to reflect current labor rates.
- (c) Approve a first amendment to an agreement with Siemens Industry, Inc. for consultant services for the TiMC system software design and implementation to extend the term of the agreement from December 30, 2013 to December 31, 2015, and increase the total compensation from \$997,700 to \$1,042,917, and amend the fee schedule to reflect current labor rates.

CEQA: Exempt, File No. PP09-108. (Public Works/Transportation)

**Approved.**

### 2.40 Vehicle Registration Fee Grant Agreement with Santa Clara Valley Transportation Authority.

**Recommendation:**

- (a) Approve a Vehicle Registration Fee (VRF) grant agreement with the Santa Clara Valley Transportation Authority (VTA) in an amount not to exceed \$621,000 to complete traffic signal communication repair and retiming projects throughout the city.

**Approved.**

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

---

### 2.40 Vehicle Registration Fee Grant Agreement with Santa Clara Valley Transportation Authority. (Cont'd.)

**Recommendation:**

- (b) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Excise Tax Fund:
- (1) Increase to the Earned Revenue estimate in the amount of \$494,000;
  - (2) Establish an appropriation in the Department of Transportation for: ITS Monitoring and Maintenance - VRF in the amount of \$50,000.
  - (3) Establish an appropriation in the Department of Transportation for Signal Retiming - VRF in the amount of \$444,000.

CEQA: Exempt, File Nos. PP10-158 and PP10-113. (Transportation/City Manager's Office)

**Ordinance No. 29273 adopted.**

**Resolution No. 76710 adopted.**

### 2.41 Agreement with Autumn Terrace at College Owner's Association for Story Road Landfill.

**Recommendation:** Adopt a resolution:

- (a) Approving a Donation Agreement between the City and Autumn Terrace at College Owner's Association ("Autumn Terrace HOA") for the granting of easement rights to the City across property owned by the Autumn Terrace HOA for purposes relating to the installation and maintenance of a monitoring well for Story Road Landfill.
- (b) Authorizing the City Manager or her designee to execute the donation agreement, the easement deed, and all other documents necessary to complete the transaction.

CEQA: Exempt, File No. PP13-041. Council District 3. (Economic Development)

**Resolution No. 76711 adopted.**

### 2.42 Actions Related to the San Fernando Street Enhanced Bikeway and Pedestrian Access Project.

**Recommendation:**

- (a) Reject all bids received on March 7, 2013, for 6656-San Fernando Street Enhanced Bikeway and Pedestrian Access (Between Cahill Street and Tenth Street) Federal Project No. STPL-5005(105).  
**All Bids Rejected.**
- (b) Report on bids and award the contract for the Rebid: 6656-San Fernando Street Enhanced Bikeway and Pedestrian Access (Between Cahill Street and Tenth Street), Federal Project No. STPL-5005(105) to the low bidder, American Asphalt Repair and Resurfacing Company Inc., for the base bid and Add Alternate Nos. 1 and 2 in the amount of \$1,638,859, and approval of a ten percent contingency in the amount of \$163,885.

**Approved.**

## **2. CONSENT CALENDAR**

---

### **2.42 Actions Related to the San Fernando Street Enhanced Bikeway and Pedestrian Access Project. (Cont'd.)**

**Recommendation:**

- (c) Adopt the following 2013-2014 Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:
- (1) Establish an appropriation to the Department of Transportation for San Fernando Street Enhanced Bikeway and Pedestrian Access in the amount of \$397,000.
  - (2) Decrease the Ending Fund Balance in the amount of \$397,000.

CEQA: Exempt, File No. PP10-124. Council District 3. (Public Works/Transportation/City Manager's Office)

**Ordinance No. 29274 adopted.**

### **2.43 Actions Related to the California Identification System.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute actions associated with the California Identification Program:

- (a) Negotiate and execute the agreement with Santa Clara County to provide Local Law Enforcement Agency access to the California Identification System.
- (b) Negotiate and execute the associated Agreement for Transfer of Program Assets from the City of San José to the County of Santa Clara.

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

**Resolution No. 76712 adopted.**

### **2.44 Agreement with Renne Sloan Holtzman and Sakai for Consulting Services Relating to Labor Relations.**

**Recommendation:** Adopt a resolution authorizing the City Manager to execute a second amendment to the Agreement with Renne Sloan Holtzman & Sakai, LLP for labor consulting services in connection with labor matters, increasing the contract amount by \$650,000 to a total amount not to exceed \$1,300,000. CEQA: Not a Project, File No. PP10-069(e), Services that involve no physical change to the environment. (City Manager's Office)

**Renumbered from Item 3.6.**

**Resolution No. 76713 adopted.**

**Noes: Campos, Chu, Kalra.**

### **2.45 Hiring Incentive Referral Pilot Program for City Employees.**

**Recommendation:** Adopt a resolution to establish a Hiring Incentive Referral Pilot Program for employees, effective July 1, 2013. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (Human Resources)

**Renumbered from Item 3.12.**

**Resolution No. 76714 adopted.**

## 2. CONSENT CALENDAR

---

### 2.46 Actions Related to the Fleet Management Services.

**Recommendation:** Accept the report on a pilot program for fleet management services and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Enterprise Fleet Management Services to lease and service 20 vehicles for a five-year term, with maximum compensation not to exceed \$654,300.
  - (b) Negotiate and execute an agreement with ARI to service City owned vehicles, for a three-year term, not to exceed \$150,000.
  - (c) Approve a contingency of \$75,000 for unforeseen repairs and expenses.
- CEQA: Not a Project, File No. PP10-066(a), Purchase of Supplies, Equipment & Professional Services with no changes in the physical environment. (Public Works/Finance)

**Renumbered from Item 3.13.**

**Report Accepted.**

**Resolution No. 76715 adopted.**

### 2.47 Actions Related to the Arena Naming Rights.

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to enter into an agreement to terminate the current naming rights agreement for the San José Arena among HP, San José Arena Management and the City of San José (i) at no additional cost to the City, and (ii) subject to SJAM and the City immediately entering into a subsequent naming rights agreement for the same or greater terms and naming rights fee.

**Resolution No. 76716 adopted.**

- (b) Approve a five-year Naming Rights Agreement by and between SAP Global Marketing, Inc., San José Arena Management, LLC and the City of San José for the naming of the San José Arena to SAP Center at San José for an annual payment to the City of \$1,625,000, with total revenues to the City for a total amount of \$8,175,000 over five years.

CEQA: Resolution No. 72767, Downtown Strategy EIR. (Economic Development)

**Renumbered from Item 4.2.**

**Approved.**

## 2. CONSENT CALENDAR

---

### 2.48 Actions Related to the Proposed Air Service Incentive Program Revisions.

**Recommendation:**

- (a) Adopt a resolution revising the airline fee-waiver incentive program to support the development of new air service at the Norman Y. Mineta San José International Airport by eliminating the 90-day allowance for flight replacement, giving the Director of Aviation the authority to suspend the Minimum Qualifying Period in circumstances beyond the control of the airlines, prohibiting an airline from qualifying for the promotional fee waiver more than one time during the incentive period, and repealing Resolution No. 75185.

**Resolution No. 76717 adopted.**

- (b) Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the Marketing Reimbursement Agreement between the City of San José and All Nippon Airways to increase the City's contribution to an Airport/Airline collaborative marketing program to promote ANA's new Tokyo service at the Airport by \$102,722.54, for a total City contribution of \$352,722.54.

**Resolution No. 76718 adopted.**

- (c) Adopt a resolution revising the Focus City Promotional Fee Waiver Incentive Program by eliminating the 90-day allowance for flight replacement, and repealing Resolution No. 75186.

CEQA: Resolution Nos. 67380 and 71451, File No. PP09-192. (Airport)

**Renumbered from Item 6.1.**

**Resolution No. 76719 adopted.**

### 2.49 Council Member Campos' Travel to Chicago, IL.

**Recommendation:** Approve travel by Council Member Campos to Chicago, IL on June 26-30, 2013 to attend the National Association of Latino Elected Officials (NALEO) conference. Source of Funds: District 5 Funds. (Campos)

**Approved.**

### 2.50 Council Member Campos' Travel to Monterey, CA.

**Recommendation:** Approve travel by Council Member Campos to Monterey, CA on July 10-12, 2013 to attend the League of California Cities Latino Caucus Mid-Year Board Retreat. Source of Funds: District 5 Funds. (Campos)

**Approved.**

## 2. CONSENT CALENDAR

---

### 2.51 Council Member Herrera's Travel to Sacramento, CA.

**Recommendation:** Approve travel by Council Member Herrera to Sacramento, CA on June 13-14, 2013 to attend the California League of Cities Transportation, Communication, and Public Works Committee Meeting as Vice Chair. Source of Funds: Mayor/Council Travel Fund. (Herrera)

**Approved.**

### 2.52 Council Member Herrera's Travel to Sacramento, CA.

**Recommendation:** Approve travel by Council Member Herrera to Sacramento, CA on September 18-20, 2013 to attend the California League of Cities Transportation, Communication, and Public Works Committee Meeting as Vice Chair and Women's Caucus. Source of Funds: Mayor/Council Travel Fund. (Herrera)

**Approved.**

### 2.53 Actions Related to the Federal Emergency Management Agency 2012 Assistance to Firefighters Grant Program.

**Recommendation:**

(a) Adopt a resolution authorizing the City Manager to accept the FEMA 2012 AFG Program award of \$382,476 for replacement of Fire Department hose inventory.

**Resolution No. 76720 adopted.**

(b) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Services:

(1) Establish the Hose Replacement – 2012 AFG Grant project in the amount of \$382,476.

(2) Increase the estimate for Earned Revenue by \$382,476.

CEQA: Not a Project, File No. PP10-066(c), Contract Award for purchase of supplies and equipment. (Fire/City Manager's Office)

**Ordinance No. 29275 adopted.**

**Resolution No. 76721 adopted.**

## 2. CONSENT CALENDAR

---

### 2.54 Actions Related to the San José Environmental Innovation Center Project.

**Recommendation:** Adopt a resolution authorizing the Director of Public Works to do the following with regard to the San José Environmental Innovation Center project:

- (a) To terminate the construction agreement with Applegate Johnston, Inc., in whole or in part, if the Director determines that the contractor's pace of progress continues to be inadequate to complete the project by December 31, 2013, or the contractor otherwise fails to perform in accordance with the terms of the construction contract.
- (b) In the event the Director terminates the construction agreement with Applegate Johnston, to develop and execute one or more appropriate construction contracts to complete the project by December 31, 2013, procured consistent with applicable requirements, and in an aggregate amount not to exceed the current appropriation for the project.
- (c) To negotiate and execute consultant agreements, including an agreement for a construction manager, as needed to complete the project in an aggregate amount not to exceed the current appropriation for the project.

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

**Resolution No. 76722 adopted.**

### 2.55 Appointments to Boards, Commissions, and Committees.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 12, 2013, approve appointments to the Airport Commission, Arts Commission, Council Appointment Advisory Commission, Downtown Parking Board, Historic Landmarks Commission, Library and Early Education Commission, Parks and Recreation Commission, Senior Citizens Commission, and Youth Commission as detailed in the Staff Memorandum. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities (City Clerk)

**Approved.**

### 2.56 Canadian Independence Day Flag Raising.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 12, 2013:

- (a) Approve the Canadian Independence Day Flag Raising as a City Council sponsored Special Event.
- (b) Approve expending funds and accept donations from various individuals, businesses, and community groups to support the event.

CEQA: Not a Project. (Kalra)

**Approved.**

## 2. CONSENT CALENDAR

---

### 2.57 Indian Independence Day Flag Raising.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 12, 2013:

- (a) Approve the Indian Independence Day Flag Raising as a City Council sponsored Special Event.
- (b) Approve expending funds and accept donations from various individuals, businesses, and community groups to support the event.

CEQA: Not a Project. (Kalra)

**Approved.**

### 2.58 District 6 Summer Walking.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 12, 2013:

- (a) Approve the District 6 Summer Walking as a City Council sponsored Special Event.
- (b) Approve expending funds and accept donations from various individuals, businesses, and community groups to support the event.

CEQA: Not a Project. (Oliverio)

**Approved.**

### 2.59 Everyone for Heart Event.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 12, 2013:

- (a) Approve the Everyone for Heart Event as a City Council sponsored Special Event.
- (b) Approve expending funds and accept donations from various individuals, businesses, and community groups to support the event.

CEQA: Not a Project. (Campos)

**Approved.**

### 2.60 Puerto Rico Flag Raising.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 12, 2013:

- (a) Approve the Puerto Rico Flag Raising as a City Council sponsored Special Event.
- (b) Approve expending funds and accept donations from various individuals, businesses, and community groups to support the event.

CEQA: Not a Project. (Campos)

**Approved.**



## 2. CONSENT CALENDAR

---

**2.61 AB 616 (Bocanegra) Local Public Employee Organizations: Dispute: Factfinding Panel.**

**Recommendation:** As recommended by the Rules and Open Government Committee on June 12, 2013, approve an oppose position for AB 616 (Bocanegra) Local Public Employee Organizations: Dispute: Factfinding Panel. (City Manager's Office)

**Oppose Position Adopted.**

**2.62 AB 537 (Bonta) Meyers-Milias-Brown Act, Impasse Procedures.**

**Recommendation:** As recommended by the Rules and Open Government Committee on June 12, 2013, approve an oppose position for AB 537 (Bonta) Meyers-Milias-Brown Act, Impasse Procedures. (City Manager's Office)

**Oppose Position Adopted.**

**2.63 AB 466 (Quirk) Federal Transportation Funds.**

**Recommendation:** As recommended by the Rules and Open Government Committee on June 12, 2013, approve a support position for AB 466 (Quirk) Federal Transportation Funds. (Transportation)

**Support Position Adopted.**

**2.64 Retiree Communication Policy.**

**Recommendation:** As recommended by the Rules and Open Government Committee on June 12, 2013, adopt a resolution establishing a new City Council Policy entitled, "Retiree Communication Policy." (City Manager's Office)

**Resolution No. 76723 adopted.**

**2.65 Salary for Council Appointees.**

**Recommendation:** As recommended by the Rules and Open Government Committee on June 12, 2013, adopt a resolution amending the City of San José Pay Plan to provide general salary increases of 2% effective June 23, 2013 for the City Manager and City Attorney. (Mayor)

**Resolution No. 76724 adopted.**

## 3. STRATEGIC SUPPORT SERVICES

---

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

**City Manager Debra Figone commended Fire Chief William L. McDonald for his years of service, with congratulations on his future endeavors. City Manager Debra Figone announced that Deputy Fire Chief Ruben Torres will be appointed as Acting Fire Chief upon Chief McDonald's departure later this summer.**

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.2 Labor Negotiations Update

**Recommendation:** Accept Labor Negotiations Update.

**Heard at 9:00 a.m.**

**Accepted.**

*Items 9.1, 3.3, 3.4, 3.5, and 3.10 heard immediately following the Ceremonial Items.*

#### 3.3 Approval of Various Budget Actions for Fiscal Year 2012-2013.

**Recommendation:** Adopt 2012-2013 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Funds attachments to the Staff memorandum. CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager's Office)

**Ordinance No. 29270 adopted.**

**Resolution No. 76674 adopted.**

#### 3.4 Actions Related to the Sewer Service and Use Charges and Storm Sewer Service Charges Rates.

**Recommendation:**

- (a) Adopt a resolution setting the following Sewer Service and Use Charge rates for 2013-2014:

<u>Category</u>	<u>2013-2014 Monthly Rates</u>
Single-Family Residential	\$33.83
Multi-Family Residential	\$19.35 per unit
Mobile Home	\$19.39 per unit
Non-Monitored Commercial and Industrial	See Attachment A
Monitored Industrial	See Attachment A

**Resolution No. 76675 adopted.**

- (b) Adopt a resolution setting the following Storm Sewer Service Charge rates for 2013-2014:

<u>Category</u>	<u>2013-2014 Monthly Rates</u>
Single-Family Residential and Duplex	\$7.87
Mobile Home	\$3.94 per unit
Residential Condominium	\$4.30 per unit
Large Multi-Family Residential (5 or more units)	\$4.30 per unit
Small Multi-Family Residential (3-4 units)	\$14.95
Commercial, Institutional and Industrial	See Attachment B

CEQA: Not a Project, File No. PP10-067(a), Increases or Adjustments to Fees, Rates and Fares. (Environmental Services)

**Resolution No. 76676 adopted.**

### **3. STRATEGIC SUPPORT SERVICES**

---

#### **3.5 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2013-2014 Budget, and Resolution Establishing the Fiscal Year 2013-2014 Appropriation Limit.**

**Recommendation:**

- (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2013-2014 and the Manager's Final Budget Addendum.

**Ordinance No. 29271 adopted.**

- (b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2013-2014 and the Manager's Final Budget Addendum.

**Resolution No. 76677 adopted.**

- (c) Adopt a resolution taking the following actions with respect to the City's 2013-2014 "Gann Limit":

- (1) Elect the per capita income index as the inflation factor for 2013-2014 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor.
- (2) Elect the County population growth index as the population factor for 2013-2014.
- (3) Establish the Fiscal Year 2013-2014 Appropriation Limit at \$922,831,397 in compliance with Article XIII B of the State Constitution.

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

**Resolution No. 76678 adopted.**

#### **3.6 Agreement with Renne Sloan Holtzman and Sakai for Consulting Services Relating to Labor Relations.**

**Recommendation:** Adopt a resolution authorizing the City Manager to execute a second amendment to the Agreement with Renne Sloan Holtzman & Sakai, LLP for labor consulting services in connection with labor matters, increasing the contract amount by \$650,000 to a total amount not to exceed \$1,300,000. CEQA: Not a Project, File No. PP10-069(e), Services that involve no physical change to the environment. (City Manager's Office)

**Renumbered to Item 2.44. See Item 2.44 for action.**

#### **3.7 Compensation and Benefit Changes for Executive Management and Professional Employees in Unit 99, Other Unrepresented Employees (Units 81/82).**

**Recommendation:** Adopt a resolution approving compensation and benefit changes for executive management and professional employees in Unit 99 and other unrepresented employees (Units 81/82), effective June 23, 2013, including the addition of the recommendation on sick leave payout and vacation accruals as described in the supplemental staff memorandum. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

**Resolution No. 76725 adopted.**

### **3. STRATEGIC SUPPORT SERVICES**

---

#### **3.8 Terms of an Agreement with the Association of Legal Professionals of San José.**

**Recommendation:** Adopt a resolution approving the terms of an agreement with the Association of Legal Professionals of San José (ALP) for a term from July 1, 2012 to June 30, 2013. The agreement is subject to ratification by ALP membership. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

**Resolution No. 76726 adopted.**

#### **3.9 2013-2014 County Assessment Roll for Sewer Service and Use Charges and Storm Sewer Service.**

**Recommendation:** Adopt a resolution:

- (a) Setting a Public Hearing on Tuesday, August 13, 2013, at 1:30 p.m. for 2013-2014 Sewer Service and Use Charges and Storm Sewer Service Charges based on annual reports of the Director of Finance and direct the City Clerk to publish notice of the time and place of the hearing;
- (b) Allowing the Director of Finance to file, with the City Clerk, the 2013-2014 Sewer Service and Use Charges and Storm Sewer Service Charges on or before July 15, 2013.

CEQA: Not a Project, File No. PP10-067(a), Adjustment to fees, rates, and fares. (Finance)

**Resolution No. 76727 adopted.**

#### **3.10 Actions Related to the 2013 Tax and Revenue Anticipation Note.**

**Recommendation:**

- (a) Adopt a resolution:
  - (1) Authorizing the issuance and sale of the City of San José 2013 Tax and Revenue Anticipation Note (the "2013 Note") in the not to exceed principal amount of \$100,000,000 to be sold through a private placement;
  - (2) Approving, in substantially final form, the Note Purchase Agreement and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreement and other related documents, as necessary, in connection with the issuance of the 2013 Note and authorizing other related actions in connection therewith.

**Resolution No. 76679 adopted.**

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for 2013-2014:

- (1) Increase the estimate for Other Revenue in the amount of \$100,000,000;
- (2) Increase the City-Wide expenses to the Finance Department for TRANs Debt Service by the amount of \$100,000,000.

CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Finance/City Manager's Office)

**Ordinance No. 29272 adopted.**

**Resolution No. 76680 adopted.**

### **3. STRATEGIC SUPPORT SERVICES**

---

#### **3.11 Ordinances Amending the Municipal Code Relating to Administration of Surplus Property and Fire Hydrant Procurement and Installation Process.**

**Recommendation:**

- (a) Approve an ordinance amending Section 4.16.020 of Chapter 4.16 of Title 4 of the San José Municipal Code to designate the Director of Public Works or such other director designated by the City Manager to administer the disposition of unclaimed and surplus property.
- (b) Approve an ordinance amending Section 15.08.820 of Chapter 15.08 of Title 15 of the San José Municipal Code to specify that private developers are to obtain fire hydrants by following the City of San José Fire Hydrant Specifications and Order Information instructions outlined in the Public Works Department Fire Hydrant Procurement and Installation Process for Private Development Projects and amending Section 19.32.070 of Chapter 19.32 of Title 19 of the San José Municipal Code related to the installation of fire hydrants by private developers to make clarifying changes.
- (c) Adopt the following 2012-2013 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
  - (1) Decrease the Estimate for Other Revenue in the amount of \$65,000;
  - (2) Eliminate the city-wide appropriation to the Finance Department for Fire Hydrant Sales in the amount of \$65,000.

CEQA: Not a Project, File No. PP 10-066(e), Services that involve no physical changes to the environment. (Finance/City Manager's Office)

**Deferred to August 13, 2013 per Administration.**

#### **3.12 Hiring Incentive Referral Pilot Program for City Employees.**

**Recommendation:** Adopt a resolution to establish a Hiring Incentive Referral Pilot Program for employees, effective July 1, 2013. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (Human Resources)

**Renumbered to Item 2.45. See Item 2.45 for action.**

#### **3.13 Actions Related to the Fleet Management Services.**

**Recommendation:** Accept the report on a pilot program for fleet management services and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Enterprise Fleet Management Services to lease and service 20 vehicles for a five-year term, with maximum compensation not to exceed \$654,300.
- (b) Negotiate and execute an agreement with ARI to service City owned vehicles, for a three-year term, not to exceed \$150,000.
- (c) Approve a contingency of \$75,000 for unforeseen repairs and expenses.

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

**Renumbered to Item 2.46. See Item 2.46 for action.**

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.14 Implementation of Changes to Retiree Healthcare and Four-Tier Insurance Premium Rates for the Bargaining Units Representing Employees in the Federated City Employees' Retirement System and Modifications for Employees in Unit 99.

**Recommendation:** Adopt a resolution to provide as follows:

- (a) Approve the terms of agreements (attached) with the bargaining units listed below and authorizing the City Manager to execute the agreements effective June 23, 2013, pending ratification by their memberships:
  - (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI)
  - (2) Association of Engineers and Architects, IFPTE Local 21 (AEA Units 41/42 and 43)
  - (3) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP)
  - (4) City Association of Management Personnel, IFPTE Local 21 (CAMP)
  - (5) International Brotherhood of Electrical Workers, Local No. 332 (IBEW)
  - (6) Municipal Employees' Federation, AFSCME Local 101 (MEF)
  - (7) Confidential Employees' Organization, AFSCME Local 101 (CEO)
  - (8) International Union of Operating Engineers, Local 3 (OE#3)
  - (9) Association of Legal Professionals (ALP)
- (b) Modify the retiree healthcare funding for Executive Management and Professional Employees (Unit 99) approved by the City Council on June 4, 2013, to be consistent with the provisions contained herein, specifically regarding the time period of extending the phase-in and the paying of the unfunded liability new employees in Tier 2 would otherwise have paid.
- (c) Direct the Administration to bring forward a recommendation for establishing a Retiree Healthcare Reserve in the General Fund as part of the 2012-2013 Annual Report for the one-time savings generated from the recommendations related to the changes to the retiree healthcare funding provisions for employees in the Federated City Employees' Retirement System for 2013-2014.

CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

**Resolution No. 76728 adopted.**

**Abstain: Constant.**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

#### 4.1 Temporary Closure of Wool Creek Drive.

**Recommendation:**

- (a) Conduct a public hearing on the proposed temporary closure of a portion of Wool Creek Drive east of Will Wool Drive to all vehicle and pedestrian traffic.

**The Public Hearing was held.**

*(Item continued on the next page)*

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

---

### **4.1 Temporary Closure of Wool Creek Drive. (Cont'd.)**

**Recommendation:**

- (b) Adopt a resolution to temporarily close a portion of the Wool Creek Drive east of Will Wool Drive to all vehicle and pedestrian traffic to allow Franklin McKinley School District to install and maintain additional security measures for the campus of George Shirakawa Elementary School.

CEQA: Exempt, File No. PP13-053. Council District 7. (Economic Development)

**Resolution No. 76729 adopted.**

### **4.2 Actions Related to the Arena Naming Rights.**

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to enter into an agreement to terminate the current naming rights agreement for the San José Arena among HP, San José Arena Management and the City of San José i) at no additional cost to the City, and ii) subject to SJAM and the City immediately entering into a subsequent naming rights agreement for the same or greater terms and naming rights fee.
- (b) Approve a five-year Naming Rights Agreement by and between SAP Global Marketing, Inc., San José Arena Management, LLC and the City of San José for the naming of the San José Arena to SAP Center at San José for an annual payment to the City of \$1,625,000, with total revenues to the City for a total amount of \$8,175,000 over five years.

CEQA: Downtown Strategy EIR, Resolution No. 72767. (Economic Development)

**Renumbered to Item 2.47. See Item 2.47 for action.**

### **4.3 Public Hearings on Business Improvement District Reports for FY 2013-2014.**

**Recommendation:**

- (a) Conduct public hearing and adopt a resolution approving the Hotel Business Improvement District budget report for Fiscal Year 2013-14, as filed or as modified by the Council, and to levy the Hotel BID assessments for 2013-2014. CEQA: Exempt, File No. PP08-048. Council District 3. (Economic Development)

**The Public Hearings were held.**

**Resolution No. 76730 adopted.**

- (b) Conduct public hearing and adopt a resolution approving the Japantown Business Improvement District budget report for Fiscal Year 2013-14, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2013-2014. CEQA: Exempt, File No. PP08-048. Council District 3. (Economic Development)

**Resolution No. 76731 adopted.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.3 Public Hearings on Business Improvement District Reports for FY 2013-2014. (Cont'd.)

**Recommendation:**

- (c) Conduct public hearing and adopt a resolution approving the Downtown Business Improvement District budget report for Fiscal Year 2013-14, as filed or as modified by the Council, and to levy the Downtown BID increased assessments for 2013-2014. CEQA: Exempt, File No. PP08-048. Council District 3. (Economic Development)

**Resolution No. 76732 adopted.**

### 4.4 Actions Related to Donner Lofts Apartments Project.

**Recommendation:**

- (a) Adopt a resolution:
- (1) Authorizing the Director of Housing to:
    - (a) Execute a Purchase and Sale Agreement with MidPen Housing Corporation or its affiliated development entity ("MidPen") for the Donner Lofts Property located at 156 E. St. John Street in an amount of up to \$2,300,000 funds from proceeds of the County Children's Shelter settlement agreement, negotiate and execute a right of entry for MidPen, and to accept a grant deed for the Property.
    - (b) Negotiate and execute an Option Agreement granting MidPen an option to obtain a long-term ground lease of the property for the Project.
    - (c) Reserve the 31 currently unrestricted units as destination units for transferring Community Redevelopment Law affordability restrictions on certain vacant units located at the following sites— 96 South 10th Street, 1072 & 1082 Vermont Street, and 1759 Hester Street—and record equivalent restrictions on the Property at or after the closing of construction financing.
  - (2) Authorizing use of predevelopment funds approved by Council in August 2012, for site security costs during the option period and demolition of the existing fire-damaged building on the Property and other existing improvements.

**Resolution No. 76733 adopted.**

- (b) Adopt the following Appropriation Ordinance amendments in the Multi-Source Housing Fund for Fiscal Year 2012-2013, subject to City Council approval of the budget actions in Item 3.3 (Approval of Various Budget Actions for Fiscal Year 2012-2013) associated with the Multi-Source Housing Fund:
- (1) Establish an appropriation to the Housing Department for Housing Loans and Grants in the amount of \$2,300,000.
  - (2) Decrease the Ending Fund Balance by \$2,300,000.

CEQA: Downtown Strategy EIR, Resolution No. 72767, and addendum thereto, File No. H09-004. (Housing/City Manager's Office)

**Ordinance No. 29276 adopted.**



## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.5 Reorganization of Territory Designated as Snell No. 30 from the County into the City of San José.

**Recommendation:** Adopt a resolution ordering the reorganization of territory designated as Snell No. 30, which involves the annexation to the City of San José of approximately 258.94 gross acres of land generally surrounded by Branham Lane to the north, Barron Park Drive to the west, Chynoweth Avenue to the south, and Snell Avenue to the east, and the detachment of the same from the appropriate special districts including Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Envision San José 2040 General Plan Final EIR, Resolution No. 76041. Council District 10. (Planning, Building and Code Enforcement)

**Resolution No. 76734 adopted.**

## 5. NEIGHBORHOOD SERVICES

---

### 5.1 Neighborhoods Commission Pilot.

**Recommendation:**

- (a) Accept the Recommendations Report from the Neighborhoods Commission.  
**Accepted.**  
**Noes: Chu, Khamis, Oliverio.**
  
- (b) Direct staff regarding the future of the Neighborhoods Commission to either:
  - (1) End the Pilot without the creation of a permanent commission;
  - (2) Establish a permanent commission based directly on the Recommendations Report from the Neighborhoods Commission; or
  - (3) Establish a permanent commission based on one of the suggested policy alternatives as set forth in the Staff memorandum.

CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (City Manager's Office)

**Heard in the Evening.**

**The memorandum from Mayor Reed and Council Member Herrera, dated June 14, 2013, was approved, accepting the Staff recommendations with the following direction:**

- (1) **Commission Implementation: Return to Council with an ordinance for a permanent Neighborhoods Commission. The Neighborhoods Commission Work Plan and Annual Accomplishments Reports will be presented to the Rules and Open Government Committee for review and approval. Neighborhoods Commission Work Plan will focus on neighborhood quality of life with particular emphasis on neighborhood safety (example: residential burglaries), transportation (example: traffic calming) and budget.**

*(Action continued on the next page)*

## 5. NEIGHBORHOOD SERVICES

---

### 5.1 Neighborhoods Commission Pilot. (Action Cont'd.)

- (2) **Commission Membership and Selection:** Twenty member neighborhoods commission selecting two commissioners from each district through 10 district caucus processes of select neighborhood leaders to be held on a rotating schedule of five districts per election cycle. In case of a vacancy during a non election period, a Council appointment will be made to fill the vacancy until the next election cycle.
- (3) **Commission Transition Period:** Neighborhoods Commission becomes a permanent City of San José Advisory Group effective *August or end of September 2013*. The Commission will meet ten times a year with a committee structure. The pilot commission would continue to serve to support the caucus process until new members are selected during staggered caucuses in 2014 and 2016.
- (4) **Commission Membership Terms:** Follow the existing Council Policy for four year terms.

The memorandum from Council Member Rocha, dated June 17, 2013, was approved, as amended:

- (1) **Scope:** Include Code Enforcement in the scope of work, as well as any other neighborhood quality of life issues referred to the Commission by the Council.
- (2) **Commission Implementation:** Limit committee structure to the Executive Committee, with all other work being accomplished through ad-hoc committees.
- (3) **Commission Member Terms:** Adopt current Council policy of four year terms, two term limits; participation in the Pilot Program should count as one term of service.

Noes: Chu, Khamis, Oliverio.

### 5.2 2013-2014 Agreements for Parks, Recreation and Neighborhood Services.

**Recommendation:** Adopt a resolution authorizing the following, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager:

- (a) Authorize the City Manager to negotiate and execute all agreements, amendments and extensions for the Department of Parks, Recreation and Neighborhood Services (PRNS) identified in the "Compensation Paid by the City of San José" consistent with the 2013-2014 Budget;
- (b) Authorize the City Manager to negotiate and execute agreements and amendments to accept grant funds identified in the "Compensation Paid to the City of San José";
- (c) Authorize the City Manager to negotiate and execute a master agreement, amendments, and/or extensions related to Mitigation and Monitoring Consulting Services with H.T. Harvey and Associates. The total amount of the master agreement may not exceed \$2,000,000 over 10 years;
  - (1) Approval is also requested to authorize the PRNS Director to negotiate and execute related annual service orders not to exceed amount consistent with the annual Adopted Budget.

*(Item continued on the next page)*

## 5. NEIGHBORHOOD SERVICES

---

### 5.2 2013-2014 Agreements for Parks, Recreation and Neighborhood Services. (Cont'd.)

**Recommendation:**

- (d) Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2013-2014 Revenue agreements and amendments with potential sponsors, grantors, and contributors that require no matching City funds;
- (e) Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2013-2014 agreements and amendments as identified in "Delegation on Contract Authority to PRNS Director" consistent with Adopted Budget amounts for the following City programs:
  - (1) Bringing Everyone's Strengths Together (BEST).
  - (2) Community Center Reuse (Reuse).
  - (3) Evaluation Consultant Agreements to assess PRNS programs/services.
  - (4) Leisure Class Vendor Agreements.
  - (5) Mayor's Gang Prevention Task Force (MGPTF) Grant Revenue and related sub-contractor Agreements where applicable.
  - (6) Mayor's Gang Prevention Task Force Memorandums of Understanding (MGPTF MOU).
  - (7) Safe Summer Initiative Grant (SSIG).
  - (8) Santa Clara County Health Authority dba Santa Clara Family Health Plan for the Children's Health Initiative.
  - (9) School-Aged Recreation Programs including.
    - (a) Recreation of City Kids (ROCK)
    - (b) After School Education and Safety (ASES)
    - (c) Camp San José
    - (d) Sports leagues for Teens
  - (10) Senior Education and Outreach Grant.
  - (11) Senior Health and Wellness Grant.

CEQA: As referenced in the staff memorandum. (Parks, Recreation & Neighborhood Services)  
**Resolution No. 76735 adopted.**

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.1 Actions Related to the Proposed Air Service Incentive Program Revisions.

**Recommendation:**

- (a) Adopt a resolution revising the airline fee-waiver incentive program to support the development of new air service at the Norman Y. Mineta San José International Airport by eliminating the 90-day allowance for flight replacement, giving the Director of Aviation the authority to suspend the Minimum Qualifying Period in circumstances beyond the control of the airlines, prohibiting an airline from qualifying for the promotional fee waiver more than one time during the incentive period, and repealing Resolution No. 75185.

## **6. TRANSPORTATION & AVIATION SERVICES**

---

### **6.1 Actions Related to the Proposed Air Service Incentive Program Revisions. (Cont'd.)**

**Recommendation:**

- (b) Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the Marketing Reimbursement Agreement between the City of San José and All Nippon Airways to increase the City's contribution to an Airport/Airline collaborative marketing program to promote ANA's new Tokyo service at the Airport by \$102,722.54, for a total City contribution of \$352,722.54.
- (c) Adopt a resolution revising the Focus City Promotional Fee Waiver Incentive Program by eliminating the 90-day allowance for flight replacement, and repealing Resolution No. 75186.

CEQA: Resolution Nos. 67380 and 71451, File No. PP09-192. (Airport)

**Renumbered to Item 2.48. See Item 2.48 for action.**

### **6.2 Actions Related to Pavement Maintenance Projects.**

**Recommendation:**

- (a) Adopt a resolution relating to the award of two pavement maintenance construction contracts that:
  - (1) Authorizes the Director of Public Works to determine the lowest responsive and responsible bidder, and to award the construction contract for the 2013 Slurry Seal Project to slurry seal approximately 24 miles of arterial streets at various locations at an estimated cost of approximately \$1,226,000, in an amount not to exceed the funds appropriated for the project, and/or to reject all bids and re-bid the project.
  - (2) Authorizes the Director of Public Works to determine the lowest responsive and responsible bidder, and to award the construction contract for the 2013 Resurfacing Project to resurface approximately five miles of streets at various locations at a cost of approximately \$3,945,650, in an amount not to exceed the funds appropriated for the project, and/or to reject all bids and re-bid the project.
  - (3) Authorizes the Director of Public Works to decide any timely bid protests, including issues of bidder responsiveness or responsibility, for both of the above construction contracts.

**Resolution No. 76736 adopted.**

- (b) Approve a contingency equal to five percent of the base contract award amount for each of the construction contracts.

CEQA: Exempt, File No. PP11-035. (Transportation)

**Approved.**

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.3 Grant Applications for One Bay Area and Vehicle Emissions Reductions Based at Schools.

**Recommendation:** Adopt a resolution authorizing the City Manager or designee to:

- (a) Submit the following grant applications in the amounts specified, to the Metropolitan Transportation Commission (MTC) for Surface Transportation Program and Congestion Mitigation and Air Quality (CMAQ) funds:
  - (1) OBAG - Road Rehabilitation and Complete Streets "Guarantee" Program:
    - (a) \$11,531,000 for the San José Pavement Maintenance Program with a local match of \$1,572,000.
    - (b) \$1,150,000 for the San José Bikeways Program with a local match of \$157,000.
    - (c) \$1,150,000 for the San José Safe Routes to School Program with a local match of \$157,000.
    - (d) \$1,150,000 for the San José Smart Intersections Program with a local match of \$157,000.
  - (2) OBAG - Complete Streets Competitive Program:
    - (a) \$2,000,000 for the East San José Bike/Pedestrian Transit Connection with a local match of \$532,000.
    - (b) \$1,185,000 for the St. John Complete Streets Corridor-HP Pavilion to St. James Light Rail with a local match of \$339,000.
    - (c) \$3,500,000 for The Alameda "Beautiful Way" Grand Boulevard Phase 2 with a local match of \$930,000.
    - (d) \$1,500,000 for the Almaden/Vine Livable Streets Couplet Conversion with a local match of \$315,000.
    - (e) \$1,500,000 for the Jackson Complete Streets Project with a local match of \$399,000.
    - (f) \$3,000,000 for the San José Priority Development Area (PDA) Pedestrian-Oriented Traffic Safety Signals with a local match of \$798,000.
  - (3) VERBS Program:
    - (a) In the amount of \$1,000,000 for the SJ Walk n' Roll Phase II with a local match of \$130,000.
- (b) Commit the City to provide the required local match stated above and to pay for any additional cost to complete each of the projects.
- (c) Make the necessary assurances that each of the projects will be completed in compliance with the submitted applications, MTC's Regional Funding Delivery Policy, and the grant program requirements.

*(Item continued on the next page)*

## **6. TRANSPORTATION & AVIATION SERVICES**

---

### **6.3 Grant Applications for One Bay Area and Vehicle Emissions Reductions Based at Schools. (Cont'd.)**

- (d) Accept grant funding from the MTC for each of the submitted applications and negotiate and execute any documents to accept the grant funds, including the authority to negotiate and execute any documents that increase the amount of the grant award or require an increase of local matching funds, subject to the appropriation of such funds.

CEQA: As referenced in the staff memorandum. (Transportation)

**The memorandum from Council Member Liccardo, dated June 14, 2013, was approved, accepting the Staff recommendations, with Staff directed to return to the Transportation and Environment Committee this Fall with a list of streets adjacent to K-12 schools currently lacking sidewalks, and trail connections that connect to schools. Resolution No. 76737 adopted.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

---

### **7.1 Ordinance Amending the San José/Santa Clara Water Pollution Control Plant Receiving Station Use Permit and Sewer Use Regulations.**

**Recommendation:** Approve an ordinance to amend Parts 1 and 9 of Chapter 9.08 of Title 9 of the San José Municipal Code to update the receiving station use permit regulations; and to amend Parts 2 and 3 of Chapter 15.14 of Title 15 of the San José Municipal Code to add new definitions, modify permitting and reporting requirements for certain industrial dischargers, and make other technical and conforming changes to the sewer use regulations. CEQA: Not a Project, File No. PP10-068(c), Code or policy change with no physical change to the environment. (Environmental Services)

**Ordinance No. 29277 passed for publication.**

## **8. PUBLIC SAFETY SERVICES**

---

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

---

### **9.1 Reimbursement Agreement with the Successor Agency to the Redevelopment Agency.**

**Recommendation:** Approve the Fiscal Year 2012-13 Reimbursement Agreement between the City of San José and the Successor Agency to the Redevelopment Agency of the City of San José for the purpose of establishing enforceable obligations to repay the City for future expenditures made on behalf of the Successor Agency in the amount of \$18,842,000, subject to approval by the Oversight Board. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Finance)

**Approved.**

- **Open Forum**  
**No testimony from the floor.**
  
- **Adjournment**  
**The Council of the City of San José adjourned the afternoon session at 3:11 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS

---

No General Plan Public Hearing at this time.

## 11. PUBLIC HEARINGS

---

### 11.1 Public Hearings on Consent Calendar.

**Recommendation:**

- (a) Consideration of an ordinance rezoning the real property located on the west side of North 2<sup>nd</sup> Street, 150 feet south of East Hedding Street (879 North 2<sup>nd</sup> Street) from the R-M Multi-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District on a 0.16 gross acre site (O'Neill Debra M S, Owner). CEQA: Envision San José 2040 General Plan Final EIR, Resolution No. 76041 C13-014 – District 3

**The memorandum from Council Member Liccardo, dated June 17, 2013, was approved, accepting the Staff recommendations with the following recommendations:**

- (1) **Decline to permit demolition of the home until vetting and approval of plans for development of a new structure on that parcel.**
- (2) **Inform Applicant of the owner's obligation to maintain the home and surrounding landscape per the Municipal Code provisions applicable to vacant homes and prioritize code enforcement for a review of Applicant's performance under the Code within 90 days.**

**Ordinance No. 29278 passed for publication, as amended.**

### 11.2 Administrative Hearing and Consideration of an APPEAL of the Planning Commission's Decision to Deny a Conditional Use Permit to Allow the Off-Sale of Alcohol.

**Recommendation:** Conduct an Administrative Hearing and consider an Appeal of the Planning Commission's decision to deny a Conditional Use Permit to allow off-sale of alcohol for a proposed retail store (AJ's Mini Market) within an existing tenant space on 0.53 gross acre site, in the CP Commercial Pedestrian Zoning District, located on the west side of White Road, approximately 210 feet northerly of Story Road (1075 S White Road) (De La Torre Props LLC, Owner). CEQA: Exempt.

CP12-047 – District 5

**The memorandum from Council Member Campos, dated June 17, 2013, was approved, upholding the Planning Commission's decision.**

**Resolution No. 76739 adopted, denying the appeal.**



## 11. PUBLIC HEARINGS

---

### 11.3 Administrative Hearing and Consideration of an Appeal of the Planning Commission's Decision to Approve a Conditional Use Permit to Allow the Modification of an Existing Church to Include the Addition of a Public School.

#### **Recommendation:**

- (a) Conduct an Administrative Hearing and consider an Appeal of the Planning Commission's decision to approve a Conditional Use Permit to allow the modification of an existing church to include the addition of a public school (K-5), including four new temporary classroom buildings and a restroom building (approximately 6,240 square feet) for up to 450 students and an alternating parking arrangement, on a 2.497 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the south side of Story Road, approximately 850 feet westerly of South White Road (2962 Story Road) (Alum Rock Baptist Church, Owner).

**Resolution No. 76741 adopted, denying the appeal.**

**Noes: Campos.**

**Abstain: Liccardo.**

- (b) If the appeal is denied, (1) adopt a resolution adopting the Mitigated Negative Declaration prepared for the Rocketship Brilliant Minds Project (File No. CP13-002), as having been completed in compliance with the California Environmental Quality Act (CEQA) reflecting the City's independent judgment and analysis, and adopting a mitigation monitoring and reporting program; and (2) approve the Conditional Use Permit as described in part (a), above.

CEQA: Mitigated Negative Declaration, Resolution to be considered for adoption.

CP13-002 – District 5

**CEQA Resolution No. 76742 adopted.**

**Items (1) and (2) of the memorandum from Council Member Rocha, dated June 17, 2013, was approved, with the following to be agendaized to the Council Priority Setting Session in August 2013:**

- (1) **In the interest of promoting thoughtful and informed Council decision-making on school projects, direct Staff to conduct a review of current land use regulations and policies governing school projects and bring forward recommendations for altering existing or establishing new ordinances and policies for the purposes of:**
- (a) **Maintaining the City's land use authority over school projects to the extent possible.**
- (b) **Establishing clear land use policy criteria for evaluating school projects. Staff should have discretion in developing these criteria, but may wish to consider issues such as provision of recreational space, traffic circulation, compatibility with surrounding uses and adequacy of school classroom or other facilities.**

*(Action continued on the next page)*

## 11. PUBLIC HEARINGS

---

**11.3 Administrative Hearing and Consideration of an Appeal of the Planning Commission's Decision to Approve a Conditional Use Permit to Allow the Modification of an Existing Church to Include the Addition of a Public School. (Action Cont'd.)**

- (2) In developing the recommendation described in item (1) above, direct Staff to reach out to the County Office of Education to express the City's interest in establishing reasonable land use regulations for school sites. Staff should coordinate with the County Office in developing these regulations to ensure that the City's land use goals and the County's goal of promoting high quality education can both be met.

Noes: Campos, Kalra, Rocha.

Abstain: Liccardo.

**11.4 Prezoning the Real Property Located on the Southwest Corner of West San Carlos Street and Leigh Avenue.**

**Recommendation:** Consideration of an ordinance prezoning the real property located on the southwest corner of West San Carlos Street and Leigh Avenue from County of Santa Clara to CP-Commercial Pedestrian Zoning District on a 0.31 gross acre site (Andrew and Eleanor Brunetti, Owners). CEQA: Envision San José 2040 General Plan EIR Resolution No. 76041. Related Annexation Burbank No. 42.

C13-010 – District 6

**Ordinance No. 29279 passed for publication.**

**11.5 Administrative Hearing and Consideration of an Appeal of the Planning Director's Decision to Approve a Tentative Map Permit to Combine Two Lots into One for Condominium Purposes.**

**Recommendation:** Conduct an Administrative Hearing and consider an Appeal of the Planning Director's decision to approve a Tentative Map Permit to combine two lots into one for condominium purposes, to allow up to 248 attached residential units and commercial uses in the A(PD) Planned Development Zoning District on a 4.1 gross acre site, in the A(PD) Planned Development Zoning District, located at the southeast corner of Winchester and Stevens Creek Boulevards (388 Santana Row) (Federal Realty Investment Trust Mr. Stuart MacDonald, Owner). CEQA: Use of Mitigated Negative Declaration for File No. PDC12-009.

PT13-002 – District 6

**Resolution No. 76740 adopted, denying the appeal.**

- **Notice of City Engineer's Pending Decision on Final Maps**

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10190	West Saint John Street, Notre Dame Avenue, Almaden Avenue, and Carlisle Street	3	Livingston Block, LLC	1 Lot / 347 Units	MFA/Condo	Approve
10050	South of Mission Street, Between 10 <sup>th</sup> Street and 11 <sup>th</sup> Street	3	Standard Pacific Corp.	66 Lots / 60 Units	30 SFD / 30 MFA	Approve

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10190	West Saint John Street, Notre Dame Avenue, Almaden Avenue, and Carlisle Street	3	Livingston Block, LLC	1 Lot / 347 Units	MFA/Condo
10169	Southeast Corner of Berryessa Road and North Jackson Road	4	Pulte Home Corporation	22 Lots / 66 Units	SFA

## Open Forum

- (1) **Jon Max Reger presented an update on the loss of personnel in the Environmental Services Department.**
- (2) **Mark Trout expressed his own point of view on vaccinations.**

## ● Adjourment

The Council of the City of San José was adjourned at 11:23 p.m. in memory of George Romero who passed away June 8, 2013 and Rene Cordero who passed away on June 9, 2013.

For George Romero, his life's passion was devoted to his family and friends, as well as serving as a Peace Corps volunteer and as a teacher or principal at San José's Pioneer High, John Muir Middle, Steinbeck Middle, Gunderson High, Hoover Middle and San José Academy. He touched thousands of lives and always had a smile on his face and made everyone, including strangers, feel special. A friend of George's said it best, "He was a change maker and an optimist and his life's work will reverberate through those connections he forged." (Rocha)

Rene Cordero served the San José community for 27 years, working in the Departments of Public Works and Transportation. After graduating San José State University as a civil engineer, Rene helped the City manage building the Guadalupe Corridor light rail system, various freeway projects, and railroad crossing upgrades. He managed the City's Traffic Capital Improvement Program through the "decade of investment", and most recently served as the Division Manager for maintenance of the City's pavement and sewer systems. Rene was devoted and thoroughly enjoyed time with his family, especially his wife Sylvia and two daughters. Rene will be remembered for his caring and positive attitude, for his highly organized and collaborative approach to his work, and for his many significant contributions to the City and the Department of Transportation. (City Manager)



---

**JOINT CITY OF SAN JOSÉ CITY COUNCIL/SAN JOSÉ DIRIDON DEVELOPMENT  
AUTHORITY/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY  
AGENDA**

**3:09 P.M.**

**TUESDAY, JUNE 18, 2013**

**CHAMBERS**

---

- 1. Call to Order and Roll Call**  
**Absent Council Members: All Present.**
  
- 2. Actions Related to the Transfer of Certain Properties and Assets from the City and the JPA Back to the Successor.**

**Recommendation:** It is recommended that:

- (a) The City Council adopt a resolution (i) authorizing the City Manager to take such actions as necessary to transfer to the Successor Agency to the Redevelopment Agency of the City of San José, certain real property and other assets as identified by the California State Controller in the Asset Transfer Review dated March 2013, which were previously transferred to the City in March, 2011 by the former San José Redevelopment Agency, and (ii) directing City and Successor Agency staff in connection with the transfer of such properties to evidence the City Council's intent related to the future uses of certain of such properties.

**Resolution No. 76738 adopted.**

- (b) The San José Diridon Development Authority Board adopt a resolution authorizing the Executive Director to take such actions as necessary to transfer to the Successor Agency to the Redevelopment Agency of the City of San José, certain real property as identified by the California State Controller in the Asset Transfer Review dated March 2013, which property was previously transferred to the San José Diridon Development Authority in March, 2011 by the former San José Redevelopment Agency, provided that those properties subject to that certain Option Agreement dated November 8, 2011 between the San José Diridon Development Authority and the Athletics Investment Group, LLC shall be transferred to the Successor Agency and subject to the terms and provisions of the Option Agreement and the Arena parking lot at 8 South Montgomery (Lot 5A) shall be transferred subject to the Arena Management Agreement with the San José Arena Management LLC.

**Diridon Development Authority Resolution No. 111.1 adopted.**

## **JOINT DIRIDON DEVELOPMENT AUTHORITY AGENDA**

- 2. Actions Related to the Transfer of Certain Properties and Assets from the City and the JPA Back to the Successor. (Cont'd.)**

**Recommendation:**

- (c) The Successor Agency Board adopt a resolution (i) accepting certain properties and assets from the City and the San José Diridon Development Authority, and (ii) directing Successor Agency staff to bring forward to the Oversight Board for its consideration a request to transfer any governmental use properties held by the Successor Agency to the City.

(Diridon Authority/Successor Agency/City Manager's Office)

**Successor Agency Resolution No. 7021 adopted.**

- 3. Open Forum**  
**There were none.**
- 4. Adjourn the City Council/San José Diridon Development Authority/Successor Agency to the Redevelopment Agency.**  
**Mayor Reed adjourned the meeting at 3:10 p.m.**