

CITY COUNCIL AGENDA

AUGUST 27, 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 or Redevelopment Agency Board. 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/clerk/agenda.asp. 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, 2nd 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 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**
9:32 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present

1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present
- **Invocation (District 7)**
Pastor Jorge Mendoza, Sunrise Bible Church provided the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

- **Closed Session Report**
City Manager Debra Figone announced that Assistant Airport Director Kim Aguirre was selected to succeed the Mineta San José International Airport Director Bill Sherry upon his retirement at the end of September.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Laurie Laird, Associate Director of the Ignatian Center at Santa Clara University, for her work in improving the quality of life for the residents of the Washington Neighborhood through her volunteerism and advocacy at Sacred Heart Community Services and as the liaison for the Arrupe Partnership for Community-based Learning. (Liccardo)
Mayor Reed, Vice Mayor Nguyen and Council Member Liccardo recognized and commended Laurie Laird, Associate Director of the Ignatian Center at Santa Clara University, for her work in improving the quality of life for the residents of the Washington Neighborhood through her volunteerism and advocacy at Sacred Heart Community Services.
- 1.2** Presentation of a commendation to Wells Fargo for its environmental leadership, support of clean technology commercialization efforts in the region, and for its contributions to the San José economy and community. (Mayor)
Mayor Reed commended Wells Fargo for its environmental leadership, support of clean technology commercialization efforts in the region, and for its contributions to the San José economy and community.
- 1.3** Presentation of a commendation to NorCal Tennis Academy in recognition of their 10-year anniversary and excellence in training top tier athletes. (Kalra)
Mayor Reed and Council Member Kalra presented a commendation to NorCal Tennis Academy in recognition of their 10-year anniversary and excellence in training top tier athletes.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of March 5, 2013.
- (b) Regular Minutes of March 12, 2013.
- (c) Special Minutes of the Green Vision Implementation of March 18, 2013.
- (d) Regular Minutes of March 19, 2013.
- (e) Regular Minutes of March 26, 2013.

Approved.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29280 – Amending Chapters 4.46 and 4.47 of Title 4 of the San José Municipal Code to suspend the collection of a portion of the building and structure construction tax and the commercial residential mobilehome park building tax on downtown commercial or industrial structures.

Ordinance No. 29280 adopted.

- (b) ORD. NO. 29283 – Amending various sections of Chapter 3.28 of Title 3 of the San José Municipal Code to implement changes to medical and dental coverage for the Federated City Employees’ Retirement System.

Ordinance No. 29283 adopted.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports:

- (a) Transportation and Environment Committee Report of August 12, 2013.
(Liccardo)

- (b) Rules and Open Government Committee Report of August 7, 2013. (Mayor)

Approved, with a correction to Item (a) Transportation and Environment Committee Report, indicating Director of Economic Development/Chief Strategist Kim Walesh attended the August 12, 2013 meeting in place of Assistant City Manager Ed Shikada.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Agreement with Areas USA SJC, LLC for Food and Beverage Concession at the Airport.

Recommendation:

- (a) Consent to Assignment of the Food and Beverage Concession Agreement (the “Concession Agreement”) between the City and Areas USA SJC, LLC (“Areas”) to Pacific Gateway Concessions, LLC (“PGC”), in accordance with the terms of the Assignment and Assumption of Concession Agreement between Areas and PGC;

(Item Continued on the next page)

2. CONSENT CALENDAR

2.7 Agreement with Areas USA SJC, LLC for Food and Beverage Concession at the Airport (Cont'd.)

- (b) Approve the Third Amendment to the Concession Agreement providing for PGC's assumption of the Agreement, approving new concession concepts and authorizing the City to reimburse PGC for costs associated with the construction of the approved concession concepts that are a direct result of protecting sensitive baggage system and CTX explosive detection equipment in an amount to be paid by the City not to exceed \$500,000.

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

Dropped per Administration.

2.8 Adoption of Appropriation Ordinance and Funding Sources Resolution Amendments in Various Funds to Rebudget Funds to 2013-2014 for Completion of Projects.

Recommendation:

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Parks and Recreation Bond Projects Fund:

- (1) Increase the Beginning Fund Balance by \$543,000; and
- (2) Increase the Happy Hollow Park and Zoo Renovation and Improvements appropriation to the Parks, Recreation, and Neighborhood Services Department by \$543,000.

Ordinance No. 29289 adopted.

Resolution No. 76764 adopted.

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #1:

- (1) Increase the Beginning Fund Balance by \$389,000; and
- (2) Increase the Calabazas Basketball Court Renovation appropriation to the Parks, Recreation, and Neighborhood Services Department by \$389,000.

Ordinance No. 29290 adopted.

Resolution No. 76765 adopted.

- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Water Utility Capital Fund:

- (1) Increase the Beginning Fund Balance by \$125,000; and
- (2) Increase the Water Management System Enhancements appropriation to the Environmental Services Department by \$125,000.

Ordinance No. 29291 adopted.

Resolution No. 76766 adopted.

(Item Continued on the next page)

2. CONSENT CALENDAR

2.8 Adoption of Appropriation Ordinance and Funding Sources Resolution Amendments in Various Funds to Rebudget Funds to 2013-2014 for Completion of Projects. (Cont'd.)

(d) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction and Conveyance Tax Fund: City-wide Parks Purposes Fund:

- (1) Increase the Beginning Fund Balance by \$106,000; and
- (2) Increase the Strategic Capital Replacement and Maintenance Needs appropriation to the Parks, Recreation and Neighborhood Services Department by \$106,000.

Ordinance No. 29292 adopted.

Resolution No. 76767 adopted.

(e) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Convention and Cultural Affairs Fund:

- (1) Increase the Beginning Fund Balance by \$88,800; and
- (2) Increase the Center for Performing Arts Improvements appropriation to the Convention Facilities Department by \$88,800.

Ordinance No. 29293 adopted.

Resolution No. 76768 adopted.

(f) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Neighborhood Security Bond Fund:

- (1) Increase the Beginning Fund Balance by \$70,000; and
- (2) Increase the Fire Station 24 - Silver Creek/Yerba Buena appropriation to the Fire Department by \$70,000.

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

Ordinance No. 29294 adopted.

Resolution No. 76769 adopted.

2.9 City Manager's Travel to Boston, Massachusetts.

Recommendation: Authorize City Manager Debra Figone's travel to Boston, Massachusetts on September 20 – 26, 2013, for the ICMA 99th Annual Conference. City Manager's Non Personal Services Appropriation. CEQA: Not a Project, File No. PP10-069, Administrative Activities. (City Manager's Office)

Accepted.

2. CONSENT CALENDAR

2.10 Stormwater Permit Annual Report 2012-2013.

Recommendation: As recommended by the Transportation and Environmental Committee on August 12, 2013:

- (a) Accept the update on the 2012-2013 Stormwater Permit Annual Report developed in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (Stormwater Permit) requirements, pursuant to the Federal Clean Water Act; and
- (b) Authorize certification and submittal of the 2012-2013 Stormwater Permit Annual Report to the San Francisco Bay Regional Water Quality Control (Water Board) in conformance with the Stormwater Permit requirements.

CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Environmental Services) [Transportation and Environmental Committee referral 8/12/13 – Item D(2)]

Approved.

2.11 Agreement with the County of Santa Clara for the County for 2012 Emergency Management Performance Grant Funding.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the County of Santa Clara (County) to accept program funds from the County for 2012 Emergency Management Performance Grant (EMPG) funding for the Fire Department in the amount of \$233,106 and negotiate and execute additional amendments to the agreement and all related documents without further City Council action, other than the appropriation of funds;
Resolution No. 76670 adopted.
- (b) Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Increase the Estimate for Earned Revenue from Local Agencies by \$233,106;
 - (2) Establish a city-wide appropriation to the Fire Department for the Emergency Management Performance Grant (EMPG) 2012 in the amount of \$80,193; and
 - (3) Increase the city-wide appropriation to the Fire Department for Emergency Response and Preparedness in the amount of \$152,913.

CEQA: Not a Project, File No. PP10-066(g), Agreement and Contracts. (Fire/City Manager's Office)

Ordinance No. 29295 adopted.

Resolution No. 76771 adopted.

2. CONSENT CALENDAR

2.12 Agreement with the Health Trust as Fiscal Agent for Destination:Home for Services to End Homelessness.

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute an amendment to the Agreement with the Health Trust for Destination:Home extending the current contract for an additional year to October 31, 2014; requiring the addition of case managers dedicated to serving residents of homeless encampments, and increasing the amount of the contract by \$625,000 for a total contract amount of \$1,035,000. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Housing)

Deferred to 9/17/13 per Administration.

2.13 Agreement with Santa Clara Valley Transportation Authority for the Route 101/De La Cruz/Trimble Interchange Reconstruction Project.

Recommendation: Approve the Continuation Agreement with the VTA for the Route 101/De La Cruz Boulevard/Trimble Road Interchange Reconstruction Project and extending the term of the Agreement from June 30, 2013 to December 31, 2013, with no increase in the contract amount of \$850,000. CEQA: EIR Resolution No. 72768, adopted June 21, 2005. Council Districts 3 and 4. (Transportation)

Approved.

2.14 Agreement with Field Paoli Architects for the Diridon Station Area Plan-Preferred Plan Report.

Recommendation:

(a) Approve a Fourth Amendment to the existing consultant agreement between the City and Field Paoli Architects to increase the compensation for consultant services by \$188,000 from \$1,179,000 to an amount not to exceed \$1,367,000 in order to complete the Diridon Station Area Plan-Preferred Plan Report, Near-Term Development Plan, and Environmental Impact Report; and

Approved.

(b) Adopt the following 2013-2014 Appropriation Ordinance Amendments in the Construction Excise Tax Fund:

(1) Decrease the Ending Fund Balance in the amount of \$188,000; and

(2) Increase the citywide appropriation to the Department of the Transportation for Diridon Station Planning in the amount of \$188,000.

CEQA: Exempt, File No. PP10-066(d), Consultant Services. Council Districts 3 and 6. (Transportation/City Manager's Office)

Ordinance No. 29296 adopted.

2. CONSENT CALENDAR

2.15 Actions Related to Councilmember Constant's Travel to Lake Tahoe – Olympic Valley, CA.

Recommendation:

- (a) Approve travel by Councilmember Constant to Lake Tahoe – Olympic Valley, CA on August 28 – August 30, 2013, to represent San José as a Commissioner on the Santa Clara County Local Agency Foundation Commission. Source of Funds: Santa Clara County Local Agency Foundation Commission. (Constant)
- (b) Request for an excused absence for Councilmember Constant from the Regular Meeting of the Rules and Open Government Committee on August 28, 2013 due to Authorized City Business: Santa Clara County LAFCO 2013 Annual Conference. (Constant)

[Rules Committee referral 8/21/13]

Approved.

2.16 Vice Mayor Nguyen's Travel to Suwon City, Korea.

Recommendation: Approve travel by Vice Mayor Nguyen to Suwon City, Korea on September 24 – 30, 2013, to attend the 50th Suwon Hwaseong Culture Festival and engage with the leadership of Suwon City to continue the cultural and economic partnership between San José and Korea. Source of Funds: Government of Suwon City, Korea. (Nguyen)

(Rules Committee referral 8/21/13)

Approved.

2.17 Safe Teen Driving Video Contest.

Recommendation: As recommended by the Rules and Open Government Committee on August 21, 2013:

- (a) Approve the District 10 Safe Teen Driving Video Contest as a Council-Sponsored Special Event; and
- (b) Approve expending funds and accepting donations from various individuals, businesses and community groups to support this event.

CEQA: Not a Project. (Khamis)

[Rules Committee referral 8/21/13]

Approved.

2.18 Ethiopian Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on August 21, 2013,

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

CEQA: Not a Project. (Liccardo)

Approved.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone reminded the Council that a Study Session ~~Council~~ to discuss potential revenue ballot measures to support the continuation and restoration of City services will be held September 3, 2013 in lieu of a regular Council Meeting.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.
None provided.

3.3 Fee Schedule for City Generated Zone Towing for Tow Services Agreements.

Recommendation: Conduct a public hearing and adopt a resolution setting a new Fee Schedule for the City of San José's Tow Services Agreements to become effective September 10, 2013, as follows:

- (a) Basic Tow Service: \$200.00 per tow
- (b) Service Call:
 - (1) Class "A" regular duty tow trucks \$50.00 per quarter hour
 - (2) Class "B" medium duty tow trucks \$87.50 per quarter hour
 - (3) Class "C" and "D" heavy duty tow trucks \$117.50 per quarter hour
- (c) Extraordinary Service Tows:
 - (1) Class "A" regular duty tow trucks \$100.00 per hour
 - (2) Class "B" medium duty tow trucks \$350.00 per hour
 - (3) Class "C" and "D" heavy duty tow trucks \$470.00 per hour
- (d) After Hours Gate Fee (one hour after close of San José Police Department desk hours until the desk re-opens): \$85.00
- (e) Vehicle Storage Fee:
 - (1) \$85.00 per day, per space outside
 - (2) \$95.00 per day per space indoors.
- (f) Contractual Rates of Compensation to the City of San José:
 - (1) \$80.00 per tow
 - (2) \$8.00 per dispatch

CEQA: Not a Project, File No. PP10-067(a), Adjustment to Fees and Charges.
(Planning, Building and Code Enforcement)
(Deferred from 8/13/13 – Item 3.11)

Resolution No. 76772 adopted.

3. STRATEGIC SUPPORT SERVICES

3.4 Amendments to the City Pay Plan for Various Classifications.

Recommendation: Adopt a resolution to:

- (a) Amend the City of San José Pay Plan effective no earlier than September 1, 2013, to create the following classifications:
 - (1) Wastewater Maintenance Superintendent (3625)
 - (2) Wastewater Operations Foreperson I/II (3656/3657)
- (b) Amend the City of San José Pay Plan effective no earlier than September 1, 2013, to change the salary ranges and titles for the following classifications:
 - (1) Senior Airport Operations Specialist I/II/III (3514/3516/3518) (formerly Senior Airport Operations Specialist)
 - (2) Airport Operations Supervisor I/II/III (3524/3527/3528) (formerly Airport Operations Supervisor)
 - (3) Airport Operations Superintendent I/II (3525/3532) (formerly Airport Operations Superintendent)
 - (4) Airport Operations Manager I/II (3526/3534) (formerly Airport Operations Manager)
 - (5) Wastewater Mechanic I/II (3622/3672) (formerly Plant Mechanic and Heavy Diesel Equipment Operator/Mechanic)
 - (6) Wastewater Senior Mechanic I/II (3623/3673) (formerly Senior Plant Mechanic and Senior Heavy Diesel Equipment Operator/Mechanic)
 - (7) Wastewater Mechanical Supervisor I/II (3624/3674) (formerly Plant Mechanical Supervisor and Heavy Diesel Equipment Supervisor)
 - (8) Wastewater Operator I/II/III (3612/3652/3653) (formerly Plant Operator I/II/III)
 - (9) Wastewater Operations Superintendent I/II (3617/3619) (formerly Plant Assistant Operations Manager I/II)
- (c) Amend the City of San José Pay Plan effective no earlier than September 1, 2013, to retitle the following classifications:
 - (1) Wastewater Attendant (3621) (formerly Plant Attendant)
 - (2) Apprentice Wastewater Mechanic (3627) (formerly Apprentice Plant Mechanic)
 - (3) Wastewater Operator Trainee (3611) (formerly Plant Operator Trainee)

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

Resolution No. 76673 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Agreement with the San José Downtown Association.

Recommendation: Approve a Services Agreement with the San José Downtown Association for the period of July 1, 2013 through June 30, 2014, for an amount not to exceed \$390,000. CEQA: Exempt, File No. PP13-079. (Economic Development)
Approved.

4.2 Agreement with work2future Foundation to Operate work2future's One-Stop Service Sites to Provide Direct Client Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Utilize San José Municipal Code Section 4.12.235 (Unique Services Purchases) for a sole-source agreement with the work2future Foundation for a pilot program to operate work2future's one-stop service sites to provide direct workforce development services to work2future's Adult, Dislocated Worker, and Youth clients;
- (b) Negotiate and execute the agreement for the period September, 1, 2013 through June 30, 2016, with compensation for Program Year 2013-2014 not to exceed \$1,700,000; and
- (c) Negotiate and execute subsequent amendments to the sole-source agreement to include compensation for Program Years 2014-2015 and 2015-2016, subject to the annual appropriation of funds.

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

Resolution No. 76774 adopted.

4.3 Amendment to the City of San José's Sign Ordinance.

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

- (a) Amending various sections of Chapter 23.02, Part 1, Definitions, including to revise Section 23.02.102 Commercial Speech; to add sections 23.02.355 non-commercial speech and 23.02.494 shopping center corner sign; to revise section 23.02.410 programmable electronic sign; and to add new section 23.02.505 sign ordinance; and
- (b) Amending various sections of Chapter 23.02, Part 2, General Provisions, including to add Section 23.02.805 Authority, revise Section 23.02.820 Conformity Required, add new Section 23.02.825 Message Substitution, revise Section 23.02.870 Administrative Authority; Appeals, delete Sections 23.02.1130 Master Sign Program and 23.02.1190 No Limitation on Message, and revise Section 23.02.1370 Sign Variances;

(Item Continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Amendment to the City of San José's Sign Ordinance (Cont'd.)

- (c) Amending various sections of Chapter 23.04, Part 1, CO, CP, CN, CG, IP, LI, and HI commercial and industrial zoning districts and neighborhood business districts, including to amend Section 23.04.020, Attached Signs, to allow shopping center corner signs at or above the top of a roof on corner buildings located within shopping center sites; and
- (d) Making other nonsubstantive, ministerial, technical, or typographical changes to various sections of said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

CEQA: Negative Declaration, File No. PP13-067. (Planning, Building, and Code Enforcement)

Deferred to 9/17/13 per Administration.

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the Sycamore Terrace Project.

Recommendation: Conduct a public hearing and adopt a resolution:

- (a) Accepting the summary of costs and findings of the Summary 33433 Report pursuant to Health and Safety Code Section 33433 for the conveyance and disposition of the property at 15520 Almaden Expressway located at the Northeast corner of Almaden Expressway and Coleman Road under the terms and conditions of the proposed Disposition and Development Agreement (“DDA”); and
- (b) Approving a DDA between the City of San José and Sycamore Grove Terrace LLP, or another Barry Swenson Builder affiliate, enabling the development of Sycamore Terrace, a 27-unit for-sale housing development that will include nine below-market rate homes, and authorizing the Director of Housing to negotiate, execute, and record, if applicable, all documents reasonably necessary to effectuate the terms of the DDA.

CEQA: Addendum to a Negative Declaration, File No. PDC04-064. Council District 10. (Housing)

(Deferred from 6/11/13 – Item 5.1 and 8/13/13 – Item 5.1)

Dropped per Administration.

5.2 Establishment of Neighborhood Commissions.

Recommendation: Approve an Ordinance amending Chapter 2.08 of Title 2 of the San José Municipal Code to add a new Part establishing a Neighborhoods Commission.

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

Ordinance No. 29297 passed for publication.

Noes: Khamis, Oliverio.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the Shuttle Bus Service at the Airport.

Recommendation: Report on Request for Proposal for Shuttle Bus Service at the Norman Y. Mineta San José International Airport and adopt a resolution authorizing the City Manager to:

- (a) Execute an agreement with Veolia Transportation Services, Inc. (Lombard, IL) to provide Airport Shuttle Bus Services, for an initial four year term ending August 31, 2017, with maximum compensation not to exceed \$3,861,541 for the period September 1, 2013 through August 31, 2014;
- (b) Adjust the maximum compensation annually consistent with the terms of the agreement, subject to changes in the Consumer Price Index, not to exceed 3% annually and subject to the appropriation of funds;
- (c) Execute amendments and change orders to the agreement to add or delete routes and schedules due to service requirements at the Airport, subject to the appropriation of funds; and
- (d) Execute up to six one-year options to extend the agreement, subject to the appropriation of funds.

CEQA: San José International Airport Master Plan Update EIR (File No. PP95-110), Resolution No. 67380 and SEIR (File No. PP02-226), Resolution No. 71451. (Finance) (Deferred from 8/20/13 – Item 6.1)

Resolution No. 76775 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Agreement with Telstar for Temporary Staffing at the San José/Santa Clara Regional Wastewater Facility

Recommendation: Adopt a resolution to authorize the City Manager to execute the first one-year option to extend the Agreement for August 17, 2013, through August 16, 2014, for a maximum compensation not to exceed \$1,670,000, and to execute up to three one-year options through August 16, 2017, 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. (Environmental Services)

Environmental Services Director Kerrie Romanow offered a correction to the Cost Summary and Implications section in her memorandum of August 5, 2013, noting the annual compensation adjustment is 2.6% higher than the \$115/ hour indicated. Resolution No. 76776 was adopted, with the decision of whether Staff needs to return to Council with a status report to be made when the City does its annual appropriations.

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 Actions Related to the Phase-Out of Expanded Polystyrene Foam Food Ware.

Recommendation:

- (a) Adopt a resolution adopting the Negative Declaration analyzing the regional environmental impacts of a phase-out of expanded polystyrene food ware;
Resolution No. 76777 adopted.
- (b) Approve an ordinance to phase-out the use of expanded polystyrene food service ware, with the first phase implementation effective January 1, 2014, and financial hardship exemption provisions as specified.

CEQA: Negative Declaration, File No. PP13-043. (Environmental Services)

Ordinance No. 29298 passed for publication, with inclusion of a “sunset” provision regarding a financial hardship exemption to be re-evaluated in two years, and with the first phase implementation effective January 1, 2014. Additionally, Staff to bring to the Transportation and Environment Committee an educational outreach plan that includes the county, school districts and any youth service organization to be incorporated as part of the City’s litter reduction strategy.

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- 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>
10173	West side of Masonic Dr., approx. 520 ft. southerly of Canoas Garden Ave.	6	SA Challenger, Inc.	2 Lots/ 170 units	MFA	Approval

- **Open Forum**
 - (1) **David Wall expressed criticism of the Environmental Innovation Center.**
 - (2) **Mark Trout offered religious viewpoints.**

- **Adjournment**

The Council of the City of San José adjourned at 4:16 p.m. in memory of Mary Ann West. In addition to being a teacher, mother, grandmother and world traveler, Mary Ann was a long-time community activist. She was instrumental in the 2007 revival of the Lynhaven Neighborhood Association in District 1. She was well known and respected for her effective community leadership and friendly enthusiasm. Mary Ann passed away after a brief illness June 19, 2013 at the age of 81.

(Constant)