



## MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 14, 2016

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

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

There was no report.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:14 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code 54956.9 subsection (c) pertaining to initiation of litigation in two (2) matters. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) In re: Claim of Ordaz. Amount of Money or Other Relief Sought: Administrative Appeal. (2) Stephens, et al. v. City of San José et al. Names of Parties Involved: Emmanuel Stephens, Jasmine Whiteley, Davian George and Emani Stephens, City of San José, San José Police Department and Does 1-25, exclusive; Court: United States District Court, Northern District of California, San José Division; Case No: 15-CV-03454-PSG; Amount of Money or Other Relief Sought: Damages according to proof. (3) Ingram v. Berget, et al. Names of Parties Involved: Felicia Ingram, Scott Berget, Individually and as an Officer of the San José Police Department and Does 1-10. Court: United States District Court, Northern District of California, San José Division; Case No: 15-CV-05554-PSG; Amount of Money or Other Relief Sought: Damages according to proof. (4) IAFF Local 230 v. City of San José; Names of Parties Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-969-M. Amount of Money or Other Relief

## CLOSED SESSION (Cont'd.)

Sought: Damages According to Proof. (5) IFPTE Local 21 v. City of San José; Names of Parties Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages according to proof. (6) American Federation of State, County and Municipal Employees, et al. v. City; Names of Parties Involved: American Federation of State, County and Municipal Employees, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof. (7) OE#3 v. City of San José; Names of Parties Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-900-M. (8) ABMEI v. City, et al. Names of Parties Involved: Association of Building, Mechanical and Electrical Inspectors, City of San José; Court: State of CA Public Employment Relations Board; Case No: UPC SF 1358 M; Amount of Money or Other Relief Sought: Damages according to proof. (9) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case No: 1-12-CV-233660, H040979, H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (10) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case No: 1-12-CV-225928, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case: 1-12-CV-226570, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (12) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case: 1-12-CV-226574, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (13) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case: 1-12-CV-225928, H040979,

## CLOSED SESSION (Cont'd.)

H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (14) People of the State of California, et al. v. City of San José, et al. Names of Parties Involved: The People of the State of California ex rel, San José Police Officers' Association, City of San José, City Council of San José; Court: Superior Court of the State of California for the County of Santa Clara; Case No: 1-13-CV-245503; Amount of Money or Other Relief Sought: Verified Complaint in Quo Warranto. (15) Peter Constant, Steven Haug and Silicon Valley Taxpayers' Association v. Superior Court. Names of Parties Involved: Peter Constant, Steven Haug, Silicon Valley Taxpayers' Association, A California Non-Profit Corporation, Proposed Intervenors, Appellants and Petitioners, Superior Court of California, County of Santa Clara, Respondent, The People of the State of California ex rel, San José Police Officers' Association, Plaintiff, Respondent and Real Party in Interest, City of San José, City Council of San José, Defendants, Respondents and Real Parties in Interest; Court: Sixth District Court of Appeal; Case No: H043540; Amount of Money or Other Relief Sought: Petition for Writ of Mandate or in the alternative, supersedes or other appropriate relief. (16) San José Retired Employees Association, et al V. City of San José, et al. Names of Parties Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City of San José, The Board of Administration for the Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-2680085; Amount of Money or Other Relief Sought: Change to City Medical Plan. (C) to confer with Chief of Police regarding potential threat to public services of facilities pursuant to Government Code Section 54957(a). (D) to confer with Real Property Representatives pursuant to Government Code Section 54956.8: Property Address: 200 Edenvale Avenue, San José, California. Negotiating Parties: Nanci Klein for the City of San José and Adrian Glover from Global Bancorp Commodities and Investments. Under Negotiation: The direction will concern price and terms of payment. Likely Range of Value of Property: Negotiated Price based on appraisal and comparable property values. (E) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Designee Jennifer Schembri; Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO. (6) International

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

Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association (SJPOA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (SJPOA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:48 a.m. and reconvened to Regular Session at 11:57 a.m. in the Council Chamber.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

## **ORDERS OF THE DAY.**

Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Magdalena Carrasco and carried unanimously, the Orders of the Day and the Amended Agenda were approved, a Sunshine Waiver for Item 5.1 was granted and Item 2(a)(b) San José Financing Authority was heard in regular Agenda order. (10-0-1. Absent: Kalra.)

## **CONSENT CALENDAR**

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



**2.1 Approval of Minutes.**

- (a) Regular Minutes of March 1, 2016.
- (b) Regular Minutes of March 8, 2016.
- (c) Housing Authority Minutes of March 8, 2016.
- (d) Study Session of March 14, 2016 on Prostitution/Human Trafficking.
- (e) Regular Minutes of March 15, 2016.
- (f) Regular Minutes of March 22, 2016.
- (g) Public Hearing of March 28, 2016 on the FY 2016-207 Mayor's March Budget Message.
- (h) Regular Minutes of March 29, 2016.

**CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)**

Documents Filed: (1) The Regular Minutes dated March 1, 2016, March 8, 2016, March 15, 2016, March 22, 2016 and March 29, 2016. (2) The Housing Authority Minutes dated March 8, 2016. (3) The Study Session Minutes dated March 14, 2016 on Prostitution/Human Trafficking. (4) The Minutes dated March 28, 2016 on the FY 2016-207 Mayor's March Budget Message.

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

**2.2 Final Adoption of Ordinances.**

There were none.

**2.3 Approval of Council Committee Minutes.**

- (a) Community and Economic Development Committee Minutes of May 23, 2016. (Khamis)
  - (b) Rules and Open Government Committee Minutes of May 25, 2016. (Mayor)
- CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.**

Action: Deferred to June 21, 2016 per City Clerk.

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

There were none.

**2.5 City Council Travel Reports.**

Documents Filed: Report from Council Member Tam Nguyen dated June 13, 2016 entitled Sleepless in Portland, Exploring Homeless Shelter Options.

Council Member Tam Nguyen offered an informative presentation on "Sleepless in Portland" and Exploring Homeless Shelter Options.

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

No Report.

- 2.7 **Approve a Third Amendment to the Consultant Agreement with David J. Powers & Associates, Inc. for Airport environmental analysis services, increasing maximum compensation from \$450,000 to \$550,000 with no change in the term of Agreement. CEQA: Not a Project, PP10-066(d), Consultant Services for Design/Study/Research/ Inspection or other professional consulting services to determine the feasibility of a project with no commitment to further action. (Airport)**

Documents Filed: Memorandum from Director of Aviation Services Kimberly J. Becker, dated May 27, 2016, recommending approval of a third amendment to the consultant agreement.

Action: A Third Amendment to the Consultant Agreement with David J. Powers & Associates, Inc. for Airport environmental analysis services, increasing maximum compensation from \$450,000 to \$550,000 with no change in the term of Agreement was approved. (11-0.)

- 2.8 **Approve a settlement with San Francisco Baykeeper in the form of a Consent Decree, subject to approval of the U. S. Department of Justice and to be presented to Northern District Federal Court Judge Beth L. Freeman for signature, and authorize the City Attorney to execute the Settlement Agreement to settle the case of San Francisco Baykeeper v. City of San José. CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated June 2, 2016, recommending approval of the settlement.

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

Mayor Sam Liccardo requested to amend the motion to include direction to Staff to return to Council in January 2017 with a funding plan consisting of a proposed set of options for the next five years. The amendment was accepted by Council Member Tam Nguyen and Vice Mayor Rose Herrera.

City Attorney Richard Doyle and Director of Environmental Services Kerrie Romanow responded to Council questions and concerns.

Council Member Johnny Khamis expressed opposition to the motion on the floor.

Action: On a call for the question, the motion carried, a settlement with San Francisco Baykeeper in the form of a Consent Decree, subject to approval of the U. S. Department of Justice and to be presented to Northern District Federal Court Judge Beth L. Freeman for signature, and authorize the City Attorney to execute the Settlement Agreement to settle the case of San Francisco Baykeeper v. City of San José, was approved. Staff was directed to return to Council in January 2017 with a funding plan consisting of a proposed set of options for the next five years. (10-1. Noes: Khamis.)

**2.9 Approve the following Board and Commission Appointments:**

- (a) **Arts Commission:**
  - (1) **Citywide Seat: Appoint Roma Dawson to a term expiring 6/30/20;**
  - (2) **District 5 Seat: Appoint Albert Le to a term expiring 6/30/20;**
  - (3) **District 7 Seat: Appoint Ron Muriera to a term expiring 6/30/20;**
  - (4) **District 9 Seat: Appoint Ramona Snyder to a term expiring 6/30/20;**
- (b) **Council Appointment Advisory Commission:**
  - (1) **District 1 Seat: Appoint Michelle Jones-Roberts to a term expiring 12/31/18;**
  - (2) **District 5 Seat: Appoint Maryann Haggerty to a term expiring 12/31/16;**
  - (3) **District 10 Seat: Appoint Ben Mazzone to a term expiring 12/31/18;**
- (c) **Downtown Parking Board:**
  - (1) **At-Large Representative: Appoint Chad Leege to a term expiring 6/30/19;**
  - (2) **At-Large Representative: Appoint Ajay Singh to a term expiring 6/30/20;**
- (d) **Neighborhoods Commission:**
  - (1) **District 1 Seat: Appoint Anne Szymanski to a term expiring 6/30/18;**
- (e) **Youth Commission:**
  - (1) **District 1 Seat: Appoint Marilyn Zhang to a term expiring 5/31/17;**
  - (2) **District 2 Seat: Appoint Katherine Ho to a term expiring 5/31/18;**
  - (3) **District 4 Seat: Appoint Lydia Ma to a term expiring 5/31/18;**
  - (4) **District 6 Seat: Appoint Rhena Zhong to a term expiring 5/31/18;**
  - (5) **District 8 Seat: Appoint Anooshree Sengupta to a term expiring 5/31/18;**
  - (6) **District 10 Seat: Appoint Samuel Hirst to a term expiring 5/31/18.**

**CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)**

Documents Filed: Replacement memorandum from City Clerk Toni J. Taber, CMC, dated June 3, 2016, recommending approval of the Board and Commission Appointments.

Action: The Board and Commission appointments as described above were approved. (11-0.)

- 2.10 (a) **Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council, and adopt a resolution of intention to levy the annual assessment for Fiscal Year 2016-2017, to suspend collection of the Downtown BID assessments for businesses that qualify for the business tax financial hardship exemption under the City's general business tax ordinance, and set June 28, 2016 at 1:30 p.m. as the date and time for the Public Hearing on the levy of the proposed assessments.**
- (b) **Preliminary approval of the report as filed by the Hotel Business Improvement District Advisory Board, or as modified by Council, and adopt a resolution of intention to levy the annual assessment for Fiscal Year 2016-2017 and set June 28, 2016 at 1:30 p.m. as the date and time for the Public Hearing on the levy of the proposed assessments.**

- 2.10 (c) **Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council, and adopt a resolution of intention to levy the annual assessment for Fiscal Year 2016-2017 and set June 28, 2016 at 1:30 p.m. as the date and time for the Public Hearing on the levy of the proposed assessments.**

**CEQA: Exempt, Section 15061(b)(3), No potential for causing a significant effect on the environment, File No. PP08-048. Council District 3. (Economic Development)**

Documents Filed: Memoranda from Deputy City Manager/Director of Economic Development Kim Welsh, all three dated May 27, 2016, recommending adoption of resolutions.

Action: Resolution No. 77767, entitled: "A Resolution of the Council of the City of San José Declaring Its Intent to Levy Assessments for Fiscal Year 2016-2017 in the Downtown Business Improvement District and Suspend Collection of the Assessments for Businesses that Qualify for the Business Tax Financial Hardship Exemption Under the City's General Business Tax Ordinance and Setting the Date and Time for the Public Hearing"; Resolution No. 77768, entitled: "A Resolution of the Council of the City of San José Declaring Its Intent to Levy Assessments for Fiscal Year 2016-2017 in the Hotel Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989 and Setting the Date and Time for the Public Hearing" and Resolution No. 77769, entitled: "A Resolution of the Council of the City of San José Declaring Its Intent to Levy Assessments for Fiscal Year 2016-2017 in the Japantown Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989 and Setting the Date and Time for the Public Hearing", were adopted. (11-0.)

- 2.11 **Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution amendments to the Workforce Development Fund:**

- (a) **Increase the estimate for Earned Revenue by \$117,000; and**  
(b) **Establish an appropriation to the Office of Economic Development for the Santa Clara County Summer Youth Employment Program in the amount of \$117,000.**

**CEQA: Not a Project; File No. PP10-067(b), Appropriation Ordinance. (Economic Development/City Manager)**

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Welsh and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 27, 2016, recommending adoption of appropriation ordinance and funding sources resolution amendments.

Action: Ordinance No. 29745, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the Workforce Development Fund for the Santa Clara County Youth Employment Program; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 77770, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 77423 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2015-2016 to Adjust Revenues in the Workforce Development Fund", were adopted. (11-0.)



- 2.12 **Adopt a resolution authorizing the City Manager to execute an Amendment to extend the term of the Agreement with the Children’s Discovery Museum for the construction of expansion improvements at Discovery Meadow in Guadalupe River Park through June 30, 2018 and authorizing the City Manager the option to extend the Agreement term further if necessary. CEQA: San José Downtown Strategy 2000 Plan EIR, Resolution No. 72767. Council District 3. (Economic Development/Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh and Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated May 27, 2016, recommending adoption of a resolution.

Action: Resolution No. 77771, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Amendment to Extend the Term of the Agreement with the Children’s Discovery Museum and Authorizing the City Manager the Option to Extend the Term of the Agreement”, was adopted. (11-0.)

- 2.13 (a) **Approve an amended and restated Master Consultant Agreement with CDM Smith, Inc. for engineering and construction management services for the 7701 – Headworks Project, with no extension to the term or increase to the maximum total compensation.**
- (b) **Approve an amended and restated Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. for engineering services for the 7448 – Filter Rehabilitation Project, with no extension to the term or increase to the maximum total compensation.**

**CEQA: Exempt, File No. PP10-066(d), Consultant Services with no change in the physical environment. (Environmental Services)**

Documents Filed: City Council Action Request from Assistant Director of Environmental Services Ashwini Kantak, dated May 27, 2016, recommending approval of the amended and restated master consultant agreements.

Action: An amended and restated Master Consultant Agreement with CDM Smith, Inc. for engineering and construction management services for the 7701 – Headworks Project, with no extension to the term or increase to the maximum total compensation and an amended and restated Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. for engineering services for the 7448 – Filter Rehabilitation Project, with no extension to the term or increase to the maximum total compensation were approved. (11-0.)

- 2.14 (a) **Approve an ordinance to repeal Chapter 9.56 of Title 9 of the San José Municipal Code related to ozone-depleting compounds.**
- (b) **Adopt a resolution amending the Administrative Citation Schedule of Fines to remove the \$500 fine from 9.56.410 and add a \$500 fine to 9.10.3110 for EPS Prohibition enforcement.**

**CEQA: Not a Project, File No. PP10-068(c), Code or Policy change that involves no changes in the physical environment. (Environmental Services)**

**2.14 (Cont'd.)**

Documents Filed: City Council Action Request from Director of Environmental Services Kerrie Romanow, dated May 27, 2016, recommending approval of an ordinance and adoption of a resolution.

Action: Ordinance No. 29746, entitled: "An Ordinance of the City of San José Repealing Chapter 9.56 of Title 9 of the San José Municipal Code Pertaining to Ozone Depleting Compounds", was passed for publication and Resolution No. 77772, entitled: "A Resolution of the Council of the City of San José Amending the Administrative Citation Schedule of Fines for Certain Violations of the San José Municipal Code in Order to Move the Administrative Fine for Violations Pertaining to the Use of Polystyrene Foam from Section 9.56.410 To Section 9.10.3110 of the San José Municipal Code and Repealing Resolution No. 77714", was adopted. (11-0.)

**2.15 Approve the First Amendment to extend the term of the Purchase and Sale Agreement with the Santa Clara Valley Transportation Authority by six months and the right to do soil remediation work prior to final disposition of the "Phase II Property" described in the agreement. CEQA: Exempt, Section 15316 Transfer of Ownership of Land in Order to Create Parks, File No. PP10-023 and Tamien Park Master Plan Mitigated Negative Declaration, File No. PP14-057. (Parks, Recreation and Neighborhood Services)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo and Council Member Raul Peralez, dated June 10, 2016, with direction as described in "Action". (2) City Council Action Request from Assistant Director of Parks, Recreation and Neighborhood Services Matt Cano, dated May 27, 2016, recommending approval of the first amendment to extend the agreement.

Council Member Raul Peralez inquired about the rationale of natural turf versus artificial turf and Division Manager Marybeth Harasz explained natural turf is best.

Motion: Council Member Raul Peralez moved approval of the memorandum he cosigned with Mayor Sam Liccardo, dated June 10, 2016, as described in "Action" below. Council Member Pierluigi Oliverio seconded the motion.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Sam Liccardo and Council Member Raul Peralez, dated June 10, 2016, was approved: (1) The Staff recommendations were accepted to extend the term of the Purchase and Sale Agreement with the Santa Clara Valley Transportation Authority (VTA) by six months and the right to do soil remediation work prior to the final disposition of the Phase II Property. (2) Staff was directed to work on construction Phase I and Phase II of the park in a timeline that is as close together as possible. (11-0.)

- 2.16 Approve an ordinance amending Title 23 of the San José Municipal Code to amend Section 23.02.870 of Part 2 of Chapter 23.02 to identify the Director of Aviation as the administrative authority for signs located within the Airport Sign Zone; and to amend Sections 23.04.200, 23.04.210, 23.04.220, 23.04.230, 23.04.240, 23.04.250 and 23.04.260, and add a new Section 23.04.215 of Part 3 of Chapter 23.04 to amend provisions related to temporary signs, delete allowed time and temperature signage, allow up to three free-standing programmable electronic signs at each vehicular entrance to the Norman Y. Mineta San José International Airport; and to make nonsubstantive, ministerial, technical, or typographical changes to various sections of Chapters 23.02 and 23.04 of Title 23. CEQA: Exempt, Section 15311 for Accessory Structures, File No. PP16-019. (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated June 1, 2016, recommending approval of an ordinance. (2) Proof of Publication of Notice of Public Hearing, executed on May 27, 2016, submitted by the City Clerk.

Action: Ordinance No. 29747, entitled: “An Ordinance of the City of San José Amending Title 23 of the San José Municipal Code to Amend Section 23.02870 of Part 2 of Chapter 23.02 to Identify the Director of Aviation as the Administrative Authority for Signs Located Within the Airport Sign Zone and To Amended Sections 23.04.200, 23.04.210, 23.04.220, 23.04.230. 23.04.240, 23.04.250 and 23.04.260 and Add a New Section 23.04.215 of Part 3 of Chapter 23.04 to Amend Provisions Related to Temporary Signs, Delete Allowed Time and Temperature Signage, Allow Up To Three Freestanding Programmable Electronic Signs at Each Vehicular Entrance to the Norman Y. Mineta San José International Airport and To Make Nonsubstantive, Ministerial, Technical or Typographic Changes to Various Sections of Chapter 23.02 and 23.04 of the Sign Code”, was passed for publication. (11-0.)

- 2.17 Report on bids and award of contract for the 7877 - Alviso Storm Sewer Improvement B project to the low bidder, JMB Construction, Inc., in the amount of \$1,143,128, and approve a ten percent contingency in the amount of \$114,300. CEQA: Exempt, Section 15282(h), Other Statutory Exemptions and Public Resource Code Section 21080.21(a)(b), Application of division to public right-of-way pipeline projects less than one line in length, File No. PP13-076. Council District 4. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 26, 2016, recommending award of the contract to the low bidder.

Action: The report on bids and award of contract for the 7877 - Alviso Storm Sewer Improvement B project to the low bidder, JMB Construction, Inc., in the amount of \$1,143,128, with related contingency was approved. (11-0.)

- 2.18 Report on bids and award of contract for the 7192 - Coleman Road Sanitary Sewer Improvement Phase II Project to the low bidder, Pacific Underground Construction, Inc., in the amount of \$1,850,533 and approval of a contingency in the amount of \$185,053. CEQA: Addendum to the San José 2040 General Plan Final Program EIR, File No. PP12-076. Council District 10. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated June 1, 2016, recommending award of the contract to the low bidder.

Action: The report on bids and award of contract for the 7192 - Coleman Road Sanitary Sewer Improvement Phase II Project to the low bidder, Pacific Underground Construction, Inc., in the amount of \$1,850,533, with related contingency was approved. (11-0.)

- 2.19 Report on bids and award of contract for the 7231 – Spreckles Sanitary Sewer Force Main Supplement – Phase II Project to the low bidder, Ranger Pipelines, Inc., in the amount of \$2,705,300 and approve a contingency in the amount of \$270,530. CEQA: Addendum to the Spreckles Sanitary Sewer Force Main Supplement & Pump Station Rehabilitation Project Mitigated Negative Declaration, File No. PP16-067. Council District 4. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 26, 2016, recommending award of the contract to the low bidder.

Action: The report on bids and award of contract for the 7231 – Spreckles Sanitary Sewer Force Main Supplement – Phase II Project to the low bidder, Ranger Pipelines, Inc., in the amount of \$2,705,300, with related contingency was approved. (11-0.)

**2.20 Recommendation: Adopt a resolution:**

- (a) Approving the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners Association for Fiscal Year 2016-2017 as filed or modified by Council;**
- (b) Confirming the individual assessments as proposed by the Downtown San José Property Owners Association, or as modified by Council;**
- (c) Directing that the City baseline services contribution in the amount of \$365,000 be continued in Fiscal Year 2016-2017; and**
- (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), Assessment/Annual reports that involve no approvals of any City Actions. Council District 3. (Transportation/Public Works)**

Documents Filed: Memorandum from Director of Transportation James Ortbal and Director of Public Works Barry Ng, dated May 23, 2016, recommending adoption of a resolution.

**2.20 (Cont'd.)**

Action: Resolution No. 77773, entitled: "A Resolution of the Council of the City of San José (1) Approving the Downtown San José Property Based Improvement District Annual Report Prepared by the Downtown San José Property Owners Association for Fiscal Year 2016-2017 as Filed or Modified by Council; (2) Confirming the Individual Assessments As Proposed by the Downtown San José Property Owners Association or as Modified by Council, Including the Assessment on City Owned Property and the Assessment on Successor Agency Owned Property; (3) Directing That the City Baseline Services Contribution in the Amount of \$365,000 Be Continued in Fiscal Year 2016-2017 and (4) Deliver the Assessment Roll to the County of Santa Clara for Collection with the Property Taxes", was adopted. (11-0.)

**2.21 As recommended by the Rules and Open Government Committee on June 1, 2016:**

- (a) **Approve the Cherrywood Dumpster Day scheduled on June 4, 2016, as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) **Retroactively approve the Memorial Day Breakfast scheduled on May 28, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.**
- (c) **Approve and accept donations from various individuals, businesses or community groups to support the events.**

**CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (M. Nguyen)  
[Rules Committee referral 6/1/16 – Item G.1.a]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 2, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Cherrywood Dumpster Day scheduled on June 4, 2016 as a City Council sponsored Special Event was approved and the Memorial Day Breakfast scheduled on May 28, 2016, was retroactively approved; the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

**2.22 As recommended by the Rules and Open Government Committee on June 1, 2016:**

- (a) **Approve the Cambrian Fun Run scheduled on August 21, 2016, as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) **Approve and accept donations from various individuals, businesses or community groups to support the events.**

**CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Rocha)  
[Rules Committee referral 6/1/16 – Item G.1.b]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 2, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Cambrian Fun Run scheduled on August 21, 2016 as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

- 2.23 As recommended by the Rules and Open Government Committee on June 1, 2016, approve the cleaning of the brick arches and concrete benches at the intersection of the Alameda and Singletary Avenue.  
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Oliverio)  
[Rules Committee referral 6/1/16 – Item G.2]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 2, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The cleaning of the brick arches and concrete benches at the intersection of the Alameda and Singletary Avenue was approved. (11-0.)

- 2.24 Approve travel for Vice Mayor Rose Herrera’s Travel to Monterey, California on June 22 to June 25, 2016 for the Mayor’s and Council Members Executive Forum and League of California Cities Board of Directors Meeting. Source of Funds: League of CA Cities and Mayor/Council Travel Fund. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Herrera)**

Documents Filed: Memorandum from Vice Mayor Rose Herrera, dated June 3, 2016, requesting approval of travel.

Action: The travel for Vice Mayor Rose Herrera was approved. (11-0.)

## **END OF CONSENT CALENDAR**

### **STRATEGIC SUPPORT SERVICES**

- 3.3 (a) Review, discussion and approval of the Mayor’s 2016 June Budget Message.  
(b) Adopt a resolution by the City Council authorizing the City Manager to negotiate and execute agreements addressed in the Mayor’s Budget Message which are for amounts that exceed the City Manager’s contract authority, provided that any required environmental review has been completed.  
CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Mayor)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 3, 2016, recommending approval of the City Manager’s Proposed Budget with additional direction, adoption of a resolution and authorization of changes proposed in the Manager’s Budget Addenda. (2) Supplemental memorandum from Mayor Sam Liccardo, dated June 8, 2016, recommending amendments in Manager’s Budget Addendum 30. (3) Memorandum from Council Member Donald Rocha, dated June 13, 2016, regarding the Mayor’s June Budget Message. (4) Two letters from the public both dated June 14, 2016 regarding the Mayor’s June Budget Message.



### 3.3 (Cont'd.)

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Eileen Hunter, John Olsen, Renee Manuel and Martha Barahona, Sacred Heart, urged the addition of the Urban Agricultural Incentive Zone to the 2016-2017 Budget.

Motion: Council Member Raul Peralez moved approval of the memorandum from Mayor Sam Liccardo, dated June 3, 2016, recommending approval of the City Manager's Proposed Budget with additional direction, adoption of a resolution and authorization of changes proposed in the Manager's Budget Addenda and the supplemental memorandum from Mayor Sam Liccardo, dated June 8, 2016, recommending amendments in Manager's Budget Addendum 30. Council Member Chappie Jones seconded the motion.

Council discussion ensued.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Sam Liccardo, dated June 3, 2016, was approved: (1) Approving the City Manager's Proposed Budget with additional direction outlined in this memorandum for purposes of adopting a final budget for Fiscal Year 2016-2017. (2) Adopt a resolution authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed. (3) Authorize the changes proposed in the Manager's Budget Addenda and incorporate them in the Adopted Budget, except in cases where the Addenda are amended or superseded by the contents of this Budget Message. MBA #4: Office of Immigrant Affairs. MBA #5: 2017-2021 Proposed Capital Improvement Program. MBA #6: Destination Marketing Program to Support International Air Service. MBA #7: Proposed 2016-2021 Transient Occupancy Tax Funded Arts and Cultural Development Grants. MBA #9: Public Works Capital Program Staffing. MBA #10: Mayor's Gang Prevention Task Force and San José Bringing Everyone's Strengths Together Resource Allocation Plan. (3) (Cont'd.) MBA #13: Extension of Homeless Response Team Park Rangers. MBA #14: Sales Tax Ballot Measure 2016-2017 Provisional Budget and Ongoing Spending Priorities Plan. MBA #16: Implementation of the Modified Apartment Rent Ordinance. MBA #18: Team San José 2016-2017 Performance Measures. MBA #19: Intergovernmental Relations. MBA #20: Regional Rail Planning Staffing Revision. MBA #27: Amendments to the 2016-2017 Proposed Fees and Charges Document. MBA #28: Development Services Process Improvement Study Update. MBA #29: 2016-2017 Updated Revenue and Expenditure Estimates in the General Fund and Transient Occupancy Tax Fund. MBA #30: Recommended Amendments to the 2016-2017 Proposed Operating and Capital Budgets. Resolution No. 77774, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Agreements Identified in the Mayor's 2016 June Budget Message Which Are For Amounts That Exceed the City Manager's Contract Authority, Provided That Any Required Environmental Review Has Been Completed", was adopted. The supplemental memorandum from Mayor Sam Liccardo, dated June 8, 2016, was approved: (1) MBA #30: "Recommended amendments

### 3.3 (Action Cont'd.)

to the 2016-2017 Proposed Operating and Capital Budgets”, identified \$330,000 in surplus in ongoing available funding. Pending the voters’ determination of Measure B, San José’s quarter-center sales tax, the allocation of any of those dollars are not recommended in order to ensure ample savings to dampen anticipated deficits in the following years. (2) MBA #14: “Sales Tax Ballot Measure 2016-2017 Provisional Budget and Ongoing Spending Priorities Plan: with a modification to include restoration of an additional two-person squad to enhance emergency medical response in the Fire Department. (11-0.)

### RECESS/RECONVENE

The City Council recessed at 12:37 p.m. from the afternoon Council Session and reconvened at 1:30 p.m. in the Council Chamber, City Hall.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

### INVOCATION

Pastor Rebecca Irelan, Willow Glen United Methodist Church offered the Invocation. (District 6)

Mayor Sam Liccardo requested a moment of silence for the victims of the tragedy in Orlando, Florida which occurred on Sunday, June 12, 2016.

### PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

### CEREMONIAL ITEMS

#### 1.1 Administer the Oath of Office to the Youth Commissioners. (City Clerk) To Be Heard in the Evening.

Action: Continued to the June 21, 2016 Special Evening Meeting.

#### 1.2 Presentation of a commendation to Blanca Carbajal, East San José community leader, educator and a neighborhood advocate for parents and their students striving to positively impact their community. (Carrasco) To Be Heard in the Evening.

Action: Continued to the June 21, 2016 Special Evening Meeting.

- 1.3 Presentation of a commendation to Halle Thompson for being named 2016 Miss California Junior High. (Khamis)  
To Be Heard in the Evening.**

Action: Continued to the June 21, 2016 Special Evening Meeting.

- 1.4 Presentation of a commendation to Scott Krijnen of Castellero Middle School for being named a 2016 All-Star Teacher finalist. (Khamis)  
To Be Heard in the Evening.**

Action: Continued to the June 21, 2016 Special Evening Meeting.

- 1.5 Presentation of a proclamation declaring the month of June 2016 as “Immigrant Heritage Month” in the City of San José. (Mayor/Kalra/T. Nguyen/Khamis)**

Mayor Sam Liccardo, Council Member Ash Kalra, Council Member Tam Nguyen, Council Member Johnny Khamis, Council Member Manh Nguyen and Council Member Magdalena Carrasco recognized the month of June 2016 as “Immigrant Heritage Month”.

- 1.6 Presentation of a proclamation recognizing June as “Alzheimer’s and Brain Awareness Month” in the City of San José. (Herrera)**

Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Magdalena Carrasco recognized June 2016 as “Alzheimer’s and Brain Awareness Month”.

## **STRATEGIC SUPPORT SERVICES**

- 3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).**

City Manager Norberto Dueñas announced that the City of San José has stepped up its efforts to increase public awareness of illegal fireworks including providing flyers in multiple languages, Public Service announcements, the ability to report illegal fireworks online July 1 through July 5, 2016 and increased Police presence. City Manager Norberto Dueñas pointed out there are several free public fireworks displays on July 4, 2016 for residents to attend in San José such as the Rotary Fireworks Show at Discovery Meadow Downtown, the Third Family Fun Festival and Fireworks Show at Almaden Lake Park and the San José Giants Independence Day Celebration at Municipal Stadium.

- 3.4 Adopt a resolution to amend the current Recycle Plus Rate resolution effective July 1, 2016, as follows:**

- (a) Increase rates for multi-family households by 2.5 percent; and**
- (b) Increase the rates for on-demand large item collection services by 0.87 percent for single-family service and 0.33 percent for multi-family service, applicable after free collections have been redeemed.**

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

**3.4 (Cont'd.)**

Documents Filed: Memorandum from Director of Environmental Services Kerrie Romanow, dated May 27, 2016, recommending adoption of a resolution.

Director of Environmental Services Kerrie Romanow responded to Council questions and concerns.

Action: Upon motion by Council Member Johnny Khamis, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77775, entitled: "A Resolution of the Council of the City of San José Adopting Service Rates for the Recycle Plus Program Effective July 1, 2016 and Superseding Resolution No. 77402", was adopted. (11-0.)

**3.5 Adopt a resolution to:**

- (a) **Amend the City of San José Pay Plan effective June 19, 2016, to create the following classifications:**
  - (1) **Water Systems Operator II/III (3638/3639)**
  - (2) **Water Systems Foreperson II (3645)**
  - (3) **Water Systems Operations Superintendent I/II (3646/3647)**
  - (4) **Water Systems Operations Manager (3648)**
- (b) **Amend the City of San José Pay Plan effective June 19, 2016, to change the salary range and title for the following classifications:**
  - (1) **Water Systems Operator I (3632) (formerly Water Systems Technician)**
  - (2) **Water Systems Operations Foreperson I (3633) (formerly Senior Water Systems Technician)**
- (c) **Amend the City of San José Pay Plan effective June 19, 2016, to change the salary range for the following classification:**
  - (1) **Cross Connection Specialist (3630)**
- (d) **Amend the City of San José Pay Plan effective June 19, 2016, 2016, to delete the following classifications:**
  - (1) **Water Meter Reader PT (3634)**
  - (2) **Senior Water Meter Reader (3629)**

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

*Item 3.5 was heard jointly with Item 3.6.*

Documents Filed: Memorandum from Director of Human Resources Joseph Angelo, dated June 2, 2016, recommending adoption of a resolution.

Motion: Council Member Tam Nguyen moved approval of the Staff recommendations for Item 3.5 and Item 3.6. Vice Mayor Rose Herrera seconded the motion.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77776, entitled: "A Resolution of the Council of the City of San José Amending the City of San José Pay Plan for Various Job Classifications", was adopted. (10-0-1. Absent: Carrasco.)

- 3.6 (a) **Hold a Public Hearing on proposed San José Municipal Water System 2016-2017 potable water rates and charges.**
- (b) **Adopt a resolution increasing the San José Municipal Water System potable water rates and charges, effective July 1, 2016, except for quantity charges in the McCarthy/Dixon zone, which are indexed to the cost of potable water purchased from the City of Milpitas, as follows:**
- (1) **If the Amendments to the City Pay Plan for Various Classifications item on this Council Agenda is approved, a resolution increasing San José Municipal Water System potable water rates and charges by up to 3.0%, effective July 1, 2016; OR**

*Item 3.6 was heard jointly with Item 3.5.*

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow, dated June 2, 2016, recommending holding a public hearing and adoption of a resolution. (2) Supplemental memorandum from Director of Environmental Services Kerrie Romanow, dated June 13, 2016, reporting on the written protests received through June 10, 2016.

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

City Clerk Toni J. Taber, CMC stated that subsequent to the memorandum from the Environmental Services Department, the City Clerk's Office had received valid written protests representing nine additional customers and the total number of valid written requests is 53 for the proposed Municipal Water System rate increase. City Clerk Taber continued that the total of all written protests received during the public protest period represents one half of one percent (0.5%) of all customers impacted by the change in water retail rates; therefore the Council may consider the Staff recommendations for the Municipal Water System rate increase.

Action: Upon motion by Council Member Tam Nguyen, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77777, entitled: "A Resolution of the Council of the City of San José To Establish New Charges for Potable Water Service Effective July 1, 2016", was adopted. (10-0-1. Absent: Carrasco.)

- (b) (2) **If the Amendments to the City Pay Plan for Various Classifications item on this Council Agenda are not approved, a resolution increasing San José Municipal Water System potable water rates and charges by up to 2.0%, effective July 1, 2016.**

**CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates and Fares. Council Districts 2, 4, 7, and 8. (Environmental Services)**

Action: Item 3.6(b)(2) was not approved.

- 3.7 (a) Adopt a resolution setting the following Sewer Service and Use Charge rates for 2016-2017:

<u>Category</u>	<u>2016-2017 Monthly Rates</u>
Single-Family Residential	\$35.60
Multi-Family Residential	\$23.85 per unit
Mobile Home	\$26.88 per unit
Non-Monitored Commercial and Industrial	See Attachment A
Monitored Industrial	See Attachment A

- (b) Adopt a resolution setting the following Storm Sewer Service Charge rates for 2016-2017:

<u>Category</u>	<u>2016-2017 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 & Fares. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services Kerrie Romanow, dated June 1, 2016, recommending adoption of resolutions.

Action: Upon motion by Council Member Johnny Khamis, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77778, entitled: "A Resolution of the Council of the City of San José Setting Schedules of Sanitary Sewer Service and Use Charges for Fiscal Year 2016-2017 and Superseding Resolution No. 77462" and Resolution No. 77779, entitled: "A Resolution of the Council of the City of San José Setting Schedules of Storm Sewer Service Charges for Fiscal Year 2016-2017 and Superseding Resolution No. 77463", were adopted. (10-0-1. Absent: Carrasco.)

- 3.8 Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2016-2017 by 3.00% over the fiscal year 2015-2016 rates and approving the placement of the Library Parcel Tax on the fiscal year 2016-2017 Santa Clara County Property Tax Roll. **CEQA: Not a Project, File No. PP10-067(a), Increases or Adjustments to Fees, Rates & Fares. (Finance/Library)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper and Library Director Jill Bourne, dated June 1, 2016, recommending adoption of a resolution.

Action: Upon motion by Council Member Chappie Jones, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77780, entitled: "A Resolution of the Council of the City of San José Approving the Increased Library Parcel Tax Rates for FY 2016-2017 and Approving the Placement of the Library Parcel Tax on the FY 2016-2017 Santa Clara County Property Tax Roll", was adopted. (10-0-1. Absent: Carrasco.)



- 3.9 (a) **Adopt a resolution approving the Operating Budget for 2016-2017 for the City of San José, the Capital Budget for 2016-2017 for the City of San José, and the Five-Year Capital Improvement Program for 2017-2021 for the City of San José as revised by the Mayor’s Budget Message and directing the City Manager to prepare final documents for adoption.**
- (b) **Adopt a resolution establishing the Schedule of Fees and Charges for 2016-2017.**

**CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities and Not a Project, File No. PP10-068(c), Code or Policy change that involves no changes in the physical environment. (City Manager)**

Documents Filed: (1) Proposed Operating Budget Binder for Fiscal Year 2016-2017. (2) Proposed Fiscal Year 2016-2017 Capital Budget and 2017-2021 Capital Improvement Program Binder. (3) Proposed 2016-2017 Fees and Charges Report.

See Appendix A on Page 41 for related Budget Documents, Manager’s Budget Addenda and Public Correspondence.

Action: Upon motion by Council Member Raul Peralez, seconded by Council Member Tam Nguyen and carried unanimously, Resolution No. 77781, entitled: “A Resolution of the Council of the City of San José Approving for Adoption the Operating Budget for Fiscal Year 2016-2017”; Resolution No. 77782, entitled: “A Resolution of the Council of the City of San José Approving for Adoption the Capital Budget for Fiscal Year 2016-2017”; Resolution No. 77783, entitled: “A Resolution of the Council of the City of San José Approving for Adoption the Five Year Capital Improvement Program for Fiscal Year 2017-2021” and Resolution No. 77784, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 72737 To Amend and Establish Various Fees and Charges Effective July 1, 2016”, were adopted. (11-0.)

- 3.10 (a) **Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs.**
- (b) **Adopt a resolution confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report.**
- (c) **Direct the recording of liens and the placement of charges as set forth therein on the 2016-2017 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs.**

**CEQA: Not a Project, File No PP10-067(a), Non-Project Specific Funding Mechanism for Increase or Adjustment to Fees, Rates and Fares. (Finance)  
To Be Heard in the Evening.**

Action: Continued to the June 21, 2016 Special Evening Meeting.

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.1 Adopt a resolution:

- (a) Declaring the Hayes Mansion hotel and conference center property, consisting of 6.32 acres of land and 275,231 square feet of commercial building space, surplus to the needs of the City concurrent with the transfer of title from the City of San Jose Financing Authority;
- (b) Authorizing the City Manager or his designee to negotiate the sale of the hotel property, including furniture, fixtures, equipment, vehicles and art for \$47,000,000 to Asha Companies based upon the terms and conditions outlined in this memorandum, and to execute a purchase and sale agreement, the deed and all other documents needed to complete the transaction, contingent upon the transfer of the property from the Authority to the City;
- (c) Authorizing the City Manager to Assign the Management Agreement between Dolce International Holdings, Inc. and the City to Asha Companies;
- (d) Accepting the transfer of the Grant Deed for the Hayes Mansion property as of the closing date of the sale of the property to Asha Companies in exchange for funds sufficient (in combination with proceeds on hand in associated Debt Service Reserve Funds) to retire all bonds issued by the City of San Jose Financing Authority that are secured by the Hayes Mansion property; and
- (e) Directing staff to apply the balance of the sale proceeds and other related proceeds and savings to the retirement of debt and payment of obligations as set forth in the June 3, 2016 memorandum on this subject.

**CEQA: Exempt, Section 15301 Existing Facilities, File No. PP16-016. (Economic Development)**

Action: Moved to San José Financing Authority Meeting. See Item 2(a)(b) for Action.

### 4.2 Adopt a resolution authorizing the Director of Housing to:

- (a) Negotiate and execute amendments to the City's existing loan documents on the Rincon de los Esteros Apartments, a 246-apartment affordable property located at 1780 Old Oakland Road ("Property"), to enable refinancing of the Property's senior loan and withdrawal of no more than \$3,000,000 in refinancing proceeds by the Property's owner, Rincon de los Esteros, Inc. ("Owner"), an affiliate of the San José-based nonprofit developer First Community Housing ("Sponsor").
- (b) Negotiate and execute amendments to the City's other project-related documents to implement the changes described in the memorandum to Council.

**CEQA: Exempt, Section 15301(d) Existing Facilities, File No. PP16-066. Council District 4. (Housing)**

Documents Filed: Memorandum from Director of Housing Jacky Morales-Ferrand, dated June 2, 2016, recommending adoption of a resolution.

4.2 (Cont'd.)

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Geoffrey Morgan, First Community Housing, expressed support to the Staff recommendations.

Brief Council discussion ensued.

Action: Upon motion by Council Member Manh Nguyen, seconded by Council Member Tam Nguyen and carried unanimously, Resolution No. 77785, entitled: "A Resolution of the Council of the City of San José Approving The Refinancing Conditions For The Rincon De Los Esteros Apartments And Authorizing The Director Of Housing To Negotiate And Execute Amendments To The Existing Loan Documents", was adopted. (11-0.)

4.3 Adopt a resolution:

- (a) **Authorizing the City Manager or his designee to submit a joint application, with First Community Housing ("FCH" or "Developer"), to the California Strategic Growth Council (SGC) and/or California Department of Housing and Community Development (HCD) in an amount not to exceed \$18,651,319 under the 2015-16 Affordable Housing and Sustainable Communities (AHSC) program to fund new affordable housing, infrastructure and programs that help reduce greenhouse gas emissions in San José.**
- (b) **Authorizing the City Manager or his designee to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement) in a total amount not to exceed \$18,651,319 (\$14,404,113 for the AHSC Loan and \$4,247,206 for the AHSC Grant), and any and all other documents required or deemed necessary or appropriate to secure the AHSC Program funds.**
- (c) **Identifying the City Manager or his designee is authorized to execute in the name of Applicant the AHSC Program Application Package and the AHSC Program Documents as required by the Department for participation in the AHSC Program.**
- (d) **Authorizing the City Manager or his designee to negotiate and execute an agreement with FCH to allocate responsibilities and liabilities between the City and the Developer in the event the grant and loan are awarded to the City and FCH as co-applicants.**

**CEQA: Brandenburg Mixed Use Project/North San Pedro Housing Sites Final Program EIR and Addenda thereto, File No. PP16-056. Council District 3. (Housing)**

Documents Filed: (1) Memorandum from Director of Housing Jacky Morales-Ferrand, Director of Transportation James Ortbal, Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Deputy City Manager/Director of Economic Development Kim Walesh, dated June 2, 2016, recommending adoption of a resolution. (2) Staff presentation dated June 14, 2016 summarizing Affordable Housing and Sustainable Communities.

*Item 4.3 and Item 4.4 were heard concurrently.*

#### 4.3 (Cont'd.)

Housing Division Manager David Bopf and Policy Manager Adam Marcus presented the report.

Council discussion ensued.

Motion: Council Member Raul Peralez moved approval of the Staff recommendations. Council Member Ash Kalra seconded the motion.

Mayor Sam Liccardo requested to amend the motion to direct Staff to push the limits, aim high and report back to Council once the awards have been made. The amendment was accepted by Council Member Raul Peralez and Council Member Ash Kalra.

Council Member Tam Nguyen requested to amend the motion to direct Staff to open up the process to include input from the Council. The amendment was accepted by Council Member Raul Peralez and Council Member Ash Kalra.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing support to the Staff recommendations were Dale Porter, Aurelia Sanchez, Pilar Campos and Robert Aguirre.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77786, entitled: "A Resolution of the Council of the City of San José Authorizing The City Manager To Submit A Grant Application To The Department Of Housing And Community Development For The Affordable Housing And Sustainable Communities Program For Funding For The St. James Station TOD Project In An Amount Not To Exceed \$18,651,319.00, was adopted. Staff was directed to: (1) To push the limits, aim high and report back to Council once the awards have been made. (2) Open up the process to include input from the Council. (11-0.)

#### 4.4 Adopt a resolution:

- (a) **Authorizing the City Manager or his designee to submit a joint application, with Charities Housing Development Corporation ("Charities Housing" or "Developer") to the California Strategic Growth Council (SGC) and/or California Department of Housing and Community Development (HCD) in an amount not to exceed \$14,979,486 under the 2015-16 Affordable Housing and Sustainable Communities (AHSC) program to fund new affordable housing, infrastructure and programs that help reduce greenhouse gas emissions in San José.**
- (b) **Authorizing the City Manager or his designee to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement) in a total amount not to exceed \$14,979,486 (\$7,766,134 for the AHSC Loan and \$7,213,352 for the AHSC Grant), and any and all other documents required or deemed necessary or appropriate to secure the AHSC Program funds.**

- 4.4 (c) **Identifying the City Manager or his designee is authorized to execute in the name of Applicant the AHSC Program Application Package and the AHSC Program Documents as required by the Department for participation in the AHSC Program.**
- (d) **Authorizing the City Manager or his designee to negotiate and execute an agreement with Charities Housing to allocate responsibilities and liabilities between the City and the Developer in the event the grant and loan are awarded to the City and Charities Housing as co-applicants.**

**CEQA: Addendum to the 2500 Senter Road Residential Project Mitigated Negative Declaration and Addenda thereto, the Coyote Creek Trail Story Road to Phelan Avenue Mitigated Negative Declaration, and the Coyote Creek Trail Master Plan Los Lagos Golf Course to Tully Road Mitigated Negative Declaration, File No. PP16-065. Council District 7. (Housing)**

*Item 4.3 and Item 4.4 were heard concurrently. Please see Item 4.3 for other actions.*

Documents Filed: (1) Memorandum from Director of Housing Jacky Morales-Ferrand, Director of Transportation James Ortbal and Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated June 2, 2016, recommending adoption of a resolution. (2) Three letters from the public, all dated June 14, 2016, expressing support to the Staff recommendations.

Action: Upon motion by Council Member Raul Peralez, seconded by Council Member Ash Kalra and carried unanimously, Resolution No. 77787, entitled: "A Resolution Of The Council Of The City Of San Jose Authorizing The City Manager To Submit A Grant Application To The Department Of Housing And Community Development For The Affordable Housing And Sustainable Communities Program For Funding For The Renascent Place Project In An Amount Not To Exceed \$14,979,486", was adopted. (11-0.)

**4.5 Conduct a Public Hearing and adopt a resolution:**

- (a) **Approving the report of the Director of Public Works setting forth the facts justifying the vacation of a portion of Julian Street, west of Terraine Street with the reservation of a public service easement over the entire area being vacated ("PSE").**
- (b) **Vacating the approximately 8,334 square feet portion of Julian Street which is unnecessary for present or prospective public use with the reservation of the PSE.**
- (c) **Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.**

**CEQA: Brandenburg Mixed-Use Project/North San Pedro Housing Sites EIR (Resolution No. 72170), File No. GP03-03-01. Council District 3. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 31, 2016, recommending conducting a public hearing and adoption of a resolution.

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

4.5 (Cont'd.)

Action: Upon motion by Council Member Raul Peralez, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77788, entitled: "A Resolution of the Council of the City of San José Vacating a Portion of Julian Road, West of Terraine Street and Reserving a Public Service Easement Over the Vacated Area", was adopted. (11-0.)

4.6 **Conduct a Public Hearing and take the following actions relating to annexing Annexation Area No. 2 into Community Facilities District No. 8 (Communications Hill):**

- (a) **Adopt a resolution:**
- (1) **Declaring the results of the special election.**
  - (2) **Contingent upon two-thirds qualified voter approval, determining that Annexation Area No. 2 is annexed to Community Facilities District No. 8.**
  - (3) **Directing the City Clerk to record a notice of special tax lien.**
- (b) **Adopt an ordinance levying special taxes within Annexation Area No. 2 to Community Facilities District No. 8.**

**CEQA: Communications Hill 2 Final EIR (Resolution No 77172), File No. PDA14-035-01. Council District 7. (Public Works)**

Documents Filed: (1) Memorandum from Director of Public Works Barry Ng, dated May 23, 2016, recommending conducting a public hearing, adoption of a resolution and ordinance. (2) The Canvass and Statement of Result of Election, dated June 12, 2016, attested by City Clerk Toni J. Taber, CMC: Two Aye Votes and Zero No Votes. (3) Statement and Declaration of Conflict of Interest Form from Council Member Johnny Khamis, dated June 14, 2016, disclosing ownership of real property in Communications Hill.

Council Member Johnny Khamis recused himself from participating in the Council discussion and voting due to a conflict of interest.

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor.

City Clerk Toni J. Taber, CMC announced there were no protests from the public.

Mayor Sam Liccardo closed the public hearing.

Mayor Sam Liccardo asked if there were any property owners that would like to submit a ballot to the Clerk.

City Clerk Toni J. Taber tabulated the votes and stated that 100% of the voters voted yes and the Council may proceed to vote on the imposition of the special tax.



#### 4.6 (Cont'd.)

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, Resolution No. 77789, entitled: "A Resolution of the Council of the City of San José Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien for Annexation Area No. 2 of Community Facilities District No. 8 (Communications Hill)" and Ordinance No. 29748, entitled: "An Ordinance of the City of San José Levying Special Taxes Within Annexation Area No. 2 of Community Facilities District No. 8 (Communications Hill)", were adopted. (9-0-1-1. Abstain: Khamis. Absent: M. Nguyen.)

### NEIGHBORHOOD SERVICES

#### 5.1 As recommended by the Neighborhood Services & Education Committee on March 10, 2016:

- (a) **Accept the report regarding Reducing Economic Barriers to Library Access.**
- (b) **Adopt a resolution to authorize the Library Director, in partnership with the Director of Finance, to implement one-time and ongoing programs that eliminate outstanding Library cardholder debt, provided that certain conditions are met, including:**
  - (1) **A one-month fee Amnesty for patrons who return items in "billed" status, to be implemented in 2016.**
  - (2) **Programs that allow patrons to have their Library cardholder debt reduced or eliminated when they replace "billed" items, volunteer on behalf of the Library, or participate in designated reading activities.**
  - (3) **A one-time per patron forgiveness of overdue fines for patrons who register for the 2016 Summer Reading Challenge.**

**CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Library)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Council Member Raul Peralez and Council Member Magdalena Carrasco, dated May 13, 2016, recommending acceptance of the Staff report and recommendations with further action as described in "Action" on Page 28. (2) Memorandum from Library Director Jill Bourne, dated May 6, 2016, recommending acceptance of the report and adoption of a resolution.

Library Director Jill Bourne presented the Staff Report and responded to Council questions and concerns.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Robert Aguirre expressed support to the Staff recommendations.

## 5.1 (Cont'd.)

Motion: Council Member Ash Kalra moved approval of the memorandum from Mayor Sam Liccardo, Council Member Raul Peralez and Council Member Magdalena Carrasco, dated May 13, 2016, recommending acceptance of the Staff report and recommendations with further action as described in "Action" below. Vice Mayor Rose Herrera seconded the motion.

Council discussion ensued.

Action: On a call for the question, the motion carried unanimously, the report regarding Reducing Economic Barriers to Library Access was accepted. The memorandum from Mayor Sam Liccardo, Council Member Raul Peralez and Council Member Magdalena Carrasco, dated June 10, 2016, was approved: (1) Accept the Staff Report and Recommendations on Actions related to reducing economic barriers to library access with the following changes: (a) Reduce the maximum number of items allowed per cardholder account from 100 to 25 and create a program that allows educators to check-out up to 50 items. (b) Develop a survey that generates information and insights on library usage programs to develop new, or improve existing strategies for on-time returns. (c) Establish a differentiated fine structure for children and youth that incorporates the following: (i) Fines are significantly lower than those in place for adults. (ii) Establish a cap on maximum accrued fines that ensures access. (iii) Allow fees to be waived or reduced only when the late item is returned. (2) Report to Council through the Neighborhood Services and Education Committee: (a) Whether the City, or its contracted debt collection agency, has reported or continues to report library patron debt to any credit agencies; what impacts that might have on the patron's credit, and what options remain available to the City. (b) Whether the City can recover more revenue and reduce administrative costs on nonperforming patron debt through fine/debt "work-outs" with patrons. (c) Whether the City can work with Silicon Valley Community Foundation (SVCF) and other interested foundations to promote and fundraise resources that will: (i) Establish a fund to cover the cost of replacing missing children's books. (ii) Reinforce the vision of San Jose libraries as an accessible and welcoming place to our entire community. (iii) Implement and study the impact of a one-time fee-waiver program. (iv) Educate and incentivize children to foster responsible use and return of library materials. (d) On the integration of these efforts with existing City programs that promote equity and children's access, such as My Brothers' Keeper, the Library's Teen Center, Library Works, San José Learns and San José Works. Resolution No. 77790, entitled: "A Resolution of the Council of the City of San José Authorizing the Library Director, In Partnership With the Director of Finance, To Implement On Time and Ongoing Programs That Eliminate Outstanding Library Cardholder Debt, Provided that Certain Conditions Are Met", was adopted. (10-0-1. Absent: M. Nguyen.)

## TRANSPORTATION & AVIATION SERVICES

### 6.1 Adopt a resolution:

- (a) Approving a proposed overall Disadvantaged Business Enterprise (DBE) participation race-neutral goal of 6.30% for Federal Aviation Administration (FAA) Airport Improvement Program grant funded Airport development projects at the Norman Y. Mineta San José International Airport for Federal Fiscal Years 2017-2019;
  - (b) Authorizing the City Manager to submit the three-year DBE participation plan to the FAA, which is due by August 1, 2016; and
  - (c) Authorizing the City Manager to make revisions as requested by the FAA.
- CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Airport)**  
**(Deferred from 5/24/16 – Item 6.1)**

Documents Filed: (1) Memorandum from Director of Aviation Services Kimberly J. Becker, dated May 12, 2016, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Aviation Services Kimberly J. Becker, dated June 13, 2016, transmitting public comments received during the 45-day comment period. (3) Staff presentation dated June 14, 2016 summarizing the Norman Y. Mineta San José International Airport Disadvantaged Business Enterprises 3-Year Plan.

Assistant Director of Aviation John Aitken presented the report.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Walter Wilson and Reginald Swilley, Minority Business Consortium, expressed support to the Staff recommendations. Mark Trout spoke off topic.

Action: Upon motion by Council Member Chappie Jones, seconded by Council Member Johnny Khamis and carried unanimously, Resolution No. 77791, entitled: “A Resolution of the Council of the City of San José Approving the Norman Y. Mineta San José International Airport Disadvantaged Business Enterprise Participation Plan for Grant Funded Airport Development Projects for Federal Fiscal Years 2017 through 2019”, was adopted. (10-0-1. Absent: M. Nguyen.)

## ENVIRONMENTAL & UTILITY SERVICES

- ### 7.1 Approve Master Consultant Agreements with Hazen and Sawyer, and Value Management Strategies, Inc. to provide value engineering and peer review services for the Capital Improvement Program at the San José-Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2021, in a total amount not to exceed \$5,000,000 for each agreement, subject to the appropriation of funds. CEQA: Exempt, Section 15262, Feasibility and Planning Studies, File No. PP10-066(d). (Environmental Services)

Action: Continued to the June 21, 2016 Meeting.

- 7.2 Approve a Master Consultant Agreement with Brown and Caldwell to provide engineering services for the 8073 – Blower Improvements Project and 8001 – Aeration Tanks Rehabilitation Project at the San José-Santa Clara Regional Wastewater Facility from the date of execution through December 31, 2024, in an initial total amount not to exceed \$7,900,000, subject to the appropriation of funds. CEQA: Exempt, File No. PP10-066(d), Section 15262, Feasibility and Planning Studies. (Environmental Services)**

Action: Continued to the June 21, 2016 Meeting.

- 7.3 (a) Adopt a resolution approving the Construction-Enabling Improvements Project Addendum to the San José / Santa Clara Water Pollution Control Plant Master Plan Environmental Impact Report (SCH# 2011052074) and related Mitigation Monitoring and Reporting Program (File No. PP15-120).**
- (b) Report on bids and award of contract for the 7987 – Construction-Enabling Improvements Project to the low bidder, Teichert Construction, Inc., for the base bid of \$3,124,885 and Add Alternate No. 2 in the amount of \$11,025 for a total amount of \$3,135,910 and approval of a 10 percent construction contingency in the amount of \$314,000.**
- (c) Adopt a resolution authorizing the Director of Public Works to execute one or more change orders in excess of \$100,000 for the duration of the Construction Enabling Improvements project, not to exceed the total contingency amount approved for the project.**
- (d) Adopt the following 2015-2016 Appropriations Ordinance amendments in the San José-Santa Clara Treatment Plant Capital Fund:**
- (1) Decrease the Urgent and Unscheduled Treatment Plant Rehabilitation appropriation to the Environmental Services Department by \$455,000.**
  - (2) Increase the Construction-Enabling Improvements appropriation to the Environmental Services Department by \$455,000.**

**CEQA: Addendum to the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR (SCH# 2011052074), File No. PP15-120. (Environmental Services/Public Works/City Manager)**

Action: Continued to the June 21, 2016 Meeting.

- 7.4 Approve Master Consultant Agreements with Kennedy/Jenks Consultants, Inc. and MNS Engineers, Inc., for construction management and inspection services for various capital improvement projects at the San José-Santa Clara Regional Wastewater Facility, from the date of execution through June 30, 2024, in a total amount not to exceed \$8,000,000 for each agreement, subject to the appropriation of funds. CEQA: Exempt, File No. PP10-066(d), Section 15262, Feasibility and Planning Studies. (Environmental Services/Public Works)**

Action: Continued to the June 21, 2016 Meeting.

## REDEVELOPMENT – SUCCESSOR AGENCY

- 9.1 Successor Agency Board approve the Purchase and Sale Agreements and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and:
- (a) Imwalle Annex HBD, LLC, as buyer to allow the sale of real property located at 92 South Montgomery Street for a purchase price of \$613,000.
  - (b) Lawrence Wu, as buyer to allow the sale of a landscape area located at Almaden Boulevard (APN 264-3-101) for a purchase price of \$508,000.
- CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Successor Agency)

Action: Continued to the June 28, 2016 Meeting.

- 9.2 Successor Agency Board approve the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller, and the County of Santa Clara, as buyer, to allow the sale of 300 South Almaden Boulevard to the County for the appraised value of \$96,000. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Successor Agency)

Action: Continued to the June 28, 2016 Meeting.

## RECESS/RECONVENE

The Council adjourned to Closed Session at 5:08 p.m. and returned to Open Session at 5:12 p.m.

## ADJOURNMENT

Upon motion by Council Member Tam Nguyen, seconded by Council Member Raul Peralez and carried unanimously, the remainder of the afternoon items and the Council Evening Agenda were continued to June 21, 2016. (11-0.)

Mayor Sam Liccardo adjourned the Council Meeting at 5:14 p.m. The Council of the City of San José will reconvene on Tuesday, June 21, 2016 in Closed Session at 8:30 a.m.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC  
City Clerk

smd/06-14-16 MIN

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

## GENERAL PLAN PUBLIC HEARINGS

- 10.1** Adopt a resolution increasing the Floor Area Ratio (FAR) from up to 2.0 FAR to up to 3.5 FAR, and increase the reference range for the number of stories from one to four stories to one to five stories for the Neighborhood/Community Commercial land use designation. Director of Planning, Building and Code Enforcement recommends approval and Planning Commission recommends approval (5-0-2, Yob and Pham absent). CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR. (Planning, Building and Code Enforcement)  
**GPT16-003** – Citywide

Action: Continued to the June 21, 2016 Special Evening Meeting.

### END OF CONSENT CALENDAR

- 10.2** Deny the General Plan Amendment request to expand the Urban Service Area Boundary and change to the Land Use/Transportation Diagram designation of the subject site from Lower Hillside to Residential Neighborhood for an approximately 3.2 gross acre site (Barbaccia Trust, owner). Director of Planning, Building and Code Enforcement recommends denial. Planning Commission recommends denial (4-1-2, O'Halloran opposed; Yob and Pham absent). CEQA: Exempt, Section 15270 Projects which are disapproved. (Planning, Building and Code Enforcement)  
**GP15-017** – District 2

Action: Continued to the June 21, 2016 Special Evening Meeting.

- 10.3** Allow continued processing of the General Plan Amendment request to change the Land Use/Transportation Diagram designation from Light Industrial to Mixed Use Neighborhood for an approximately 1.95 gross acre site (1175 Campbell Avenue, LLC, owner). Director of Planning, Building and Code Enforcement recommends denial. Planning Commission recommends that the City Council allow continued processing of the proposed General Plan Amendment for consideration during the 2016 General Plan Annual Review hearing cycle for privately initiated General Plan amendments (5-0-2, Yob and Pham absent). CEQA: Exempt, Section 15270 Projects which are disapproved. (Planning, Building and Code Enforcement)  
**GP16-006** – District 6

Action: Continued to the June 21, 2016 Special Evening Meeting.

- 10.4** (a) Adopt a resolution adopting the Evans Lane Transitional Housing Project Mitigated Negative Declaration, for which an initial study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.

- 10.4 (b) Approve the General Plan Amendment to change the Land Use/Transportation Diagram designation from Neighborhood/Community Commercial to Mixed Use Neighborhood for an approximately 5.93 gross acre site (City of San José, owner).

Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (4-1-2, Bit-Badal opposed; Yob and Pham absent). CEQA: Evans Lane Transitional Housing Project Negative Declaration. (Housing/ Planning, Building and Code Enforcement)  
**GP16-001 – District 6**

Action: Continued to the June 21, 2016 Special Evening Meeting.

- 10.5 Continue General Plan Hearing to June 28, 2016 for Final Adoption.

Action: Continued to the June 28, 2016 for Final Adoption.

#### **PUBLIC HEARINGS ON CONSENT CALENDAR**

- 11.1 (a) Consideration of an ordinance rezoning the real property located on the north side of Piercy Road, approximately 450 feet easterly of Hellyer Avenue (455 Piercy Road) from the A(PD) Planned Development Zoning District to the IP Industrial Park Zoning District on an approximately 8.0 gross acre site (Owens Mortgage Investment Fund, owner). Director of Planning, Building and Code Enforcements recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)  
**C16-015 – Council District 2**

Action: Continued to the June 21, 2016 Special Evening Meeting.

- (b) (1) Adopt a resolution approving the North Sixth Street Residential Addendum to the Downtown Strategy 2000 Final Program Environmental Impact Report (Resolution No. 72767), Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report (Resolution No. 77617), for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.

- 11.1 (b) (2) Consideration of an ordinance rezoning the real property located on the southwest corner of N. Sixth Street and E. St. John Street (61, 73, 81, 87, and 99 N. Sixth Street) from the R-M Multiple Residence Zoning District to the DC Downtown Primary Commercial Zoning District on an approximately 0.74 gross acre site (Keith Watts, First Methodist Church, Allan and Angela Ngoc, Vu Vi Xuan trustee, owners).  
Planning Commission recommends approval (7-0-0). CEQA: Addendum to the San José Downtown Strategy 2000 Final Program EIR (Resolution No. 72767), and the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)  
C15-062 – District 3

Action: Continued to the June 21, 2016 Special Evening Meeting.

## PUBLIC HEARINGS

- 11.2 (a) Adopt a resolution approving the 777/815 West San Carlos Street Mixed-Used Project Addendum to the Diridon Station Area Plan Final Environmental Impact Report (Resolution No. 77096) and the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report (Resolution No. 77617), for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.
- (b) Consideration of an ordinance rezoning the real property located on the east side of Sunol Street, approximately 120 feet north of W. San Carlos Street (270 and 266 Sunol Street) from the R-M(PD) Planned Development Zoning District to the R-M(PD) Planned Development Zoning District to allow an approximately seven-story mixed-use development with a density bonus of 35 percent in accordance with State law for up to 149 multi-family residential units (including 22 very low income affordable units) and a minimum of 2,900 square feet of commercial space (J.C. Martin, owner).
- (c) Adopt a resolution approving a Planned Development Permit to allow the demolition of five existing buildings, including a single-family residence, detached garage, a welding shop, and two storage yard buildings, with a total of 17,301 square feet, the removal of nine ordinance-size trees, and the construction of 149 residential units (including 22 very low income affordable units) within a seven-story building with a two-floor, above-grade parking garage.

Director of Planning, Building and Code Enforcements recommends approval. CEQA: 777/815 West San Carlos Street Mixed-Used Project Addendum to the Diridon Station Area Plan Final EIR (Resolution No. 77096) and the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)  
PDC16-018 & PD16-013 – Council District 6



11.2 (Cont'd.)

Action: Continued to the June 21, 2016 Special Evening Meeting.

- 11.3 (a) Consideration of an Addendum to the Downtown Strategy 2000 Final Program Environmental Impact Report (Resolution No. 72767), the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096), and the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report (Resolution No. 77617), for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended.
- (b) Consideration of an ordinance rezoning the real property located on the westerly side of Delmas Avenue, approximately 290 feet northerly of Auzerais Avenue, on an approximately 0.5 gross acre site from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District (Delmas Group, LLC, owner).
- (c) Adopt a resolution approving a Vesting Tentative Map to consolidate four parcels into one parcel, and allow up to 120 residential condominium units.
- (d) Adopt a resolution approving a Site Development Permit to allow the demolition of three single-family residences and associated accessory buildings, the removal of five ordinance-size trees, the construction of a five-story multi-family residential building with up to 120 units, an alternative parking arrangement, and transportation demand management (TDM) measures to reduce parking requirements.

Planning Commission recommends approval (7-0-0). CEQA: Addendum to the San José Downtown Strategy 2000 Final EIR (Resolution No. 72767), the Diridon Station Area Plan Final EIR (Resolution No. 77096), and the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)  
C15-047, H15-046 & T15-058 – Council District 3

Action: Continued to the June 21, 2016 Special Evening Meeting.

- 11.4 (a) Adopt a resolution approving the Montgomery 7 Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096), the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), for which an Initial Study was prepared, all in accordance to California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.

- 11.4 (b) Consideration of an ordinance rezoning the real property located at the northeast corner of S. Montgomery Street and Lorraine Avenue (565 Lorraine Avenue) on a 0.1 gross acre site from the LI Light Industrial Zoning District to the R-M(PD) Planned Development Zoning District to allow a ten-story mixed-use building that includes approximately 1,856 square feet of ground-floor commercial space and up to 54 residential units (Montgomery 7, LLC, owner).
- (c) Adopt a resolution approving a Planned Development Permit to allow a ten-story mixed-use building that includes approximately 1,856 square feet of ground-floor commercial space and up to 54 residential units.

Planning Commission recommends approval (6-1-0, Bit-Badal opposed). CEQA: Montgomery 7 Addendum to the Diridon Station Area Plan Final Program EIR (Resolution No. 77096), the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)  
PDC15-038 & PD15-042 – Council District 3

Action: Continued to the June 21, 2016 Special Evening Meeting.

- 11.5 (a) Adopt a resolution approving the Tamien Station Transit Oriented Development Mitigated Negative Declaration, for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.
- (b) Consideration of an ordinance rezoning the real property located on the westerly side of Lick Avenue, approximately 740 feet north of W. Alma Avenue (1197 Lick Avenue) from the LI Light Industrial Zoning District to the R-M(PD) Planned Development Zoning District on an approximately 6.96 gross care site (Santa Clara Valley Transportation Authority, owner).

Planning Commission recommends approval (5-0-2, Yob and Pham absent). CEQA: Tamien Station Transit Oriented Development Mitigated Negative Declaration. (Planning, Building and Code Enforcement)  
PDC14-072 – Council District 3

Action: Continued to the June 21, 2016 Special Evening Meeting.

- 11.6 (a) Adopt a resolution approving the CVS/Pharmacy Store #9498 Store on Saratoga Avenue and Quito Road Mitigated Negative Declaration, for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting the related Mitigation Monitoring and Reporting Program.
- (b) Consideration of an ordinance rezoning the real property located at on the southwesterly corner of Saratoga Avenue and Quito Road (1804 Saratoga Avenue) from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District on an approximately 1.47 gross acre site (Geoffrey A. Farrar, trustee and et al, owner).

- 11.6 (c) **Adopt a resolution approving a Conditional Use Permit to allow the demolition of three existing commercial buildings totaling 15,960 square feet, the construction of a 14,700 square foot commercial building with a drive-through (CVS Pharmacy), and the off-sale of a full range of alcohol and approving a Determination of Public Convenience or Necessity for the off-sale of a full range of alcohol at a retail establishment.**

**Planning Commission recommends approval (5-0-2, Yob and Pham absent). CEQA: CVS/Pharmacy Store #9498 Store on Saratoga Avenue and Quito Road Mitigated Negative Declaration. (Planning, Building and Code Enforcement)  
C15-008, CP15-014, & ABC15-010 – Council District 1**

Action: Continued to the June 21, 2016 Special Evening Meeting.

- 11.7 (a) **Adopt a resolution approving the Araujo Street Subdivision Mitigated Negative Declaration, for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.**
- (b) **Consideration of an ordinance rezoning the real property located on the west side of Araujo Street, approximately 300 feet southerly of the intersection of Townsend Park Circle and Araujo Street (1560 Oakland Road and 0 Araujo Street), from the A Agricultural Zoning District to a R-M(PD) Planned Development Zoning District on a 0.61 gross acre site to allow 9 single-family detached residences (Villa Developers, LLC, Owner).**
- (c) **Adopt a resolution approving a Vesting Tentative Map to subdivide one parcel into 10 parcels (nine parcels for residential uses and one parcel for common area uses).**
- (d) **Adopt a resolution approving a Planned Development Permit to allow the construction of nine single family detached residences.**

**Planning Commission recommends approval (7-0-0). CEQA: Araujo Street Subdivision Mitigated Negative Declaration. (Planning, Building and Code Enforcement)**

**PDC14-058, PD14-047, & PT14-047 – Council District 4  
(Deferred from 5/17/16 – Item 11.3)**

Action: Continued to the June 21, 2016 Special Evening Meeting.

- 11.8 (a) **Consideration of the Determination of Consistency to the 2500 Senter Road Residential Mitigated Negative Declaration (adopted on October 5, 2010), and Addendum thereto (adopted on February 9, 2016).**
- (b) **Conduct an Administrative Hearing on and consider an Appeal of the Planning Director's approval of a Conditional Use Permit to legalize the demolition of a church and associated accessory buildings and approve the construction of a 162-unit Residential Service Facility, and the removal of 26 ordinance sized trees (20 unpermitted and 6 proposed) on a 2.6 gross acre site (County of Santa Clara, owner).**

- 11.8 (c) Adopt a resolution denying an appeal and upholding the Planning Commission's approval of a Conditional Use Permit to legalize the demolition of a church and associated accessory buildings and approve the construction of a 162-unit Residential Service Facility, and the removal of 26 ordinance sized trees (20 unpermitted and 6 proposed) on a 2.6 gross acre site (County of Santa Clara, owner).

Planning Commission recommends approval (6-0-1, Abelite absent). CEQA: 2500 Senter Road Residential Mitigated Negative Declaration (Resolution No. 28815), and Addendum thereto (Resolution No. 29686). (Planning, Building and Code Enforcement)

CP15-078 – Council District 7

Action: Continued to the June 21, 2016 Special Evening Meeting.

- 11.9 (a) Conduct an Administrative Hearing on and consider an Appeal of the Planning Director's use of the Determination of Consistency with The Reserve Residential Project Final Environmental Impact Report (adopted by City Council Resolution No. 77676 on February 23, 2016) as the environmental clearance for the Planning Director's approval of a Planned Development Permit (File No. PD15-067) for the demolition of an existing apartment complex with 216 units and the construction of up to 640 multi-family residential units and 8,000 square feet of ground floor commercial space on an approximately 7.68 gross acre site at the northwest corner of S. Winchester Boulevard and Williams Road at 881 S. Winchester Boulevard.
- (b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's use of the Determination of Consistency, and finding that:
- (1) The City Council has read and considered the Determination of Consistency with The Reserve Residential Project Final Environmental Impact Report, in connection with Planned Development Permit PD15-067.
  - (2) The Determination of Consistency, together with the EIR, has been prepared and completed in compliance with the California Environmental Quality Act of 1970, together with state and local implementation guidelines.
  - (3) The Determination of Consistency, together with the EIR, reflects the independent judgment and analysis of the City of San José.
  - (4) Preparation of a subsequent or supplemental EIR is not required because no new environmental impacts have been identified and no new mitigation measures are required.
  - (5) The Director of Planning shall transmit copies of the EIR and Determination of Consistency to any other decision-making body of the City of San José for the project.

CEQA: The Reserve Residential Project Final EIR (Resolution No. 77676. (Planning, Building and Code Enforcement)

PD15-067 – Council District 1

Action: Continued to the June 21, 2016 Special Evening Meeting.

- 11.10 (a)** Conduct an Administrative Hearing on and consider Appeals of the Planning Director's use of the Determination of Consistency with the Spieker/Skyport Project Final Environmental Impact Report (adopted by City Council Resolution No. 69421 on February 29, 2000), the North San José Development Policies Update Final Program Environmental Impact Report (adopted by City Council Resolution No. 72768, on June 21, 2005), the Envision San José 2040 General Plan Final Environmental Impact Report (adopted by City Council Resolution 76041 on November 1, 2011), and the Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (adopted by City Council Resolution 77617 on December 15, 2015), and Planning Director's approval of Planned Development Permit No. PD15-046 (Skyport Kaiser) for the construction of an approximately 153,000 square foot, four story medical office building on a 9.1 gross acre site at the southwest Corner of Technology Drive and Skyport Drive, at 1717 – 1725 Technology Drive.
- (b)** Adopt a resolution denying the environmental appeal and upholding the Planning Director's use of the Determination of Consistency, and finding that:
- (1)** The City Council has read and considered the Determination of Consistency with the Spieker/Skyport Project Final Environmental Impact Report, the North San José Development Policies Update Final Program Environmental Impact Report, and the Envision San José 2040 General Plan Final Environmental Impact Report, as supplemented, in connection with Planned Development Permit PD15-046.
  - (2)** The Determination of Consistency, together with the EIRs, have been prepared and completed in compliance with the California Environmental Quality Act of 1970, together with state and local implementation guidelines;
  - (3)** The Determination of Consistency, together with the EIRs, reflect the independent judgment and analysis of the City of San José.
  - (4)** Preparation of a subsequent or supplemental EIR is not required because no new environmental impacts have been identified and no new mitigation measures are required.
  - (5)** The Director of Planning shall transmit copies of the EIR and Determination of Consistency to any other decision-making body of the City of San José for the project.
- (c)** Adopt a resolution approving the Planned Development Permit for the Skyport Kaiser project for the construction of an approximately 153,000 square foot, four story medical office building on a 9.1 gross acre site at the southwest Corner of Technology Drive and Skyport Drive, at 1717 – 1725 Technology Drive.

**11.10 (Cont'd.)**

**CEQA: Spieker/Skyport Project Final EIR (Resolution No. 69421), the North San José Development Policies Update Final Program EIR (Resolution No. 72768), and the Envision San José 2040 General Plan Final EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)**

**PD15-046 – Council District 3**

Action: Continued to the June 21, 2016 Special Evening Meeting.

## APPENDIX A

### 3.9 (Continued from Page 21)

**[A] FISCAL YEAR 2016-2017 BUDGET DOCUMENTS (BD) AND DOCUMENT LOG:** [1] Memorandum from Mayor's Budget Director Lee Wilcox, dated April 20, 2016, transmitting the Budget Process for FY2016-2017 Budget Documents. [2] Memorandum from Council Member Ash Kalra, dated May 23, 2016, requesting \$100,000 for the City Trees Maintenance Program. [3] Memorandum from Council Member Ash Kalra, dated May 23, 2016, requesting \$330,000 for 1 full time Electrician II and I Vehicle for Streetlight Maintenance Division (\$126,000 ongoing). [4] Memorandum from Council Member Ash Kalra, dated May 23, 2016, requesting \$1,000,000 for Traffic Calming Division Funding for Major Roadways. [5] Memorandum from Council Member Ash Kalra, dated May 23, 2016, requesting \$193,000 for Animal Care & Services Center as a No-Kill Shelter. [6] Memorandum from Council Member Ash Kalra, dated May 23, 2016, requesting \$165,000 for Lactation Stations at City Hall, Happy Hollow Zoo and Children's Discovery Museum. [7] Memorandum from Council Member Ash Kalra, dated May 23, 2016, requesting \$252,000 for increased budget for Prohibited Parking Street Sweeping Signs (\$143,800 ongoing). [8] Memorandum from Council Member Pierluigi Oliverio, dated May 24, 2016, requesting \$250,000 for Traffic Signal/Calming/Safety. [9] Memorandum from Council Member Johnny Khamis, dated May 24, 2016, requesting \$100,000 for Safe Legal Fireworks Grant in San José. [10] Memorandum from Council Member Pierluigi Oliverio, dated May 24, 2016, requesting \$43,000 for District 6 Rebudget. [11] Memorandum from Vice Mayor Rose Herrera, dated May 25, 2016, requesting \$67,704 for Lake Cunningham Pilot Dog Park. [12] Memorandum from Vice Mayor Rose Herrera, dated May 25, 2016, requesting \$171,000 (one-time) for four streetlights on Sebastian Borello Drive (\$684 ongoing). [13] Memorandum from Vice Mayor Rose Herrera, dated May 25, 2016, requesting \$142,000 (one-time) for Graffiti Eradication (\$144,000 ongoing). [14] Memorandum from Vice Mayor Rose Herrera, dated May 25, 2016, requesting \$15,398 for District 8 Community Garden. [15] Memorandum from Vice Mayor Rose Herrera, dated May 25, 2016, requesting \$56,000 for Community Emergency Response Team Training Program. [16] Memorandum from Vice Mayor Rose Herrera, dated May 25, 2016, requesting \$50,000 for Vision Zero Funding. [17] Memorandum from Vice Mayor Rose Herrera, dated May 25, 2016, requesting \$100,000 for a fund to match for Crowd-Sourced Street Repair. [18] Memorandum from Vice Mayor Rose Herrera, dated May 25, 2016, requesting \$179,000 for Council District 8 and Constituent Outreach \$1,011.48 for Council District Budget Carryover. [19] Memorandum from Council Member Johnny Khamis, dated May 24, 2016, requesting \$164,750 (one-time) and \$12,000 (ongoing) to acquire eight additional License Plate Readers for San José Police Department. [20] Memorandum from Council Member Johnny Khamis, dated May 19, 2016, requesting \$35,000 for Hoffman Via-Monte Residential Parking Permit Program. [21] Memorandum from Council Member Johnny Khamis, dated May 24, 2016, requesting \$125,500 (one-time) and \$110,000 (ongoing) for cameras for the Hoffman Via-Monte Neighborhood. [22] Memorandum from Council Member Johnny Khamis, dated May 24, 2016, requesting \$28,000 for Chynoweth Avenue Public Safety Improvements. [23] Memorandum from Council Member Johnny Khamis, dated May 24, 2016, requesting

### 3.9 (Cont'd.)

**[A] FISCAL YEAR 2016-2017 BUDGET DOCUMENTS (BD) AND DOCUMENT LOG: (Cont'd.)** \$46,000 Rebudget Request. [24] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$70,000 for a Community Outreach Manager. [25] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$177,000 for homeless encampment and service coordination and bio waste. [26] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$229,954 for Viet112 Social Services Help Line. [27] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$40,000 Council District 7 Budget Carryover. [28] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$100,000 for Downtown Streets Team. [29] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$106,000 for Community Activity Worker. [30] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$60,000 for Santee Investigative and Legal Services. [31] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$398,000 for Santee Code Enforcement and Legal Services. [32] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$35,000 for improved outdoor lighting at Alma Community Center. [33] Memorandum from Council Member Johnny Khamis, dated May 25, 2016, requesting \$17 Million for maintaining and repairing major streets. [34] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$60,000 for solar lighting at Chris Hotts Park. [35] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$20,000 for Park Ranger Salary Study. [36] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$160,000 (one-time) and \$167,000 (ongoing) for a Volunteer Coordinator. [37] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$39,000 one-time and \$4,000 ongoing for Adopt-A-Park Program Truck. [38] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$2,500 for Adopt-A-Park Program Washer/Dryer. [39] Memorandum from Council Member Tam Nguyen, dated May 25, 2016, requesting \$75,000 for matching funds for problem gambling assessment. [40] Memorandum from Council Member Magdalena Carrasco, dated May 25, 2016, requesting \$260,300 Rebudget carryover funds for District 5. [41] Memorandum from Council Member Magdalena Carrasco, dated May 25, 2016, requesting \$205,574 for District 5 Underpass Art and Lighting Project. [42] Memorandum from Council Member Magdalena Carrasco, dated May 25, 2016, requesting \$100,000 for District 5 Participatory Budgeting Project. [43] Memorandum from Council Member Magdalena Carrasco, dated May 25, 2016, requesting \$49,000 for Alum Rock Youth Center After School Programming. [44] Memorandum from Council Member Magdalena Carrasco, dated May 25, 2016, requesting \$15,750 for Mayfair Pool Swim Lessons for economically disadvantaged children. [45] Memorandum from Council Member Magdalena Carrasco, dated May 25, 2016, requesting \$20,000 for one radar sign for pedestrian safety. [46] Memorandum from Council Member Donald Rocha, dated May 25, 2016, requesting \$39,000 for Truck for Volunteer Program. [47] Memorandum from Council Member Donald Rocha, dated May 25, 2016, requesting \$20,000 for Electronic Speed Monitor on Curtner Avenue. [48] Memorandum from Council Member Donald Rocha, dated May 25, 2016, requesting \$20,000 for Radar Speed Display Sign for Jacob Avenue Traffic Calming.



### 3.9 (Cont'd.)

**[A] FISCAL YEAR 2016-2017 BUDGET DOCUMENTS (BD) AND DOCUMENT LOG: (Cont'd.)** [49] Memorandum from Council Member Donald Rocha, dated May 23, 2016, requesting \$558,000 for installation of sidewalk along Los Gatos-Almaden Road at 15490 Lone Hill Road. [50] Memorandum from Council Member Donald Rocha, dated May 25, 2016, requesting \$20,000 for Trailway connecting Copeland Lane and Mary Jo Trail Way. [51] Memorandum from Council Member Donald Rocha, dated May 25, 2016, requesting \$6,250 for Crossing Guards at Steindorf K-8 STEAM School. [52] Memorandum from Council Member Donald Rocha, dated May 25, 2016, requesting \$825,100 for Blossom Hill Sound Wall. [53] Memorandum from Council Member Donald Rocha, dated May 25, 2016, requesting \$5,000 for Camden Community Center Mile Marker. [54] Memorandum from Council Member Donald Rocha, dated May 25, 2016, requesting \$78,500 for Senior Programming at Alma, Mayfair, Roosevelt, Seven Trees and Southside. [55] Memorandum from Council Member Donald Rocha, dated May 25, 2016, requesting \$150,00 for Chynoweth Avenue Pedestrian Bridge Construction Document Preparation. [56] Memorandum from Council Member Donald Rocha, dated May 25, 2016, requesting \$67,000-68,000 for Grace Baptist Church Shower Program. [57] Memorandum from Council Member Donald Rocha, dated May 25, 2016, requesting \$150,000 for Responsible Landlord Engagement Narrative. [58] Memorandum from Council Member Donald Rocha, dated May 25, 2016, requesting \$17,860 for City Hall Memorial Wayfinding. [59] Memorandum from Council Member Johnny Khamis, dated May 25, 2016, requesting \$12.1 Million for residential street backlog funding. [60] Memorandum from Council Member Raul Peralez, dated May 25, 2016, requesting \$280,000 for District 3 Participatory Budgeting Project. [61] Memorandum from Council Member Raul Peralez, dated May 25, 2016, requesting a residential parking permit fees/penalties increase. [62] Memorandum from Council Member Raul Peralez, dated May 25, 2016, requesting \$350,000 for Rotunda LED Lights. [63] Memorandum from Council Member Raul Peralez, dated May 25, 2016, requesting \$95,200 for Council District 3 Budget Carryover. [64] Memorandum from Council Member Chappie Jones, dated May 25, 2016, requesting \$209,000 for Project Hope. [65] Memorandum from Council Member Chappie Jones, dated May 25, 2016, requesting \$526,000 for additional Park Rangers. [66] Memorandum from Council Member Chappie Jones, dated May 25, 2016, requesting \$172,000 for Residential Parking Permit Program District 1 Pilot. [67] Memorandum from Council Member Chappie Jones, dated May 25, 2016, requesting \$50,000 for San José Parks Foundation. [68] Memorandum from Council Member Chappie Jones, dated May 25, 2016, requesting \$123,500 for District 1 Office Rebudget. [69] Memorandum from Council Member Manh Nguyen, dated May 25, 2016, requesting \$20,000 one-time and \$1,000 ongoing for Alviso School Zone Speed Radar Sign [70] Memorandum from Council Member Manh Nguyen, dated May 25, 2016, requesting \$110,689 for the Dirty Dozen. [71] Memorandum from Council Member Manh Nguyen, dated May 25, 2016, requesting \$20,000 for District 4 Dumpster Days. [72] Memorandum from Council Member Manh Nguyen, dated May 25, 2016, requesting \$40,000 one-time and \$2,000 ongoing for River Oaks Speed Radar Signs. [73] Memorandum from Council Member Manh Nguyen, dated May 24, 2016, requesting \$50,000 for District 4 Traffic Calming. [74] Memorandum from Council Member Manh Nguyen, dated May 25, 2016, requesting \$15,000 for technical

### 3.9 (Cont'd.)

**[A] FISCAL YEAR 2016-2017 BUDGET DOCUMENTS (BD) AND DOCUMENT LOG: (Cont'd.)** language resources for Community Emergency Training Team. [75] Memorandum from Council Member Manh Nguyen, dated May 25, 2016, requesting \$100,000 for funding for Office of Immigrant Affairs in regard to Language Translation and Cultural Competency. [76] Memorandum from Council Member Donald Rocha, dated May 25, 2016, requesting \$314,500 for District 9 Office Rollover. [77] Memorandum from Council Member Manh Nguyen, dated May 25, 2016, requesting \$155,600 for District 4 Carryover/Rebudget. [78] Memorandum from Council Member Ash Kalra, dated May 26, 2016, requesting \$134,000 District 2 Budget Carryover.

**[B] FISCAL YEAR 2016-2017 MANAGER'S BUDGET ADDENDA (MBA) AND DOCUMENT LOG:** [1] Memorandum from Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 2, 2016, transmitting the 2016-2017 Budget Study Sessions Schedule and Agendas. [2] Memorandum from Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 3, 2016, providing replacement pages V-207 through V-232. [3] Memorandum from Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 9, 2016, providing the 2016-2017 Proposed Budget In Brief. [4] Memorandum from Deputy City Manager Julie Edmonds-Mares and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 17, 2016, recommending approval of the amendments to the Office of Immigrant Affairs. [5] Memorandum from Planning Commission Secretary Harry Freitas, dated May 13, 2016, recommending adoption of the proposed 2017-2021 CIP. [6] Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, Director of Aviation Services Kimberly J. Becker and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 17, 2016, recommending approval of the 2016-2017 Proposed Operating Budget amendments to the General Fund. [7] Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, dated May 25, 2016, recommending approval of the proposed funding allocations for TOT. [8] Memorandum from Chief of Police Edgardo Garcia, dated May 25, 2016, providing the cost breakdown of the Police Department's Vehicle Impound Release Fee. [9] Replacement memorandum from Director of Public Works Barry Ng and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 2, 2016, recommending approval of the Public Works Capital Program Staffing. [10] Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated May 26, 2016, recommending approval of the Resource Allocation Plan for the Mayor's Gang Prevention Task Force, BEST and Safe Summer Initiative Grant Programs for 2016-2017. [11] Memorandum from Assistant Director of Aviation John Aitken, dated May 23, 2016, providing a proposal to evaluate the fine for Airport curfew violations and bring forward a proposed increase to the fine based on the analysis. [12] Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated May 26, 2016, responding to Mayor Sam Liccardo about the Housing Unit Production Performance Measure in Community and Economic Development CSA. [13] Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 27, 2016, recommending extension of Homeless Response

### 3.9 (Cont'd.)

**[B] FISCAL YEAR 2016-2017 MANAGER'S BUDGET ADDENDA (MBA) AND DOCUMENT LOG: (Cont'd.)** Team Park Rangers. [14] Memorandum from City Manager Norberto Dueñas, dated May 27, 2016, regarding the Sales Tax Ballot Measure. [15] Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Deputy City Manager/Director of Economic Development Kim Walesh, dated May 27, 2016, identifying funding for the Vietnamese-American Community Center. [16] Memorandum from Director of Housing Jacky Morales-Ferrand and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 27, 2016, recommending Implementation of the Modified Apartment Rent Ordinance. [17] Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated May 27, 2016, regarding the Senior Nutrition Program. [18] Replacement memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, dated June 9, 2016, recommending approval of the Team San José performance and incentive measures. [19] Memorandum from Deputy City Manager Julie Edmonds-Mares and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 31, 2016, recommending approval of amendments to the General Fund for the use of \$200,000 of the Intergovernmental Relations Reserve. [20] Memorandum from Director of Transportation James Ortbal and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 31, 2016, regarding a Regional Rail Planning Staffing Revision. [21] Memorandum from Director of Housing Jacky Morales-Ferrand, date May 21, 2016, regarding Teacher Housing on School Land. [22] Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Director of Environmental Services Kerrie Romanow, dated May 31, 2016, regarding Illegal Dumping and Anti-Graffiti Programs. [23] Memorandum from Chief of Police Edgardo Garcia, dated May 31, 2016, regarding Police Department Domestic Violence Efforts. [24] Memorandum from Fire Chief Curtis Jacobson, dated May 31, 2016, regarding Fire Department Overtime for Coverage During Mandatory Training. [25] Memorandum from Deputy City Manager Julie Edmonds-Mares, dated June 1, 2016, regarding Community Budget Meetings Summary. [26] Memorandum from Director of Communications David Vossbrink, dated June 1, 2016, regarding City Communications and Language Access. [27] Memorandum from Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 2, 2016, recommending approval to amendments to the proposed Fees and Charges Document. [28] Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, Director of Public Works Barry Ng, Fire Chief Curtis Jacobson and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 2, 2016, recommending approval of the Development Services Process Improvement Study Update. [29] Memorandum from Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 2, 2016, recommending adjustments to the 2016-2017 Updated Revenue and Expenditure Estimates in the General Fund and TOT Tax Fund. [30] Replacement memorandum from Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 9, 2016, recommending amendments to the 2016-2017 Proposed Operating and Capital Budgets. [31] Memorandum from Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 17, 2016, recommending adoption of the 2016-2017 Operating and Capital Budgets.

### 3.9 (Cont'd.)

**[C] BUDGET CORRESPONDENCE FROM THE PUBLIC:** [1] Letter from Rudy Flores, Vice Chair, Park and Recreation Commission, dated April 6, 2016, regarding Parks and Parks Maintenance. [2] Letter from Cecilie Schulze, President, League of Women's Voters, dated May 24, 2016, regarding the 2016-2017 Budget Endorsement for Community Choice Aggregation Technical Study. [3] Email from Jerry Lane, dated May 11, 2016, regarding support for Council to approve \$300,000 for the San José Parks Budget for development of a foot bridge connecting Chynoweth Avenue and the Oakridge Light Rail Station.