

CITY COUNCIL AGENDA

JUNE 23, 2015

SYNOPSIS

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MARJORIE MATTHEWS
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

PIERLUIGI OLIVERIO
TAM NGUYEN
ROSE HERRERA VICE MAYOR
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

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

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

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

- **Call to Order and Roll Call**
9:06 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

11:25 a.m.- Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.

1:33 p.m. - Reconvene Regular/Evening Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 6)**
Heard at 1:30 p.m.
Bishop Ken Hill, The Church of Jesus Christ of Latter-Day Saints offered the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Items 6.1 and 6.2 heard no earlier than 2:00 p.m.; Items 3.7 through 3.17 were heard in a single action; Public Hearings on Items 3.4, 4.1 and 4.4 were heard at 1:30 p.m.; Item 3.18 was deferred and Item 11.2 was dropped, to be renoticed.

- **Closed Session Report**
City Attorney Doyle disclosed the following Closed Session actions of June 23, 2015:
 - A. **Public Employee Appointment Pursuant to Government Code Section 54957:**
 - 1. **Title:** Interim Independent Police Auditor
 - Name:** Shivaun Nurre
 - Council Vote: Ayes:** Carrasco, Herrera, Jones, Kalra, Khamis, Matthews, Nguyen, Oliverio, Peralez, Rocha; Liccardo.
 - Noes:** None.
 - Abstain:** None.
 - Not Present:** None.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Nicolas Ontiveros in recognition of his Eagle Project of building planter boxes at the Almaden Valley Community Center and Recreation Preschool. (Khamis)
Heard in the Evening.
Mayor Sam Liccardo and Council Member Johnny Khamis recognized and commended Nicolas Ontiveros.

- 1.2 Presentation of a proclamation recognizing June 27 and 28, 2015 as, “Radio Amateur Civil Emergency Service (R.A.C.E.S.) Field Day,” in the City of San José. (Mayor)
Heard at 1:30 p.m.
Mayor Sam Liccardo, Council Member Tam Nguyen and City Manager Norberto Dueñas recognized June 27 through June 28, 2015 as “Radio Amateur Civil Emergency Service Field Day” in San José.

- 1.3 Presentation of a commendation to the Tech Museum of Innovation for their longtime service and commitment to the community through the museum and its two signature programs, the Tech Challenge and the Tech Awards. (Peralez)
Heard in the Evening.
Mayor Sam Liccardo and Council Member Raul Peralez recognized and commended the Tech Museum of Innovation.

1. CEREMONIAL ITEMS

- 1.4 Presentation of a commendation to the Leland High School Robotics Team for their exemplary work in displaying the talent and academic aptitude of San José youth. (Khamis) (Rules Committee referral 6/17/15)
Heard in the Evening.
Mayor Sam Liccardo and Council Member Johnny Khamis recognized and commended the Leland High School Robotics Team.
- 1.5 Presentation of a commendation to the California Native Plant Society for their accomplishments and contributions within Alum Rock Park (Matthews/Carrasco) (Rules Committee referral 6/17/15)
Heard at 1:30 p.m.
Mayor Sam Liccardo and Council Members Matthews and Carrasco recognized and commended the California Native Plant Society.
- 1.6 Presentation of a commendation to Dr. John Porter for his service to the City of San José since 2006, that has yielded a lasting partnership between the Franklin-McKinley School District, the City, County, State and Federal Governments through his leadership (Mayor)
Heard at 1:30 p.m.
Mayor Sam Liccardo recognized and commended Dr. John Porter.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.
- 2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29583 – Rezoning certain real property of approximately 2.35 acres situated on the northeast corner of Great Oaks Boulevard and Via Del Oro (100 Great Oaks Boulevard) from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District. CEQA: Envision San José 2040 General Plan Final Program EIR, Resolution No. 76041. C15-013

Ordinance No. 29583 adopted.

- (b) ORD. NO. 29587 – Rezoning certain real property of approximately 1.04 gross acres situated on the north side of the Alameda approximately 310 feet west of Stockton Avenue from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. CEQA: Mitigated Negative Declaration, File No. PDC13-007, Resolution No. 76762, adopted 8/20/13. PDC15-003

Ordinance No. 29583 adopted.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

(a) Rules and Open Government Committee Report of May 27, 2015. (Mayor)
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Approved.

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

(a) Request for an excused absence for Council Member Magdalena Carrasco from the Regular Meeting of the Rules and Open Government Committee on June 24, 2015 due to Authorized City Business: League of California Cities Annual Forum in Monterey, CA. (Carrasco)

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

Excused.

2.5 City Council Travel Reports.

Mayor Sam Liccardo attended the U.S. Conference of Mayors in San Francisco held June 19, 2015 through June 22, 2015. Mayor Sam Liccardo had one-on-one meetings with other Mayors on topics such as homelessness, transportation, My Brother's Keeper and observed best practices in other cities throughout the Country.

Council Member Johnny Khamis traveled to Beijing, China, at his own expense, from June 15, 2015 through June 21, 2015 to represent the City of San José and to promote greater utilization of Mineta San José Airport by business travelers and tourists.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2. CONSENT CALENDAR

2.7 Actions Related to Amendment to Agreement with Leonidou & Rosin for Litigation Legal Services Related to the South San José Police Substation Project.

Recommendation:

- (a) Adopt a resolution authorizing the City Attorney to negotiate and execute a Second Amendment to the Agreement with Leonidou & Rosin for litigation legal services in connection with the South San José Police Substation Project to extend the term through June 30, 2016, and increase the maximum compensation by \$200,000 for hourly fees and costs in a total amount not to exceed \$450,000.

Resolution No. 77428 adopted.

- (b) Adopt the following Appropriation Ordinance amendments in the Neighborhood Security Bond Fund for Fiscal Year 2015-2016:

- (1) Increase an appropriation to the Police Department for the South San José Police Substation project by \$235,000; and
- (2) Decrease the Fire Station 37 (Willow Glen) Reserve by \$235,000.

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

Ordinance No. 29591 adopted.

2.8 Amendment to Agreement with Hogan Lovells US LLP for Legal Services Related to Aviation Matters.

Recommendation: Adopt a resolution authorizing the City Attorney to execute a Twelfth Amendment to the Agreement for Legal Services with Hogan Lovells US LLP for legal services related to aviation matters at the Norman Y. Mineta San José International Airport, extending the term of the Agreement from June 30, 2015, to June 30, 2016, with no increase in the total contract amount of \$370,000. CEQA: Final Environmental Impact Report San José International Airport Master Plan Update, Resolution No. 67380 adopted 6/10/1997 and Final Supplemental Environmental Impact Report Norman Y. Mineta San José International Airport Master Plan Update, Resolution No. 71451, adopted 3/18/2003. (City Attorney)

Resolution No. 77429 adopted.

2. CONSENT CALENDAR

2.9 Actions Related to Amendments to Agreements with Ice, Miller LLP and Renne Sloan Holtzman & Sakai, LLP for Fiscal Reform Plan Legal Services.

Recommendation:

- (a) Adopt a resolution authorizing the City Attorney to negotiate and execute:
 - (1) A sixth amendment to the agreement with Ice, Miller LLP (Ice Miller) for legal services in connection with retiree health and dental benefits and related tax issues, increasing the contract amount by \$50,000 for a total amount not to exceed \$300,000, subject to appropriation of funds as recommended below, and extending the term through June 30, 2016.
 - (2) A second amendment to the continuation agreement with Renne Sloan Holtzman & Sakai, LLP (Renne Sloan) for legal services in connection with labor relations matters, increasing the amount of compensation by \$250,000, for a total amount not to exceed \$1,445,000, subject to appropriation of funds as recommended below, and extending the term through June 30, 2016.

Resolution No. 77430 adopted.

- (b) Adopt the following Appropriation Ordinance amendments in the General Fund for Fiscal Year 2014-2015:
 - (1) Increase the city-wide appropriation to the City Attorney's Office for Fiscal Reform Plan Outside Legal Counsel by the amount of \$243,000.
 - (2) Decrease the Fiscal Reform Plan Implementation Earmarked Reserve by the amount of \$243,000.

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

Ordinance No. 29592 adopted.

2.10 Agreement with Hanson Bridgett, LLP for services as the Evaluator and Investigator to the San José Ethics Commission.

Recommendation:

- (a) Approve an agreement with Hanson Bridgett LLP to provide legal and investigative services as the Evaluator and Investigator to the San José Ethics Commission for a four-year term beginning on July 1, 2015 – June 30, 2019, in an amount not to exceed \$250,000, subject to appropriation of funds.

Approved.

- (b) Adopt a resolution to authorize the City Attorney to exercise the option to extend the Agreement for three (3) one-year terms commencing July 1, 2016 – June 30, 2019.

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

Resolution No. 77431 adopted.

2. CONSENT CALENDAR

2.11 Board and Commission Appointments.

Recommendation: Approve the following Board and Commission appointments:

- (a) Airport Commission:
 - (1) District 1: Appoint Roy Truitt to a term expiring 6/30/17;
 - (2) District 2: Appoint Tom Cruz to a term expiring 6/30/19;
 - (3) District 4: Appoint Mark Schmidt to a term expiring 6/30/19;
 - (4) District 6: Appoint Raymond Greenlee to a term expiring 6/30/19;
 - (5) District 8: Appoint R. William Highlander to a term expiring 6/30/19;
 - (6) District 9: Appoint Catherine Hendrix to a term expiring 6/30/17;
 - (7) District 10: Appoint Dan Connolly to a term expiring 6/30/19;
- (b) Arts Commission:
 - (1) District 2: Appoint Freya Seeburger to a term expiring 6/30/18;
 - (2) District 3: Re-appoint Peter Allen to a term expiring 6/30/18;
 - (3) District 4: Re-appoint Tina Morrill to a term expiring 6/30/18;
 - (4) District 6: Appoint Leanne Lindenlof to a term expiring 6/30/18;
- (c) Downtown Parking Board:
 - (1) Downtown Business Association Representative: Appoint Henry William Cord to a term expiring 6/30/19;
- (d) Housing & Community Development Commission:
 - (1) District 6: Appoint Steven Neff to a term expiring 6/30/19;
 - (2) District 8: Appoint Lee Thompson to a term expiring 6/30/19;
 - (3) District 10: Appoint Michael Fitzgerald to a term expiring 6/30/19;
 - (4) District 2: Appoint Alex Shoor to a term expiring 6/30/19;
- (e) Historic Landmarks Commission:
 - (1) Appoint Anthony Raynsford to a term expiring 6/30/19;
 - (2) Appoint Rachel Grothe to a term expiring 6/30/19;
- (f) Human Services Commission:
 - (1) District 1: Appoint Sandra Coats to a term expiring 12/31/18;
 - (2) District 2: Appoint Nicholas Raisch to a term expiring 12/31/18;
 - (3) District 4: Appoint Visar Jahiu to a term expiring 12/31/18;
 - (4) District 6: Appoint Sarah Griffith to a term expiring 12/31/16;
 - (5) Domestic Violence Service Provider or Survivor Representative: Appoint Harjit Kaur to a term expiring 6/30/19;
- (g) Library and Early Education Commission:
 - (1) District 4: Re-appoint Shailesh Dubale to a term expiring 6/30/19;
- (h) Parks and Recreation Commission:
 - (1) Citywide: Re-appoint Virginia Thomas to a term expiring 6/30/17;
 - (2) District 1: Appoint Daphna Wolfe to a term expiring 6/30/17;
 - (3) District 5: Appoint Ernesto Bernajo to a term expiring 6/30/17;
 - (4) District 6: Appoint Demerris Brooks-Immel to a term expiring 6/30/19;
 - (5) District 7: Appoint Trami Cron to a term expiring 6/30/17;
 - (6) District 9: Re-appoint Rudy Flores to a term expiring 6/30/17;
 - (7) District 10: Re-appoint Brian Quint to a term expiring 6/30/19;
 - (8) District 3: Appoint Adelina Del Real to a term expiring 6/30/17;

2. CONSENT CALENDAR

2.11 Board and Commission Appointments. (Cont'd.)

- (i) Senior Citizens Commission:
 - (1) District 4: Appoint Victor Vurpillat to a term expiring 6/30/19;
 - (2) District 5: Re-appoint Rita Mora to a term expiring 6/30/17;
 - (3) District 6: Appoint Cynthia Sweet to a term expiring 6/30/19;
 - (4) District 7: Appoint Milan Balinton to a term expiring 6/30/17;
 - (5) District 8: Appoint Kulwant Chahal to a term expiring 6/30/19;
 - (6) District 10: Re-appoint Vincent Tarpey to a term expiring 6/30/19.
 - (7) Citywide: Appoint Janet King to a term expiring 6/30/17;
 - (8) District 2: Appoint Galvin Jackson to a term expiring 6/30/19.

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

2.12 City Manager's Travel to Chicago, Illinois.

Recommendation: Authorize travel for City Manager Norberto Dueñas to travel to Chicago, Illinois on June 29 - 30, 2015 to participate in the Knight Foundation's Applying Behavioral Insights to Cities Workshop. City Manager's Non Personal Services Appropriation. CEQA: Not a Project, File No. PP10-069, Administrative Activities. (City Manager)
Approved.

2.13 Agreement with San Francisco Bay Wildlife Society for Don Edwards San Francisco Bay National Wildlife Refuge.

Recommendation:

- (a) Adopt a resolution to authorize the City Manager to negotiate and execute an agreement with the San Francisco Bay Wildlife Society, which is the fiscal agent for the Don Edwards San Francisco Bay National Wildlife Refuge, for the purpose of providing public education about water quality, pollution prevention, and protection of water dependent ecosystems.

Resolution No. 77432 adopted.

- (b) Approve funding of up to \$130,000 for year one from July 1, 2015 through June 30, 2016, with two one-year options for renewal ending June 30, 2018, for a maximum not to exceed amount of \$390,000 over three years.

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

Approved.

2. CONSENT CALENDAR

2.14 Actions Related to the Agreement with Anderson Pacific Engineering Construction, Inc. for the 7100 – Digester Gas Compressor Upgrade Design-Build Project at the San José-Santa Clara Regional Wastewater Facility.

Recommendation:

- (a) Approve a \$565,800 increase to the construction contingency amount of \$1,131,600 for a revised total contingency amount of \$1,697,400 and increasing the contract not-to-exceed amount from \$12,447,600 to a total revised contract amount not-to-exceed \$13,013,400.

Approved.

- (b) Adopt a resolution authorizing the Director of Public Works to:
- (1) Negotiate and execute Contract Change Order No. 8 (CCO8) with Anderson Pacific Engineering Construction, Inc. for the 7100 – Digester Gas Compressor Upgrade Design-Build Project (“Project”) in the amount of \$358,616;
 - (2) Negotiate and execute one or more change orders in excess of \$100,000 for the remaining duration of the Project, not to exceed the revised total contingency amount approved for the Project; and
 - (3) Negotiate and execute one or more change orders extending the project completion date from June 22, 2016 to March 19, 2017, for a total of 270 days beyond the original contract completion date of June 22, 2016.

CEQA: Exempt, File No. PP13-060, CEQA Guidelines Section 15301, Existing Facilities; Additions to Structures Less than 10,000 square feet. (Environmental Services/Public Works)

Resolution No. 77433 adopted.

2.15 Report on Request for Bids for the Purchase of Equipment from Hewlett Packard for the San José Police Department.

Recommendation: Accept the report on the Request for Bid for the purchase of mobile data computing equipment and accessories for the San José Police Department and adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Hewlett-Packard Company (Palo Alto, CA) for the purchase of mobile data computing equipment, consisting of 410 Getac B300 ruggedized laptops, docking stations, vehicle routers, replacement batteries, and internal/external antennas for the San José Police Department’s patrol vehicle fleet for a total amount not to exceed \$2,260,064; including warranty, delivery, sales tax, and electronic-recycling fees; and
- (b) Execute subsequent Purchase Orders with Hewlett-Packard to purchase additional quantities of current and next generation models as may be required, at the same bid price during the initial twelve months and negotiated adjustments thereafter, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066 (a) Purchase Order of Equipment with no change in the physical environment. (Finance)

Resolution No. 77434 adopted.

2. CONSENT CALENDAR

2.16 Purchase Order with Carbon Activated Corp. for Filter Media Replacement and Under-Drain Tile Repair Services.

Recommendation:

- (a) Report on bids for Filter Media Replacement and Under-Drain Tile Repair Services and adopt a resolution to authorize the City Manager to execute a Purchase Order with Carbon Activated Corp (Compton, CA) for filter media replacement and under-drain repair tile services at the San José/Santa Clara Regional Wastewater Facility for the initial term of July 15, 2015 through September 15, 2015, in an amount not to exceed \$311,775.

Resolution No. 77435 adopted.

- (b) Approve a contingency of \$31,178 to execute change orders to cover any unforeseen changes or requirements that may arise during completion of services. CEQA: File No. PP11-043, San José-Santa Clara Regional Wastewater Facility Master Plan Final Environmental Impact Report, Resolution No. 76858, adopted on 11/19/13. (Finance)

Approved.

2.17 Purchase Order with Wattis Construction for Asphalt Walkways, Trails, and Parking Lot Repair and Maintenance Services.

Recommendation: Adopt a resolution to authorize the City Manager to:

- (a) Execute an Open Purchase Order with Wattis Construction (San José, CA) for Asphalt Walkways, Trails, and Parking Lot Repair and Maintenance Services in an amount not to exceed \$500,000 for the term beginning July 1, 2015 through June 30, 2016.
- (b) Execute up to four, one-year options to renew the Purchase Order through June 30, 2020, subject to the annual appropriation of funds.

CEQA: Exempt, File No. PP15-039, CEQA Guidelines Section 15301(c), Existing Facilities; Existing Highways, Sidewalks, Trails, etc. (Finance)

Resolution No. 77436 adopted.

2.18 Agreement with the County of Santa Clara for the Care Coordination Program and the Help Management Information System.

Recommendation: Approve a grant agreement in an amount not to exceed \$1,040,000 to the County of Santa Clara to support ongoing operations of the Care Coordination Program and the Help Management Information System. CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making. (Housing)

Approved.

2. CONSENT CALENDAR

2.19 Amendment to the Agreement with San José Streets Team for Place-Based Rapid Re-Housing Program Services.

Recommendation: Approve the First Amendment to the Agreement for Rapid Re-Housing Services between the City of San José and San José Streets Team to increase the maximum funding by \$650,000 from \$650,000 to \$1,300,000 to implement an additional year of the Place-Based Rapid Re-housing Program. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts. (Housing)

Approved.

2.20 Amendment to the Agreement with Athens Administrators for Workers' Compensation Comprehensive Services.

Recommendation: Approve the Third Amendment to the Agreement with Athens Insurance Services, Inc., DBA Athens Administrators, to increase compensation by \$2,332,500 for a total amount not to exceed \$6,932,500, subject to appropriation of funds, and extending the term through June 30, 2016. CEQA: Not a Project, File No. P10-066(e), Services that involve no physical changes to the environment. (Human Resources)

Approved.

2.21 Actions Related to the Department of Parks, Recreation and Neighborhood Services 2015-2016 Agreements.

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

- (a) Authorize the City Manager to negotiate and execute all agreements, amendments, and extensions for the Department of Parks, Recreation and Neighborhood Services identified in the "Compensation Paid by the City of San José" (Attachment A of the memorandum to Council) consistent with the 2015-2016 Adopted Budget;
- (b) Authorize the City Manager to negotiate and execute all agreements, amendments, and extensions to accept funds for the Department of Parks, Recreation and Neighborhood Services identified in the "Compensation Paid to the City of San José" (Attachment B of the memorandum to Council);

(Item continued on the next page)

2. CONSENT CALENDAR

2.21 Actions Related to the Department of Parks, Recreation and Neighborhood Services 2015-2016 Agreements. (Cont'd.)

Recommendation:

- (c) Authorize the City Manager to accept any funds exceeding the figures identified in Attachment B of the memorandum to Council for the specified programs and purposes identified as “Compensation Paid to the City” provided that the City Manager determines that the City is able to provide the services and comply with any additional requirements associated with the increased grant funds. The City Manager shall also bring forward for City Council approval of any required budgetary adjustments and appropriations actions necessary for such programs;
- (d) Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2015-2016 agreements and amendments as identified in “Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director” (Attachment C of the memorandum to Council) consistent with Adopted Budget amounts for the following City programs or services:
 - (1) After School Education and Safety (ASES);
 - (2) Bringing Everyone’s Strengths Together (BEST);
 - (3) Citywide Aquatics Program;
 - (4) Community Center Reuse Program (Reuse);
 - (5) Family Camp Capital Improvement Agreement(s);
 - (6) Family Camp Facility Use Agreement(s);
 - (7) Grace Baptist Church;
 - (8) Happy Hollow Education Program;
 - (9) Leisure and Recreation Fee Class Vendor Agreements;
 - (10) Leisure and Recreation Programs;
 - (11) Little League Agreement(s);
 - (12) Mayor’s Gang Prevention Task Force (MGPTF);
 - (a) Grant Revenue
 - (b) Related Sub-Contractor Agreements where applicable;
 - (c) Facility Use
 - (d) Memoranda of Understanding;
 - (13) Recreation of City Kids Program (ROCK);
 - (14) Revenue Agreements with sponsors, grantors, and contributors;
 - (15) Safe Summer Initiative Grant (SSIG);
 - (16) Senior Education and Outreach Grants;
 - (17) Senior Health and Wellness Grants (SHW);
 - (18) Senior Transportation Services;
 - (19) Silicon Valley Community Foundation (SVCF);
 - (20) Summer Food Service Program.

CEQA: Not a Project, File PP10-066(e) Services that involve no change to the environment. (Parks, Recreation and Neighborhood Services)

Resolution No. 77437 adopted.

2. CONSENT CALENDAR

2.22 Amendment to the Agreement with San José Golf, LLC, for Safety Improvement Project at Rancho del Pueblo Golf Course.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Fifth Amendment to the Operation and Maintenance Agreement with San José Golf, LLC. for the Rancho Del Pueblo Golf Course, extending the term to March 3, 2016, and allowing the design and construct of a perimeter netting project at the Rancho Del Pueblo Golf Course. CEQA: Exempt, File No. PP15-058, CEQA Guidelines Section 15302 (Replacement or Reconstruction of Existing Structures). Council District 5. (Parks, Recreation and Neighborhood Services)

Resolution No. 77438 adopted.

Noes: Khamis.

2.23 Agreement with California Department of Toxic Substances Control and Vista Montana Park Homes, LLC for the Vista Montana Park.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an Operations and Maintenance Agreement between the City of San José, the California Department of Toxic Substances Control; and Vista Montana Park Homes, LLC (affiliate Equity-Tasman Apartments, LLC) to satisfy requirements from the California Department of Toxic Substances Control regarding inspection, operation and maintenance of Vista Montana Park. CEQA: North San José Final Environmental Impact Report, Resolution No 72768, adopted on 6/21/2005. (Parks, Recreation and Neighborhood Services)

Resolution No. 77439 adopted. Staff directed to include the following additional language in the Operations and Maintenance Agreement: “and any other documents necessary between the City of San José and the California Department of Toxic Substances Control.”

2.24 Actions Related to the Ticketing and Management System for the Happy Hollow Park and Zoo.

Recommendation:

- (a) Accept the report on the Request for Proposal for the purchase of a Ticketing and Management System for the Happy Hollow Park & Zoo and adoption of a resolution authorizing the City Manager to:
 - (1) Negotiate and execute an agreement with Siriusware, Inc. (Taos, NM) for the purchase and implementation of a Ticketing and Management System including hardware, software, data migration, training and related professional services, taxes, maintenance and support, spare parts and supplies for an initial five-year term ending May 2020, with a maximum compensation not-to-exceed \$561,000 for the five-year term, subject to the appropriation of funds;

(Item continued on the next page)

2. CONSENT CALENDAR

2.24 Actions Related to the Ticketing and Management System for the Happy Hollow Park and Zoo. (Cont'd.)

Recommendation:

- (a) (2) Negotiate and execute an agreement with Elavon, Inc. (Atlanta, GA) for credit card payment gateway services, for an initial five-year term ending May 2020, with a maximum compensation estimated at \$128,000 for the five-year term, subject to the appropriation of funds;
- (3) Execute one-year options to extend the terms of the Siriusware and Elavon Agreements to provide ongoing maintenance, technical support services, and supplies after the initial five-year term, subject to the appropriation of funds;
- (4) Negotiate and execute amendments to the agreement with Siriusware to add or delete locations and enhance system functionality, not to exceed \$100,000, subject to the appropriation of funds;
- (5) Execute change orders to either the agreement with Siriusware or Elavon to cover any changes or requirements in the system design and implementation, for a cumulative total not to exceed \$66,000, subject to the appropriation of funds;

Resolution No. 77440 adopted.

- (b) Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the existing agreement with OmniTicket Network to extend the term through March 31, 2016 to allow time for the implementation of the new system, and to increase the compensation by \$25,000 for the remainder of the term for a revised maximum total compensation of \$563,281.

Resolution No. 77441 adopted.

- (c) Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: City-wide Parks purposes:
 - (1) Increase the Beginning Fund Balance by \$329,000;
 - (2) Decrease the Ending Fund Balance by \$63,000; and
 - (3) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the Happy Hollow Park and Zoo Ticketing and Management System in the amount of \$392,000.

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

Ordinance No. 29593 adopted.

Resolution No. 77442 adopted.

2. CONSENT CALENDAR

2.25 Actions Related to Strategic Economics Examination of California Board of Equalization and Employment Development Departments.

Recommendation: Adopt a resolution to:

- (a) Authorize Strategic Economics to examine all California State Board of Equalization sales and use tax records for the City of San José to inform the Four-Year Review of the Envision San José 2040 General Plan jobs and land use analysis;
- (b) Authorize Strategic Economics to examine California State Employment Development Department ES202 industry and employment data for the City of San José to inform the Four-Year Review of the Envision San José 2040 General Plan jobs and land use analysis;
- (c) Authorize the City Manager or his designee to negotiate and execute an Addendum to the City's Memorandum of Understanding with the California State Employment Development Department to examine ES202 industry and employment data for economic development purposes.

CEQA: Not a Project, File No. PP10-066(d), Agreements and Contracts. (Planning, Building and Code Enforcement)

Resolution No. 77443 adopted.

2.26 Amendments to Master Agreements for Temporary Staffing of Building Inspections.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute amendments to the Master Agreements with the following vendors to provide temporary staffing to perform building inspection, plan review and related services to increase maximum compensation by \$2,000,000 for a revised not-to-exceed maximum compensation not to exceed \$5,000,000 for all the Agreements, subject to appropriation of funds:
 - (1) 4Leaf, Inc.
 - (2) Bureau Veritas North America Inc.
 - (3) California Code Check Inc.
 - (4) CSG Consultants Inc.
 - (5) Interwest Consulting Group Inc.
 - (6) Metropolitan Planning Group
 - (7) Pacific Municipal Consultants
 - (8) Shums Coda Associates
 - (9) TRB and Associates Inc.
 - (10) West Coast Code Consultants Inc.
 - (11) Willdan Engineering;

2. CONSENT CALENDAR

2.26 Amendments to Master Agreements for Temporary Staffing of Building Inspections. (Cont'd.)

- (b) Exercise all remaining option years on the Agreements, with the last option year ending July 31, 2017, subject to appropriation of funds.
- (c) Execute subsequent amendments to the Agreements to adjust the compensation amount for each agreement as required, subject to appropriation of funds.

CEQA: Not a Project, File No. PP10-069(c), Municipal Code or Policy Change that involves no changes in the physical environment. (Planning, Building and Code Enforcement/Finance)

Resolution No. 77444 adopted.

2.27 Amendment to the Flag Display Policy.

Recommendation: Adopt a resolution authorizing the City Manager to annually display the POW/MIA (Prisoner-of-War/Missing-in-Action) flag at City Hall on the following dates each year:

- (a) Armed Forces Day (3rd Saturday in May);
- (b) Memorial Day (Last Monday in May);
- (c) Flag Day (June 14);
- (d) Independence Day (July 4); and
- (e) Veterans Day (November 11).

CEQA: Exempt, CEQA Guidelines Section 15061(b)(3), No possibility of a Significant Effect on the Environment. (Public Works)

Renumbered to Item 3.24. See Item 3.24 for Action.

2.28 Maintenance District Budget Reports for Fiscal Year 2015-2016.

Recommendation: Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2015-2016 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein. CEQA: File No. PP13-057, Landscape Maintenance. Council Districts: 2, 3, 4 & 8. (Public Works)

Resolution Nos. 77445, 77446, 77447, 77448, 77449, 77450, 77451, 77452, 77453, 77454, 77455, 77456, 77457 adopted.

2. CONSENT CALENDAR

2.29 Amendment to the Cooperative Agreement with Santa Clara Valley Transportation Authority.

Recommendation: Approve the proposed Second Amendment to Cooperative Agreement #6 with the Santa Clara Valley Transportation Authority (VTA) to: (1) extend the term of the agreement to December 31, 2018; and (2) increase the maximum cost reimbursement for City of San José project management services to an amount not to exceed \$940,000 for the period of January 1, 2012 through December 31, 2018. CEQA: Final Environmental Impact Report prepared by the VTA for the extension of the BART system to Berryessa in City was certified and related findings adopted by the VTA Board on December 9, 2004, the Final Supplemental Environmental Impact Report prepared for the Project was certified and related findings adopted by the VTA Board on June 7, 2007, and the Final Supplemental Environmental Impact Report #2 prepared for the Project was certified and related findings adopted by the VTA Board on March 3, 2011. By Resolution 76126 adopted January 24, 2012, City Council adopted findings as a responsible agency under CEQA concurring with the analysis in the EIRs. Council District: 4. (Public Works)

Approved.

2.30 Transfer of Governmental Purpose Properties from the Successor Agency to the Redevelopment Agency.

Recommendation: Adopt a resolution authorizing the City Manager to accept, on behalf of the City, seventeen governmental purpose properties, as set forth in the memorandum to Council, to be transferred to the City of San José from the Successor Agency to the Redevelopment Agency of the City of San José. CEQA: Exempt, File No. PP15-061, CEQA Guidelines Section 15061(b)(3), Projects that have No Potential for Causing a Significant Effect on the Environment. (Successor Agency)

Resolution No. 77458 adopted.

2.31 Downtown San José Property-Based Improvement District Annual Report for Fiscal Year 2015-2016.

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 2015-2016 as filed or modified by Council;

(Item continued on the next page)

2. CONSENT CALENDAR

2.31 Downtown San José Property-Based Improvement District Annual Report for Fiscal Year 2015-2016. (Cont'd.)

Recommendation:

- (b) Confirming the individual assessments including the five (5) percent increase 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 2015-2016; 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), Assessments and Annual Reports. Council District 3. (Transportation/Public Works)

Resolution No. 77459 adopted.

2.32 Report on Bids and Award of Contract for the 7710 – 2015 General Engineering.

Recommendation: Report on bids and award of an on-call contract for the 7710 – 2015 General Engineering Contract for Transportation Projects to the lowest responsive bidder, Grade Tech Inc., in the amount of \$1,500,000 with no individual task order for the construction of a public works project to exceed \$100,000. CEQA: File No. PP13-057. Exempt, CEQA Guidelines Section 15301(h), Existing Facilities, Maintenance of Existing Landscaping. (Transportation)

Approved.

2.33 Purchase of Radar Gun.

Recommendation: As recommended by the Rules and Open Government Committee on May 27, 2015, approve the purchase of a Speed Radar Gun. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Oliverio)

[Rules Committee referral 5/27/15 – Item G(7)]

Approved.

2.34 District 5 Grammercy Neighborhood Area Beautification/Dumpster Day.

Recommendation: As recommended by the Rules and Open Government Committee on June 10, 2015:

- (a) Approve the District 5 Grammercy Neighborhood Area Beautification/Dumpster Day as a City Council sponsored Special Event and approve the expenditures of funds.
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Exempt, File No. PP13-056, CEQA Guidelines, Section 15301(h), Existing Facilities. (Carrasco)

[Rules Committee referral 6/10/15 – Item G(1)(a)]

Approved.

2. CONSENT CALENDAR

2.35 Actions Related to Council Member Carrasco's Travel to Nashville, Tennessee.

Recommendation:

- (a) Approve travel by Council Member Carrasco to Nashville, Tennessee from November 4 – 7, 2015 to attend the National League of Cities Conference. Source of Funds: Mayor/Council Travel Budget.
- (b) Request for an excused absence for Council Member Carrasco from the Closed Session and the Regular Meeting of the City Council on November 3, 2015.
- (c) Request for an excused absence for Council Member Carrasco from the Regular Meeting of the Rules and Open Government Committee on November 4, 2015.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Carrasco)
(Rules Committee referral 6/17/15)

Approved.

2.36 Canada Day Flag Raising.

Recommendation:

- (a) Approve the Canada Day Flag Raising scheduled on June 29, 2015 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 event.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Kalra)
(Rules Committee referral 6/17/15)

Approved.

2.37 Retroactive Approval of Travel by Council Member Peralez to San Diego, CA.

Recommendation: Retroactively approve travel by Council Member Peralez to San Diego, CA from January 23 - 25, 2015 to attend the National League of Cities' Latino Caucus board retreat. Source of Funds: Council District 3 Office budget. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Peralez)
(Rules Committee referral 6/17/15)

Approved.

2.38 Council Member Rocha's Travel to Denver, CO.

Recommendation: Approve travel by Council Member Rocha to Denver, CO from September 16-18, 2015 for the San José Silicon Valley Chamber of Commerce Annual Study Mission. Source of Funds: Council District 9 budget. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Rocha)
(Rules Committee referral 6/17/15)

Approved.

2. CONSENT CALENDAR

2.39 **Planned Development Permit for the Real Property Located on the North Side of The Alameda Approximately 315 Feet Westerly of Stockton Avenue.**

Recommendation: Consideration of adoption of a resolution approving a Planned Development Permit to allow the demolition of an existing building and the construction of a 168 multi-family attached residence building and 22,696 square feet of commercial space on the real property located on the north side of The Alameda approximately 315 feet westerly of Stockton Avenue. CEQA: Addendum to the Mitigated Negative Declaration for the 785-807 The Alameda Project (File No. PDC13-007), Resolution No. 76762, adopted 8/20/13. Council District 6. (Planning Building, and Code Enforcement) PD15-003

(Rules Committee referral 6/17/15)

Resolution No. 77460 adopted.

2.40 **Ingress and Egress Easement Access to 3131 Alum Rock Avenue.**

Recommendation: Approve an Easement Agreement in which Planned Parenthood Mar Monte, Inc. grants an Easement for Ingress and Egress Access from Alum Rock Avenue through its property located at 3131 Alum Rock Avenue to the City's public parking lot that is located adjacent to the property at no cost to the City. CEQA: Negative Declaration adopted by the Director of Planning on November 19, 1987 for File Numbers H87-074 and V87-014. Council District 5. (Economic Development)

(Rules Committee referral 6/17/15)

Approved.

2.41 **District 5 Capitol/Goss Neighborhood Area Beautification/Dumpster Day.**

Recommendation: As recommended by the Rules and Open Government Committee on June 17, 2015:

(a) Approve the District 5 Capitol/Goss Neighborhood Area Beautification/Dumpster Day as a City Council sponsored Special Event and approve the expenditures of funds.

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

CEQA: Exempt, File No. PP13-056, CEQA Guidelines, Section 15301(h), Existing Facilities. (Carrasco)

[Rules Committee referral 6/17/15 – Item G(1)(a)]

Approved.

2.42 **AB 57 (Quirk) Telecommunications: Wireless Telecommunication Facilities.**

Recommendation: As recommended by the Rules and Open Government Committee on June 17, 2015, adopt a position of opposition for AB 57 (Quirk) Telecommunications: Wireless Telecommunication Facilities. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)

A Position of Opposition for AB 57 was adopted.

2. CONSENT CALENDAR

2.43 Agreement with Squire Patton Boggs LLP for Federal Legislative Advocacy Services.

Recommendation: As recommended by the Rules and Open Government Committee on June 17, 2015, adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Squire Patton Boggs LLP, for legislative representation services in Washington, D.C. for the period July 1, 2015 through June 30, 2019 for a total not to exceed \$576,000, subject to the appropriation of funds. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)

[Rules Committee referral 6/17/15 – Item G(4)]

Resolution No. 77461 adopted, with the agreement modified to a term of one year.

2.44 Sponsored Tour of Hetch Hetchy Water System.

Recommendation: As recommended by the Rules and Open Government Committee on June 17, 2015:

(a) Accept invitation from the Bay Area Water Supply and Conservation Agency to attend an educational tour of the Hetch Hetchy Reservoir and San Francisco Public Utilities Commission key facilities from June 24-25, 2015. As organized, BAWSCA will pay for the cost for travel, lodging, and meals.

(b) Approve travel to the Hetch Hetchy Reservoir for Weston Starbird as the Mayor of San José's representative on the tour.

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

[Rules Committee referral 6/17/15 – Item G(6)]

Approved.

3. STRATEGIC SUPPORT SERVICES

ITEMS 3.3, 3.20, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 3.14, 3.15, 3.16, 3.17, and 3.5 WERE HEARD AS INDICATED BEFORE THE CONSENT CALENDAR

ITEMS 3.4, 4.1 AND 4.4 WERE HEARD AT 1:30 P.M. PER NOTICING.

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

No Report.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

Heard at 9:06 a.m.

No Report.

3. STRATEGIC SUPPORT SERVICES

3.3 Actions Related to the Library Parcel Tax Rates for FY 2015-2016.

Recommendation: Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2015-2016 by 2.53% over the fiscal year 2014-2015 rates and approving the placement of the Library Parcel Tax on the fiscal year 2015-2016 Santa Clara County Property Tax Roll. CEQA: Not a Project, File No. PP10-067 (a), CEQA Guidelines Section 15273 - Rates, Tolls, Fares, and Charges. (Finance)

Resolution No. 77409 adopted.

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

Recommendation:

- (a) Hold a Public Hearing on proposed 2015-2016 Sewer Service and Use Charges and proposed maximums for rate increases in 2016-2017 and 2017-2018; and direct staff to return during the 2016-2017 and 2017-2018 budget cycles with recommendations regarding rate increases consistent with staff recommended maximum rate increases noticed for those years.

Heard at 1:30 p.m.

The Public Hearing was Held.

- (b) Adopt a resolution setting the following Sewer Service and Use Charge rates for 2015-2016:

| <u>Category</u> | <u>2015-2016 Monthly Rates</u> |
|---|--------------------------------|
| Single-Family Residential | \$33.75 |
| Multi-Family Residential | \$22.62 per unit |
| Mobile Home | \$25.48 per unit |
| Non-Monitored Commercial and Industrial | See Attachment A |
| Monitored Industrial | See Attachment A |

Resolution No. 77462 adopted.

- (c) Adopt a resolution setting the following Storm Sewer Service Charge rates for 2015-2016:

| <u>Category</u> | <u>2015-2016 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)

Resolution No. 77463 adopted.

3. STRATEGIC SUPPORT SERVICES

3.5 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2015-2016 Budget, and Resolution Establishing the Fiscal Year 2015-2016 Appropriation Limit.

Recommendation:

- (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2015-2016 and the Manager’s Final Budget Addendum.

Ordinance No. 29589 adopted.

- (b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2015-2016 and the Manager’s Final Budget Addendum.

Resolution No. 77423 adopted.

- (c) Adopt a resolution taking the following actions with respect to the City’s 2015-2016 “Gann Limit”.

- (1) Elect the per capita income index as the inflation factor for 2015-2016 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor;
- (2) Elect the City of San José population growth index as the population factor for 2015-2016; and
- (3) Establish the Fiscal Year 2015-2016 Appropriation Limit at \$985,739,131 in compliance with Article XIII B of the State Constitution.

CEQA: Not a Project, File No. PPI0-067(b), Appropriation Ordinance. (City Manager)

Resolution No. 77424 adopted.

3.6 Actions Related to the 2015 Tax and Revenue Anticipation Note.

Recommendation:

- (a) Adopt a resolution:

- (1) Authorizing the issuance and sale of the City of San José 2015 Tax and Revenue Anticipation Note (the “2015 Note”) in the not to exceed principal amount of \$100,000,000 to be sold through a private placement;
- (2) Approving, in substantially final form, the Note Purchase Agreement and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreement and other related documents, as necessary, in connection with the issuance of the 2015 Note and authorizing other related actions in connection therewith.

Resolution No. 77425 adopted.

3. STRATEGIC SUPPORT SERVICES

3.6 Actions Related to the 2015 Tax and Revenue Anticipation Note. (Cont'd.)

Recommendation:

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for Fiscal Year 2015-2016:
 - (1) Increase the estimate for Other Revenue in the amount of \$100,000,000.
 - (2) Increase the Citywide TRANs Debt Service appropriation to the Finance Department in the amount of \$100,000,000.

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

Ordinance No. 29590 adopted.

Resolution No. 77426 adopted.

3.7 Terms of an Agreement with the International Association of Fire Fighters, IAFF Local 230 (IAFF Local 230) with a term of July 1, 2014 through June 30, 2018.

Recommendation:

- (a) Adopt a resolution to approve the terms of a Memorandum of Agreement with the San José Fire Fighters, International Association of Firefighters, Local 230 (IAFF Local 230) and authorizing the City Manager to execute the agreement with a term of July 1, 2014, to June 30, 2018.

Resolution No. 77412 adopted.

Noes: Oliverio.

- (b) Adopt the following 2014-2015 Appropriation Ordinance amendments in the General Fund:
 - (1) Increase the Personal Services appropriation to the Fire Department in the amount of \$4,000,000;
 - (2) Decrease the Employee Compensation Planning Reserve in the amount of \$3,770,000;
 - (3) Decrease the Salaries and Benefits Reserve in the amount of \$230,000.
- (c) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement, including the following:
 - (1) Increase the General Fund Personal Services budget for the Fire Department in the amount of \$12,772,000; and b. Decrease the General Fund Salaries and Benefits Reserve in the amount of \$12,772,000.

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

Ordinance No. 29588 adopted.

Noes: Oliverio.

3. STRATEGIC SUPPORT SERVICES

3.8 Terms of an Agreement with the Association of Building, Mechanical & Electrical Inspectors (ABMEI).

Recommendation:

- (a) Adopt a resolution to approving the terms of a collective bargaining agreement between the City and the Association of Building, Mechanical, and Electrical Inspectors (ABMEI), and authorizing the City Manager to execute an agreement with a term of July 1, 2015, through June 30, 2018.

Resolution No. 77413 adopted.

- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 18, 2015.

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

Approved.

3.9 Terms of an Agreement with the Association of Engineers and Architects, IFPTE, Local 21 (AEA).

Recommendation:

- (a) Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, IFPTE, Local 21 (AEA), Units 41/42, and authorizing the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2018.
- (b) Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, IFPTE, Local 21 (AEA), Unit 43, and authorizing the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2018.

Resolution No. 77414 adopted.

- (c) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 18, 2015.

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

Approved.

3. STRATEGIC SUPPORT SERVICES

3.10 Terms of an Agreement with the Association of Legal Professionals (ALP).

Recommendation:

- (a) Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the Association of Legal Professionals (ALP), and authorize the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2017.

Resolution No. 77415 adopted.

- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 18, 2015.

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

Approved.

3.11 Terms of an Agreement with the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP).

Recommendation:

- (a) Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP), and authorizing the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2018.

Resolution No. 77416 adopted.

- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 18, 2015.

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

Approved.

3. STRATEGIC SUPPORT SERVICES

3.12 Terms of an Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP).

Recommendation:

- (a) Adopt a resolution approving the terms of a collective bargaining agreement between the City and the City Association of Management Personnel, IFPTE, Local 21 (CAMP), and authorizing the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2018.

Resolution No. 77417 adopted.

- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 18, 2015.

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

Approved.

3.13 Terms of an Agreement with the Confidential Employees' Organization, AFSCME, Local 101 (CEO).

Recommendation:

- (a) Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the Confidential Employees' Organization, AFSCME Local 101 (CEO), and authorize the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2017.

Resolution No. 77418 adopted.

- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 17, 2015.

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

Approved.

3. STRATEGIC SUPPORT SERVICES

3.14 Terms of an Agreement with the International Brotherhood of Electrical Workers, Local #332 (IBEW).

Recommendation:

- (a) Adopt a resolution approving the terms of a collective bargaining agreement between the City and the International Brotherhood of Electrical Workers, Local 332 (IBEW), and authorizing the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2017.

Resolution No. 77419 adopted.

- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 18, 2015.

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

Approved.

3.15 Terms of an Agreement with the International Union of Operating Engineers, Local #3 (OE#3).

Recommendation:

- (a) Adopt a resolution to approve the terms of a Memorandum of Agreement with the International Union of Operating Engineers, Local Union No. 3 (OE#3), and authorizing the City Manager to execute the agreement with a term of July 1, 2015 through September 30, 2018.

Resolution No. 77420 adopted.

- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 16, 2015.

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

Approved.

3. STRATEGIC SUPPORT SERVICES

3.16 Terms of an Agreement with the Municipal Employees' Federation, AFSCME, Local 101 (MEF).

Recommendation:

- (a) Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the Municipal Employees' Federation, AFSCME Local 101 (MEF), and authorize the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2018.

Resolution No. 77421 adopted.

- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 17, 2015.

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

Approved.

3.17 Compensation Changes for Executive Management and Professional Employees in Unit 99 and Other Unrepresented Employees (Units 81/82).

Recommendation:

- (a) Adopt a resolution approving compensation and benefit changes for executive management and professional employees in Unit 99 and other unrepresented employees (Units 81/82), for Fiscal Years 2015-2016, 2016-2017, and 2017-2018.

Resolution No. 77422 adopted.

- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 18, 2015.

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

Approved.

3. STRATEGIC SUPPORT SERVICES

3.18 Actions Related to the Agreement with CalPine/Metcalf Energy for Air Monitoring Stations.

Recommendation: Approve one of the following alternatives related to the two required air monitoring stations in the 2001 Cooperation Agreement with CalPine/Metcalf Energy and delegate authority to the City Manager to execute the steps outlined in the memorandum to Council for the selected option:

- (a) Alternative 1: Calpine Reimburses City to Build and Operate Northern and Southern Station for A Term of 25 Years.
- (b) Alternative 2: Calpine Makes Payment In Lieu For Both Stations, City Builds And Operates Both Stations.
- (c) Alternative 3: Calpine Reimburses City To Build And Operate Northern Station Only For A Term Of 25 Years.
- (d) Alternative 4: Calpine Makes Payment In Lieu For Both Stations, City Earmarks Monies For Community Project.

CEQA: Exempt, File No. PP15-056, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. (City Manager)

Deferred to evening of August 18, 2015.

3.19 Actions Related to the Agreements for the Purchase and Implementation of Human Resources, Payroll, Timekeeping and Budget Systems.

Recommendation: Adopt a resolution for the purchase and implementation of Human Resources, Payroll, Timekeeping, and Budget systems and authorize the City Manager to execute the following Agreements:

- (a) Authorize the City Manager to negotiate and execute an agreement with CherryRoad Technologies, Inc. as the project integrator for the implementation, training, and ongoing hosting services, and Oracle Taleo cloud subscription services, for a term commencing on or about July 6, 2015 and ending on or about September 30, 2021, with a maximum compensation not-to-exceed \$6,713,699, subject to the appropriation of funds.
- (b) Authorize the City Manager to negotiate and execute the necessary documentation with Mythics for the purchase of Oracle Hyperion software licenses, and annual software maintenance and support and subscription services for up to five years ending on or about September 30, 2021, in an amount not to exceed \$806,664, subject to the appropriation of funds.
- (c) Report on Request for Proposal and authorize the City Manager to execute an agreement with Leckey Consulting, Inc. (Roseville, CA) to provide overall project oversight and quality assurance on implementation of the Systems, for a total amount not to exceed \$489,860, inclusive of all time, travel, and expenses, for a fourteen month term starting on or about June 24, 2015 and ending on or about September 5, 2016.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.19 Actions Related to the Agreements for the Purchase and Implementation of Human Resources, Payroll, Timekeeping and Budget Systems. (Cont'd.)

Recommendation:

- (d) Approve a project contingency of \$917,740 that may be applied to the proposed agreements to fund any unanticipated costs associated with the implementation of this project.
- (e) Approve amendments and change orders to any of the proposed agreements, not to exceed the contingency amount of \$917,740.
- (f) Authorize the City Manager to transfer funding between the aforementioned agreements, not to exceed the \$8,010,223 aggregate not-to-exceed amounts listed above, plus the contingency amount of \$917,740 for a total of \$8,927,963, and purchase additional or alternate software solutions to those listed above in the event that a different solution(s) better meets the City's requirements as determined during the discovery phase of the Project.

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities. (Finance/ Human Resources/Information Technology/City Manager)

Resolution No. 77427 adopted.

3.20 Actions Related to the City Pay Plan for Various Classifications.

Recommendation:

- (a) Adopt a resolution to:
 - (1) Amend the City of San José Pay Plan effective July 5, 2015, to create the following classification:
 - (a) Crime Prevention Supervisor (2234)
 - (2) Amend the City of San José Pay Plan effective July 5, 2015, to change the salary range for the following classification:
 - (a) Mayor's Executive Officer U (8049)
 - (3) Amend the City of San José Pay Plan effective July 5, 2015, to delete the following classifications:
 - (a) Athletic Stadium Groundskeeper (3415)
 - (b) Traffic Checker I FT/PT (3751/3752)
 - (c) Traffic Checker II FT/PT (3753/3754)
 - (d) Senior Planner (4124)

Resolution No. 77410 adopted.

- (b) Adopt a resolution to:
 - (1) Amend the City of San José Pay Plan effective July 5, 2015, to create the following classifications:
 - (a) Building Inspector Combination Certified II (3902)
 - (b) Building Inspector Combination Certified III (3903)
 - (c) Building Inspector Combination Certified Senior (3904)
 - (d) Building Inspector Supervisor Certified II (3905)

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.20 Actions Related to the City Pay Plan for Various Classifications. (Cont'd.)

Recommendation:

- (b) (2) Amend the City of San José Pay Plan effective July 5, 2015, to change the salary range and title for the following classifications:
 - (a) Building Inspector Combination Certified I (3915) (formerly Building Inspector/Combination Certified)
 - (b) Building Inspector Supervisor Certified I (3912) (formerly Building Inspector, Supervisor Certified)
- (3) Amend the City of San José Pay Plan effective July 5, 2015, to change the salary range for the following classifications:
 - (a) Building Inspector Manager (3910)
- (4) Amend the City of San José Pay Plan effective July 5, 2015, to delete the following classification:
 - (a) Building Inspector, Supervisor (3919)

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities, Personnel Related Decisions. (Human Resources)

The memorandum from Mayor Sam Liccardo, dated June 23, 2015, was approved, approving the Staff recommendations associated with Item 3.20(b) to amend the City Pay Plan for various building inspector classifications.

Resolution No. 77411 adopted.

3.21 Actions Related to Salary Setting Commission Recommendations.

Recommendation: As recommended by the Salary Setting Commission, approve an ordinance establishing the following salaries and benefits for the Mayor and City Council for the next two Fiscal Years, the period July 1, 2015 through June 30, 2017:

- (a) For the Mayor, increase the authorized salary from \$114,000 annually to \$125,000 annually;
- (b) For each Council Member, increase the authorized salary from \$81,000 annually to \$92,000 annually.
- (c) Retain the levels of health, dental, life insurance and other benefits in accordance with the benefits provided to management employees in Unit 99.
- (d) Retain the current retirement benefits offered under the CalPERS Tier 2 Plan and the PTC 457 Defined Contribution Plan.
- (e) Increase the vehicle allowance from \$350 per month to \$500 per month for the Mayor and each member of the City Council.
- (f) Continue to require Council Members to pay \$250 for each unexcused absence at scheduled Council meetings, pursuant to City Charter Section 407.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk) (Deferred from 5/19/15 – Item 3.3)

Deferred to August 2015 per Rules and Open Government Committee.

3. STRATEGIC SUPPORT SERVICES

3.22 Council Priority Setting Session.

Recommendation:

(a) Approve new items for the Council Priority list.

(b) Rank items on Council Priority list.

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

(Deferred from 6/16/15 – Item 3.3)

Heard at 1:30 p.m.

POLICY NAME:

| | <u>VOTES</u> |
|---|---------------------|
| (1) Wage Theft (Parts A, B and C) | 10 |
| (2) Update Rental Rights and Referrals Program; Ordinance Prohibiting Discrimination Based on Income Source | 9 |
| (3) Local Hiring/Local Business/Apprentice Utilization Program | 8 |
| (4) Massage Parlor Regulation | 8 |
| (5) Mobile Home Conversions | 8 |
| (6) Illegal Fireworks Ordinance | 7 |
| (7) Riparian Corridor and Bird-Safe Buildings | 7 |
| (8) Commercial Impact Fee for Affordable Housing | 6 |
| (9) Allowing Secondary Detached Units in San José | 5 |
| (10) Disadvantaged Business Enterprises | 3 |
| (11) North San José Policy Review | 2 |
| (12) Development Agreement Policy | 1 |
| (13) Downtown Parks Maintenance District and High-Rise Incentive Program | 1 |
| (14) Real Estate Transactions Streamlining (Phase 3) | 1 |
| (15) San José is Open for Business/Legal Non-Conforming Uses | 1 |
| (16) Food and Clothing Distribution at City Parks | 0 |
| (17) Graywater Systems | 0 |
| (18) Off-Sale of Alcohol at Grocery Stores Streamlining | 0 |
| (19) Peddler Permits Enforcement/Outdoor Mobile Vendor Policy | 0 |
| (20) Surplus Land Sale | 0 |
| (21) Zoning Ordinance Quarterly Modifications (Recurring) | 0 |

3.23 Compensation and Benefit Changes for Council Appointees, for Fiscal Years 2015-2016, 2016-2017 and 2017-2018.

Recommendation: Adopt a resolution approving compensation and benefit changes for Council Appointees, for Fiscal Years 2015-2016, 2016-2017, and 2017-2018, consistent with compensation and benefit changes to Executive Management (Unit 99). CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)
(Rules Committee referral 6/17/15)

Resolution No. 77464 adopted.

3. STRATEGIC SUPPORT SERVICES

3.24 Amendment to the Flag Display Policy.

Recommendation: Adopt a resolution authorizing the City Manager to annually display the POW/MIA (Prisoner-of-War/Missing-in-Action) flag at City Hall on the following dates each year:

- (a) Armed Forces Day (3rd Saturday in May)
- (b) Memorial Day (Last Monday in May)
- (c) Flag Day (June 14)
- (d) Independence Day (July 4)
- (e) Veterans Day (November 11)

CEQA: Not a Project, File No. PP10-069(c), Municipal Code or Policy change that involves no changes in the physical environment. (Public Works)

Renumbered From Item 2.27.

The memorandum from Mayor Sam Liccardo, dated June 19, 2015, was approved, deferring the Flag Display Policy to the August 11, 2015 Council Agenda. The City Manager was directed to:

- (1) Return with additional policy alternatives for raising the POW/MIA Flag 365 days a year.**
- (2) Direct Staff to raise the National POW/MIA Flag the week of June 28, 2015 for Independence Day.**
- (3) Direct the City Manager to conduct further outreach to Veteran's groups for input regarding the policy alternatives.**

The memorandum from Vice Mayor Rose Herrera and Council Members Peralez, Jones and Nguyen, dated June 19, 2015, approving the Staff recommendation to amend the Flag Display Policy to include display of the POW/MIA Flag with the addition of the following dates:

- (1) March 30 – Welcome Home Vietnam Day.**
- (2) Third Friday of September – POW/MIA Day.**

Resolution No. 77465 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Public Hearings on Business Improvement District Reports for FY 2015-2016.

Heard at 1:30 p.m. per Noticing.

Recommendation:

- (a) Conduct a Public Hearing and adopt a resolution to approve the Downtown Business Improvement District budget report for fiscal year 2015-2016, as filed or modified by Council, to levy the Downtown BID assessments for 2015-2016, and to suspend collection of the Downtown BID assessments for the businesses that qualify for the business tax financial hardship exemption under the City's general business tax ordinance. CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b)(3), No possibility of a Significant Effect on the Environment. Council District 3. (Economic Development)

The Public Hearings were held.

Resolution No. 77466 adopted.

- (b) Conduct a Public Hearing and adopt a resolution to approve the Hotel Business Improvement District budget report for fiscal year 2015-2016, as filed or as modified by the Council, and to levy the Hotel BID assessments for 2015-2016. CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b)(3), No possibility of a Significant Effect on the Environment. (Economic Development)

Resolution No. 77467 adopted.

- (c) Conduct a Public Hearing and adopt a resolution to approve the Japantown Business Improvement District budget report for fiscal year 2015-2016, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2015-2016. CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b)(3), No possibility of a Significant Effect on the Environment. Council District 3. (Economic Development)

Resolution No. 77468 adopted.

4.2 Actions Related to the Purchase and Sales Agreement with Pamela G. Allison for the Property Located on 1098 South 3rd Street.

Recommendation:

- (a) Approve the purchase and sale agreement with Pamela G. Allison, as Trustee of The Howard J. Gustin Exemption Trust; The Howard J. Gustin Marital Trust; and the Helen A. Gustin Survivor's Trust in the amount of \$4,700,000, for the purchase of land located along the eastern side of South 3rd Street north of Keyes Street, San José, CA, APN 472-115-023 for the future construction of Martha Gardens-Spartan Keyes Park.

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Actions Related to the Purchase and Sales Agreement with Pamela G. Allison for the Property Located on 1098 South 3rd Street. (Cont'd.)

Recommendation:

- (b) Adopt a resolution authorizing the City Manager or his designee, to execute the purchase and sales agreement and a separate lease agreement, leasing the property back to the seller or its affiliate and all other documents necessary to complete these transactions.

Resolution No. 77469 adopted.

- (c) Adopt a resolution authorizing the City Manager or his designee, to negotiate and execute the brokerage service agreement with Arthur J. Gallagher & Company in an amount not-to-exceed \$7,500 to:
 - (1) Schedule the Spartan Keyes property to the City's environmental liability insurance policy, policy # PRE-3659357-00.
 - (2) Perform claims-related management services if required.
- (d) Adopt a resolution authorizing the City Manager or his designee, to purchase the aforementioned additional environmental liability coverage for approximately \$42,500. The current policy was procured on September 23, 2014, and will remain in effect for a 10 year term, \$10,000,000 per occurrence/aggregate coverage with a \$100,000 policy deductible.

Insurance coverage not required.

- (e) Adopt the following 2015-2016 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
 - (1) Decrease the Future PDO/PIO Project Reserve by \$964,000;
 - (2) Eliminate the Spartan Keyes Area Park Development Reserve in the amount of \$3,900,000.
 - (3) Establish the Spartan Keyes Area Park Land Acquisition appropriation in the Parks, Recreation and Neighborhood Services Department in the amount of \$4,864,000.

CEQA: Public Project Exemption, File No. *PP15-057*, CEQA Section 15316 - Transfer of Ownership of Land in Order to Create Parks. (Economic Development/Parks, Recreation and Neighborhood Services/City Manager)

Ordinance No. 29594 adopted, with the following approved clarifications:

- (1) **Eliminate Items 4.2(c) and (d).**
- (2) **CEQA number was corrected to PP15-057.**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Actions Related to the Workout Agreement with Neighborhood Housing Services of Silicon Valley.

Recommendation: Adopt a resolution to:

- (a) Authorize the Interim Director of Housing to negotiate and execute a Workout Agreement between Neighborhood Housing Services Silicon Valley (NHSSV) and the City to include:
 - (1) Assignment of all NHSSV generated homebuyer loans originated from either City grant funds or City provided HOME funds to the City;
 - (2) Return to the City the balances of all restricted accounts including repayments of loans originated from City funding sources totaling approximately \$3,500,000;
 - (3) Release NHSSV from its obligation to repay \$115,000 in HOME funds to the City;
 - (4) Allow NHSSV to use \$274,000 of funds in restricted accounts to fund eligible operating expenses for administration of the homeownership services through the Home Ownership Center;
 - (5) Allow NHSSV to use \$105,000 of funds in restricted accounts to fund eligible operating expenses to support administration of the Home Ownership Center.
- (b) Authorize the Interim Director of Housing to terminate the grant agreement as part of the workout and to negotiate and execute and record any assignments and other related documents needed to implement the terms of the Workout Agreement with NHSSV or any successor

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

Resolution No. 77474 adopted, with an additional authority increase up to \$200,000.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Public Hearing on the Annexation of Area No. 2 to Zone C of Maintenance District 15 (Silver Creek Valley).

Heard at 1:30 p.m. per Noticing.

Recommendation:

- (a) Conduct a Public Hearing regarding the proposed annexation of Annexation Area No. 2 into Zone C of Maintenance District 15 (Silver Creek Valley) and at the close of the public hearing, direct the City Clerk to tabulate the property owner ballots and report the results.

The Public Hearing was Held.

- (b) If the majority of the votes tabulated are weighted in favor of the proposal, adopt a resolution:
- (1) Declaring the ballot tabulation results;
 - (2) Approving the engineer's report, base assessment and annual adjustments and annex Annexation Area No. 2 into Zone C of Maintenance District 15;
 - (3) Imposing the assessments on those properties within the Annexation Area No. 2 as proposed in the engineer's report.

CEQA: Mitigated Negative Declaration, File No. PDC09-007 and Exempt, File No. PD10-019. Council District 8. (Public Works)

Resolution No. 77475 adopted.

4.5 Acquisition of the Plaza Hotel from Successor Agency to the Redevelopment Agency for Housing the Homeless.

Recommendation: Adopt a resolution directing the Interim Director of Housing to pursue steps necessary to acquire the Plaza Hotel located in San José at 96 South Almaden Boulevard ("Plaza Hotel") from the Successor Agency to the Redevelopment Agency of the City of San José (SARA), for housing the homeless, and return to City Council to obtain authorization to acquire. CEQA: Exempt, CEQA Guidelines Section 15326, Acquisition of Housing for Housing Assistance Programs, and Section 15301, Existing Facility. (Housing)

(Deferred from 6/16/15 – Item 4.2, and 6/9/15 – Item 4.2)

Deferred to August 2015 per Rules and Open Government.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 Motion for Reconsideration Relating to Item 4.7 on Council Agenda 6-16-15 (Street Naming of an Existing Private Driveway to Blach Place).

Recommendation:

- (a) Consider a motion to reconsider Council Action on June 16, 2015 regarding Item 4.7 Street Naming of an Existing Private Driveway to Blach Place. (Matthews)
- (b) If the motion for reconsideration is approved, consider adoption of a resolution to name as Blach Place an existing private driveway located between 2010 and 2030 Fortune Drive in the IP Industrial Park Zoning District (Fortune Drive Investors, LLC, Owner). CEQA: Exempt, CEQA Guidelines Section 15301(c) (Existing Facilities). (Planning, Building, and Code Enforcement)
ST14-007 – District 4

Dropped per Orders of the Day.

5. NEIGHBORHOOD SERVICES

5.1 Bringing Everyone's Strengths Together (BEST) Program and Mayor's Gang Prevention Task Force Annual Report.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on May 21, 2015, accept the 2013-2014 Annual Report on the San José Bringing Everyone's Strengths Together (BEST) and the Mayor's Gang Prevention Task Force (MGPTF) Programs. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Parks, Recreation and Neighborhood Services) [Public Safety, Finance, and Strategic Support Committee referral 5/21/15 – Item D(3)]
Deferred to August 11, 2015 per Rules and Open Government.

5.2 Federal Grant Application for the Coyote Creek Trail.

Recommendation:

- (a) Adopt a resolution to identify the City Manager or his designee as the authorized representative to submit a TIGER grant application to the U.S. Department of Transportation;

The memorandum from Council Member Margie Matthews and Council Member Raul Peralez, dated June 18, 2015, was approved, approving the Administration's recommendations regarding the submittal of a grant application to the U.S. Department of Transportation for a Coyote Creek Trail connector from BART to Bus Rapid Transit.

Resolution No. 77476 adopted.

(Action Continued on the Next Page)

5. NEIGHBORHOOD SERVICES

5.2 Federal Grant Application for the Coyote Creek Trail. (Cont'd.)

Recommendation:

- (b) Commit to a required local match of \$2,506,568 should the \$10,026,270 grant be awarded for the Project.

Approved.

- (c) Adopt the following 2015-2016 Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):

- (1) Establish the Trail: Coyote Creek (Mabury Road-Santa Clara Street) Reserve appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,253,284; and
- (2) Decrease the Future PDO/PIO Project Reserve by \$1,253,284.

CEQA: Mitigated Negative Declaration, File No. PP09-218 for Coyote Creek Trail Master Plan (Montague Expressway to Watson Park) and File No. PP08-014 For Coyote Creek Trail Master Plan (Lower Silver Creek – Watson Park to Story Road). (Parks, Recreation and Neighborhood Services/Transportation)

Ordinance No. 29595 adopted.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the Agreement with Taxi San José for the On-Demand Ground Transportation Program.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Taxi San José to provide on-demand ground transportation dispatch and management services at the Norman Y. Mineta San José International Airport for the period from August 1, 2015 through August 1, 2020, with options for the City Manager to extend the agreement for up to five (5) additional one-year periods through August 1, 2025.

Amended and reflected in Item (3) on Page 41.

- (b) Adopt a resolution authorizing the City Manager to exercise up to five (5) one-year options to extend the agreement through August 1, 2025.

Not Approved. See Item (3) on Page 41.

(Action Continued on the Next Page)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the Agreement with Taxi San José for the On-Demand Ground Transportation Program. (Action Cont'd.)

- (c) Consider whether additional direction should be given to maintain the current on-demand taxicab and door-to-door shuttle model until such time that Citywide regulations of taxicabs are reviewed and revised, but no later than July 1, 2016.

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

Not Approved. Initial recommendation (c) was proposed in the memorandum from Mayor Sam Liccardo, dated May 29, 2015. Subsequent memorandum from Mayor Sam Liccardo, dated June 22, 2015, proposed the actions listed below in Items (1), (2) and (3) approved by the Council.

The revised memorandum from Mayor Sam Liccardo, dated June 22, 2015, was approved, with the following direction to the City Manager:

- (1) **Decline to implement the contemplated changes and instead maintain the current models for on-demand taxicab and door-to-door shuttle regulation until such time the citywide regulations of taxicabs are comprehensively reviewed and revised by this Council.**
- (2) **Return to the Transportation and Environment Committee no later than *October 2015* with an update and *revised citywide regulations and modernized technology implementation*, particularly in dispatch to reduce costs on customers and providers.**
- (3) **If determined necessary by the City Attorney's Office, extend the existing Taxi San José contract until January 31, 2016, delegating the City Manager authority to negotiate and execute the extension with the following modifications:**
 - (a) **Allocate company permits *as described by Airport Staff at the June 23, 2015 Council Meeting.***
 - (b) **Begin collection of the Airport cost recovery fee of \$1.95.**

Staff was further directed:

- (1) **To allocate unused driver permits to all companies.**
- (2) **To enforce a rule that would not allow individual drivers with permits to drive on their off days under a company permit.**

Resolution No. 77472 adopted.

Abstain: Carrasco.

6. TRANSPORTATION & AVIATION SERVICES

6.2 Management and Operating Plan for the Transportation Network Companies at the Airport.

Recommendation: Approve a Management and Operating Plan for Transportation Network Companies that meet all requirements necessary to issue a Ground Transportation Permit at the Norman Y. Mineta San José International Airport. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

(Deferred from 6/2/15 – Item 6.3, 4/14/15 – Item 6.1 and 5/19/15 – Item 6.1)

The revised memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Raul Peralez, dated June 19, 2015, was approved, accepting the Staff recommendations with the following modifications:

- (1) **Approve the recommended TNC management and operation plan as a pilot program for a period of one (1) year beginning on September 1, 2015.**
 - (2) **Subject all drivers to fingerprint/background checks pending CAO determination of City regulatory authority to do so. In the event the City is not preempted from requiring background checks above and beyond what is required by the CPUC, fingerprinting should be administered by a City approved third party entity.**
 - (3) **In the event the City Manager finds that vehicle inspections by TNCs are inadequate, the inspections shall be administered by a City approved third party entity.**
 - (4) **Issue permits only to TNCs that are in compliance with CPUC regulations.**
 - (5) ***All outstanding charges/proceedings brought by the CPUC must be settled prior to the issuance of a permit – DROPPED***
 - (6) **Full payment of all fees and fines for past operations and violations must be complete as a condition of operation.**
 - (7) **TNC drivers servicing the airport shall have Business Tax Licenses.**
 - (8) **During the term of the pilot direct Staff to:**
 - (a) **Gather the data necessary to determine the market-share impact of TNCs on the “on-demand” program at the airport.**
 - (b) **Measure passenger safety based upon criteria such as accidents/incidents and operational/security issues involving TNCs.**
 - (c) **On monthly basis, audit and examine vehicle trips via geo-fence tracking at airport entry, passenger pick up, airport exit and in the cell phone waiting area. The data should be used for enforcement and verification of monthly trip reports and associated trip fees.**
 - (d) **Monitor and analyze compliance with all of the terms of the pilot program.**
 - (9) **Permitted TNCs shall pay for the cost of the pilot program and all other charges/fees occasioned by its operations or activities on or about the airport.**
- (7-3-0-1. Noes: Jones, Kalra, Rocha. Abstain: Carrasco.)**

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Fire Department Strategic Business Plan - 20/20 Vision Plan.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on May 21, 2015, accept the proposed San José Fire Strategic Plan which includes a roadmap to provide ongoing quality services to the community and establish the San José Fire Department as a national leader in all-hazard emergency response and fire prevention services. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Fire)

[Public Safety, Finance, and Strategic Support Committee referral 5/21/15 – Item D(2)]

The memorandum from Mayor Sam Liccardo, dated June 22, 2015, was approved, with the following actions:

- (1) **The San José Fire Department Strategic Business Plan (20/20 Vision Plan) was deferred.**
- (2) **The City Manager was directed to modify and update the recommended 20/20 Vision Plan based on the pending results of the Countywide Emergency Medical Services Feasibility Study and return for Council consideration.**

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
There were none.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar.

- (a) **Rezoning Real Property Located at the Southwest Corner of Aborn Road and Lyter Way.**

Recommendation: Consideration of an ordinance rezoning the real property located at the southwest corner of Aborn Road and Lyter Way. (2860 & 2868 Aborn Road) from the A Agricultural Zoning District to the CP Commercial Pedestrian Zoning District for commercial uses on an approximately 0.84 gross acre site, (Teodoro Antonio and Elvira, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, adopted November 1, 2011. (Planning, Building, and Code Enforcement)

C14-054 – District 8

Ordinance No. 29596 passed for publication.

- (b) **Rezoning Real Property Located at the Southerly Corner of Park Avenue and Newhall Street.**

Recommendation: Consideration of an ordinance rezoning the real property located at the southerly corner of Park Avenue and Newhall Street (2095 Park Avenue) from the R-M Multiple Residence Zoning District to the CP Commercial Pedestrian Zoning District to allow commercial uses on an approximately 0.53 gross acre site, (Natalya and Eric Venzon, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, adopted November 1, 2011. (Planning, Building, and Code Enforcement)

C15-004 – District 6

Ordinance No. 29597 passed for publication.

- (c) **Rezoning the Real Property Located at 650 Quinn Avenue.**

Recommendation:

Consideration of an ordinance rezoning the real property located at 650 Quinn Avenue from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District on a 2.0 gross acre site (Robert and Shannon Bothman, Owners). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, adopted November 1, 2011. (Planning, Building, and Code Enforcement)

C15-007 – District 7

Ordinance No. 29598 passed for publication.

11. PUBLIC HEARINGS

11.2 Conditional Use Permit for the Real Property Located on the East Side of South 1st Street, Approximately Feet Southerly of East Santa Clara Street.

Recommendation: Consideration of a Conditional Use Permit to allow a drinking establishment (for more than 250 people) and late night use until 2:00 a.m. in an existing 8,684 square foot public eating establishment in the DC Downtown Primary Commercial Zoning District on an approximately 0.15 gross acre site, located on the east side of South 1st Street, approximately 400 feet southerly of East Santa Clara Street (58 South 1st Street). CEQA: Exempt, Section 15303(c), New Construction or Conversion of Small Structures. Planning Commission recommends approval (4-1-1-1) (Abelite absent and Yob recused). (Planning, Building and Code Enforcement)

CP15-016 – District 3

(Deferred from 6/9/15 – Item 11.2)

Dropped; To Be Renoticed per Orders of the Day.

11.3 Administrative Hearing and Consideration of an Appeal of the Planning Commission's Decision to Deny a Conditional Use Permit to Allow the Addition of an Automated Carwash.

Recommendation: Conduct an Administrative Hearing and consider an Appeal of the Planning Commission's decision to deny a Conditional Use Permit to allow the addition of an automated carwash at an existing smog test facility on a 0.40 gross acre site in the CN Neighborhood Commercial Zoning District, located on the southwest side of Camden Avenue 250 feet northwesterly of South Bascom Avenue (2270 Camden Avenue). Adopt a resolution adopting the Negative Declaration for the 2270 Camden Avenue Car Wash Project and setting forth the City Council's approval or denial of the Conditional Use Permit. CEQA: Negative Declaration, to be adopted. (Planning, Building, and Code Enforcement)

CP10-010 – District 9

The memorandum from Council Member Donald Rocha, dated June 22, 2015, was approved, accepting the recommendations by the Planning Staff.

Resolution No. 77477 adopted, adopting the Negative Declaration and approving the Conditional Use Permit for the project.

11. PUBLIC HEARINGS

11.4 **Administrative Hearing and Consideration of an Appeal of the Planning Commission's Decision to Approve a Conditional Use Permit to Allow Construction of a 760 Square Foot Fitness Center, New Pedestrian Access Paths, and Landscape Improvements.**

Recommendation: Conduct an Administrative Hearing and consider an Appeal of the Planning Commission's decision to approve a Conditional Use Permit to allow construction of a 760 square foot fitness center, new pedestrian access paths, and landscape improvements to an existing Swim and Racquet club on a 3.33 acre site in the R-1-8 Single-Family Residence Zoning District located on southeast corner of Northridge Drive and Bose Lane (Almaden Swim and Racquet Club, 6604 Northridge Drive).

CEQA: Exempt, CEQA Guidelines Section 15301, Existing Facilities.

CP13-004 – District 10

Deferred to August 4, 2015 per Administration.

11.5 **Administrative Hearing and Consideration of an Appeal of the Planning Director's Decision to Approve a Site Development Permit and Historic Preservation Permit Related to the Real Property Located on the North Side of St. James Street Between North 1st Street and North 2nd Street.**

Recommendation: Conduct an Administrative Hearing and consider an Appeal of the Planning Director's decision to approve a Site Development Permit allowing the construction of three buildings ranging from 38 to 201 feet in height with up to 220 residential units, approximately 14,555 square feet of commercial space, and an associated underground parking garage (File No. H14-009) and a Historic Preservation Permit allowing the relocation and rehabilitation of the First Church of Christ Scientist, including exterior modifications and structural upgrades to a structure listed as a National Register Historic Site/Structure and as a Contributing Structure to the St. James Square City Landmark District, and to allow construction within said City Landmark District (File No. HP14-002), all on a 1.52 gross acre site located on the north side of St. James Street between North 1st Street and North 2nd Street in the DC Downtown Primary Commercial Zoning District. Staff recommends the following:

- (a) Adopt a resolution adopting the Addendum to the Supplemental EIR for the Park View Towers Project and the related Mitigation Monitoring and Reporting Program.

The memorandum from Mayor Sam Liccardo and Council Members Peralez, Matthews and Nguyen, dated June 19, 2015, was approved, with the following clarifications:

- (1) **Denying the Director of Planning's decision and approving the Site Development Permit and Historic Preservation Permit.**
- (2) **Reaffirming as stated in the Conditions of Approval that prior to issuance of a building permit on either of the two residential towers, the Applicant shall commence the rehabilitation of the historic church and shall continue that work on the church until completion of the rehabilitation.**

(Action Continued on the Next Page)

11. PUBLIC HEARINGS

11.5 Administrative Hearing and Consideration of an Appeal of the Planning Director's Decision to Approve a Site Development Permit and Historic Preservation Permit Related to the Real Property Located on the North Side of St. James Street Between North 1st Street and North 2nd Street. (Action Cont'd.)

The memorandum from Council Member Ash Kalra, dated June 22, 2015, was approved, recommending support to the memorandum cosigned by Mayor Sam Liccardo and Council Members Peralez, Matthews and Nguyen, in addition to:

- (1) Reaffirming conditions related to construction mitigation, specifically for historic structures within the St. James Square City Landmark District that are near the construction site.
- (2) Conditioning a contribution of \$30,000 allocation from Barry Swenson to enhance the aesthetic historical nature of the District surrounding the project.

Resolution No. 77478 adopted.

- (b) Adopt a resolution setting forth the findings and decision of the City Council on the Site Development Permit.

Resolution No. 77479 adopted.

- (c) Adopt a resolution setting forth the findings and decision of the City Council on the Historic Preservation Permit.

Resolution No. 77480 adopted.

CEQA: Park View Towers Project, Final Environmental Impact Report, as addended, Resolution No. 08-015, adopted June 4, 2008. Council District 3. (Planning, Building, and Code Enforcement)

• Open Forum

- (1) Brian Darby thanked Council Member Margie Matthews for her service.
- (2) Blair Beekman opined in opposition about the USA Drone Program.
- (3) Scott Lane requested that the City of San José work with the City of Santa Clara regarding re-opening the San Tomas Aquino Creek Trail. Mr. Lane explained that any event over 20,000 people at Levi Stadium closes the trail and the closure may happen up to 37-40 times per year.

• Adjournment

The Council of the City of San José was adjourned at 11:16 p.m. in memory of Paul Stewart, a long-time resident of San José, graduated from San José State University, where he played football for the Spartans. Paul was as an advocate for many, founding several ethnic realtor groups and passionately working to ensure those real estate associations reflect the diverse demographics of people they served. Mr. Stewart passed on May 15, 2015, and is survived by his wife Tess Crescini, daughters Robyn and Jana, and granddaughter Samya Attia. (Rocha)