



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 16, 2015

The Council of the City of San José convened in Regular Session at 9:07 a.m. in the Council Chambers at City Hall.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Matthews, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - Khamis, Nguyen. (Excused)

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:09 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54957: Public Employment/Public Employee Recruitment/Appointment. (1) Department: Public Works. Title: Public Works Director. (2) Department: Parks, Recreation and Neighborhood Services. Title: Parks, Recreation and Neighborhood Services Director. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9 Subsection (d)(1) with respect to initiation of litigation in one (1) matter. (C) to confer with Legal Counsel (Claim Not Filed) pursuant to Section 54956.9 Subsection (b) with respect to anticipated litigation of significant exposure in one (1) matter. (D) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) City v. RossDrulisCusenbery Architecture, Inc., et al. Names of Parties Involved: City of San José, RossDrulisCusenbery Architecture, Inc., aks Michael Ross Charles Drulis Architects & Planners, a purported California Corporation, Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-237767; Amount of Money or Other Relief Sought: Damages according to proof. (2) California Building Industry Association v. City, et al. Names of Parties Involved:

CLOSED SESSION (Cont'd.)

California Building Industry Association, a California Nonprofit Corporation, City of San José, a California Municipal Corporation, City Council and Mayor of the City of San José, Does 1-200; Court: Supreme Court of California; Case No: S212072; Amount of Money or Other Relief Sought: Declaratory and Injunctive Relief. (3) IAFF Local 230 v. City of San José; Names of Parties Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-969-M. Amount of Money or Other Relief Sought: Damages According to Proof. (4) IFPTE Local 21 v. City of San José; Names of Parties Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages according to proof. (5) American Federation of State, County and Municipal Employees, et al. v. City; Names of Parties Involved: American Federation of State, County and Municipal Employees, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof. (6) American Federation of State, County and Municipal Employees, et al. v. City; Names of Parties Involved: American Federation of State, County and Municipal Employees, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-972-M; Amount of Money or Other Relief Sought: Damages According to Proof. (7) OE#3 v. City of San José; Names of Parties Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-900-M. (8) San José Police Officers' Association v. City, et al; Names of Parties Involved: San José Police Officers' Association, City of San José, Board of Administration for Police and Fire Department Retirement Plan of City of San José and Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225926; Amount of Money or Other Relief Sought: Declaratory and injunctive relief. (9) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (10) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought:

CLOSED SESSION (Cont'd.)

Challenge to Measure B. (12) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574; Amount of Money or Other Relief Sought: Challenge to Measure B. (13) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (E) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Designee Jennifer Schembri; Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO. (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

CLOSED SESSION (Cont'd.)

By unanimous consent, Council recessed from the Closed Session at 10:55 a.m. and reconvened to Regular Session at 1:31 p.m. in the Council Chambers.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Matthews, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - Khamis, Nguyen. (Excused)

INVOCATION

Reverend Maly Hughes, St. Francis Episcopal Church offered the Invocation. (District 6)

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Rose Herrera, seconded by Mayor Sam Liccardo and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 2.13 deferred to August 4, 2015. (8-0-3. Absent: Jones, Khamis, Nguyen.)

CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session actions of June 16, 2015:

- A. Public Employee/Public Employee Recruitment/Appointment Pursuant to Government Code Section 54957:

Department or Agency: Public Works
Title: Public Works Director Barry Ng

Department or Agency: Parks, Recreation and Neighborhood Services
Title: Parks, Recreation and Neighborhood Services Director Angel Rios, Jr.

Council Vote: Ayes: Carrasco, Herrera, Jones, Kalra, Matthews, Oliverio, Peralez, Rocha; Liccardo.

Noes: None.

Abstain: None.

Not Present: Khamis, Nguyen. (Excused)

CEREMONIAL ITEMS

- 1.1 Presentation of a commendation recognizing Rebuilding Together Silicon Valley for their contributions to countless families throughout the City of San Jose. (Carrasco) (Rules Committee referral 6/10/15)**

Mayor Sam Liccardo and Council Member Magdalena Carrasco recognized and commended Rebuilding Together Silicon Valley.

- 1.2 Presentation of a commendation to Fresco Supermarket for their excellent customer service in the East San José communities and their continuous community support of District 8's Annual Senior Health Fair and Walk. (Herrera) (Rules Committee referral 6/10/15)**

Action: Item 1.2 was dropped.

- 1.3 Commendation for Velma Million, aka "the Lady of the Lake," for her long time advocacy of Lake Cunningham Regional Park and concern for preserving this open space recreation gem for the residents of San Jose. (Herrera) (Rules Committee referral 6/10/15)**

Action: Item 1.3 was dropped.

- 1.4 Commendation for PG&E recognizing the start of an energy watch partnership with the City of San José known as "Step-Up & Power Down Day." (Mayor) (Rules Committee referral 6/10/15)**

Mayor Sam Liccardo recognized and commended Pacific Gas and Electric Company.

CONSENT CALENDAR

Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (9-0-2. Absent: Khamis, Nguyen.)

- 2.1 Approval of Minutes.**

There were none.

- 2.2 Final adoption of ordinances.**

- (a) **ORD. NO. 29578 – Rezoning certain real property of approximately 0.64 gross acre situated at the southwest corner of Saratoga Avenue and Williams Road (1005 Saratoga Avenue), from the CP- Commercial Pedestrian Zoning District to the CP(PD) Planned Development zoning District. CEQA: Negative Declaration, Resolution No. 77364. (Planning, Building and Code Enforcement) PDC14-009/PD14-039/ABC14-008**

2.2 (a) (Cont'

Documents Filed: Proof of Publication of the Title of Ordinance No. 29578 executed on June 5, 2015, submitted by the City Clerk.

Action: Ordinance No. 29578 was adopted. (9-0-2. Absent: Khamis, Nguyen.) (First Reading: 8-2-1. Noes: Oliverio; Liccardo. Absent: Kalra.)

- (b) **ORD. NO. 29579 – Amending Chapter 10.90 of Title 14 of the San José Municipal Code in order to acknowledge the inclusion of the Flea Market Site and mitigation measures related to the Flea Market Site in the US-101/Oakland/ Mabury Transportation Development Policy. CEQA: Addendum to the Final Environmental Impact Report for the San José Flea Market General Plan Amendment and Planned Development Rezoning Project (Resolution No. 73956) and to the King & Dobbin Transit Village and US-101/Oakland/Mabury Transportation Development Policy Environmental Impact Report (Resolution No. 74195.1). (Planning, Building and Code Enforcement/Transportation)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29579 executed on June 5, 2015, submitted by the City Clerk.

Action: Ordinance No. 29579 was adopted. (9-0-2. Absent: Khamis, Nguyen.)

2.3 **Approval of Council Committee Reports.**

- (a) **Rules and Open Government Committee Report of May 20, 2015. (Mayor)**
(b) **Public Safety, Finance, and Strategic Support Committee Report of May 21, 2015. (Oliverio)**

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

Documents Filed: (1) The Rules and Open Government Committee Report dated May 20, 2015. (2) The Public Safety, Finance and Strategic Support Committee Report dated May 21, 2015.

Action: The Council Committee Reports were approved. (9-0-2. Absent: Khamis, Nguyen.)

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

There was no report.

2.5 **City Council Travel Reports.**

There was no report.

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

There was no report.

- 2.7 Approve the Second Amendment to the Sublease Agreement between the City of San José and the County of Santa Clara for the use of City Property for the Household Hazardous Waste Collection Program. CEQA: Mitigated Negative Declaration for the San Jose Environmental Innovation Center, File No. PP09-138. Council District 3. (Environmental Services)
(Deferred from 5/19/15 – Item 2.12 and from 6/2/15 – Item 2.7)**

Documents Filed: City Council Action Request from Director of Environmental Services Kerrie Romanow, dated May 26, 2015, recommending approval of the second amendment to the sublease agreement.

Action: The Second Amendment to the Sublease Agreement between the City of San José and the County of Santa Clara for the use of City Property for the Household Hazardous Waste Collection Program was approved. (9-0-2. Absent: Khamis, Nguyen.)

- 2.8 Approve a Third Amendment to the Master Agreement with Jacobs Engineering Group, Inc. (formerly Carter & Burgess, Inc.) for continuing program support services on Airport capital improvement projects to extend the term from June 30, 2015 through June 30, 2016, with no increase in total compensation. CEQA: File No. PP15-042, Final Environmental Impact Report for the San Jose International Airport Master Plan: Resolution Nos. 67380 and 71451. (Airport)**

Documents Filed: Memorandum from Director of Aviation Services Kimberly J. Becker, dated May 26, 2015, recommending approval of a third amendment to the master agreement.

Action: A Third Amendment to the Master Agreement with Jacobs Engineering Group, Inc. (formerly Carter & Burgess, Inc.) for continuing program support services on Airport capital improvement projects to extend the term from June 30, 2015 through June 30, 2016, with no increase in total compensation was approved. (9-0-2. Absent: Khamis, Nguyen.)

- 2.9 Adopt a resolution authorizing the City Manager to apply for, execute, and accept upon receipt, grants from the Federal Aviation Administration in a total amount not to exceed \$8,000,000 for certain Airport Improvement Program projects at the Norman Y. Mineta San José International Airport. CEQA: File No. PP15-053, Final Environmental Impact Report for the San Jose International Airport Master Plan: Resolution Nos. 67380. (Airport)**

Documents Filed: (1) Memorandum from Director of Aviation Services Kimberly J. Becker, dated May 26, 2015, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Aviation Services Kimberly J. Becker, dated June 15, 2015, transmitting new information received during a meeting with the FAA on June 10, 2015, the Airfield Reconfiguration/Geometric Study project has been added to the list of Airport projects that the City Manager is authorized to apply for, execute and accept upon receipt, AIP Grants from the FAA.

2.9 (Cont'd.)

Action: Resolution No. 77389, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Apply For, Execute and Accept Upon Receipt, Grant Funds from the Federal Aviation Administration’s Airport Improvement Program for Certain Projects at the Norman Y. Mineta San José International Airport In An Amount Not To Exceed \$8,000,000”, was adopted. (9-0-2. Absent: Khamis, Nguyen.)

2.10 Approve a recommended change to the City of San José Traffic Bail Schedule to add an infraction prohibiting bicycle riding on sidewalks in any designated area, and direct the City Attorney to submit the recommended change in the Traffic Bail Schedule to the Superior Court Bail Committee. CEQA: Not a Project, File No. PP10-067(a), Increase to Fees, Rates, and Fares. (City Attorney)

Documents Filed: Memorandum from City Attorney Richard Doyle, dated May 20, 2015, recommending a change to the City of San José Traffic Bail Schedule and direction to the City Attorney.

Action: A recommended change to the City of San José Traffic Bail Schedule to add an infraction prohibiting bicycle riding on sidewalks in any designated area was approved and the City Attorney was directed to submit the recommended change in the Traffic Bail Schedule to the Superior Court Bail Committee. (9-0-2. Absent: Khamis, Nguyen.)

2.11 Approve the Second Amendment of the current contract between the City of San José and the San José Community Media Access Corporation (CreaTV) to extend the term by six months, with no increase to the total compensation, in order to provide additional time for completing negotiations for a revised long-term contract for Public and Educational Access cable programming services for the City of San José. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Manager)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Members Peralez and Jones, dated June 12, 2015, recommending acceptance of the Staff recommendations with further direction as described below in “Action”. (2) Memorandum from Director of Communications David Vossbrink, dated June 4, 2015, recommending approval of the second amendment of the current contract.

Motion: Vice Mayor Rose Herrera moved approval of the memorandum she cosigned with Mayor Sam Liccardo and Council Members Peralez and Jones, dated June 12, 2015, recommending acceptance of the Staff recommendations with further direction as described below in “Action”. Council Member Chappie Jones seconded the motion.

Mayor Sam Liccardo and Council Member Raul Peralez expressed concurrence with the motion on the floor.

City Attorney Richard Doyle provided clarifications.

2.11 (Cont'd.)

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing support to the motion on the floor were Suzanne St. John-Crane and Michael Elliot, CreaTV and Angela Tirado.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Members Peralez and Jones, dated June 12, 2015, was approved, accepting the Staff recommendations with the following direction: (1) Return in August with a proposal for a multi-year contract with CreaTV. (2) Explore operational funding for CreaTV. (3) Explore partnering with CreaTV for the operation of the City government channel. (9-0-2. Absent: Khamis, Nguyen.)

2.12 **Approve a contract change order with Rodan Builders Inc. for a credit to the project of \$109,124 for the 6835 – Handrail Replacement – Phase V Project at the San José-Santa Clara Regional Wastewater Facility, and extending the project completion date from August 12, 2014 to August 31, 2015 (257 additional working days). CEQA: Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP11-028. (Environmental Services/Public Works)**

Documents Filed: City Council Action Request from Assistant Director of Environmental Services Ashwini Kantak, dated May 26, 2015, recommending approval of a contract change order.

Action: A contract change order with Rodan Builders Inc. for a credit to the project of \$109,124 for the 6835 – Handrail Replacement – Phase V Project at the San José-Santa Clara Regional Wastewater Facility, and extending the project completion date from August 12, 2014 to August 31, 2015 (257 additional working days) was approved. (9-0-2. Absent: Khamis, Nguyen.)

2.13 **Adopt resolutions:**

- (a) **Authorizing the Director of Finance to negotiate and execute the following agreements with MuniServices LLC, a Delaware Limited Liability Company (“MuniServices”) to provide:**
 - (1) **Sales and Use Tax revenue enhancement services and data analysis for the term of July 1, 2015 through June 30, 2018 at a maximum annual compensation not to exceed \$412,000, with two one-year options to extend through June 30, 2020, at the same rate of compensation for each additional optional year subject to the City Council’s annual appropriation of funds.**

- 2.13 (a) (2) **Telephone Line Tax, Utility Users Tax and Franchise Fee compliance services for the term of July 1, 2015 through June 30, 2018 at a maximum annual compensation not to exceed \$70,000, with two one-year options to extend through June 30, 2020, at the same rate of compensation for each additional optional year subject to the City Council's annual appropriation of funds.**
- (b) **Authorizing MuniServices to examine all Sales and Use Tax records of the California State Board of Equalization for tax collection purposes and other governmental functions of the City of San José.**
- CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)**

Action: Deferred to August 4, 2015 per Orders of the Day.

- 2.14 **Adopt a resolution authorizing the City Manager to:**
- (a) **Execute a Purchase Order with Schindler Elevator Corporation (San Leandro, CA) to retrofit four existing elevators at the Norman Y. Mineta San José International Airport for the term June 23, 2015 through June 22, 2017, in an amount not to exceed \$1,371,724.**
- (b) **Approve a 5% contingency for a not-to-exceed amount of \$68,586 to execute change orders for any unforeseen changes or requirements that may arise prior to the completion of services.**
- CEQA: Exempt, CEQA Guidelines Section 15301, Existing Facilities. (Finance)**

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated May 26, 2015, recommending adoption of a resolution.

Action: Resolution No. 77390, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Purchase Order with Schindler Elevator Corporation To: (A) Retrofit Four Existing Elevators at the Norman Y. Mineta San José International Airport for the Term Beginning June 23, 2015 Through June 22, 2017 In An Amount Not To Exceed \$1,371,724, and (B) Approve a 5% Contingency In A Not To Exceed Amount of \$68,586 To Execute Change Orders For Any Unforeseen Changes or Requirements That May Arise Prior to the Completion of Services", was adopted. (9-0-2. Absent: Khamis, Nguyen.)

- 2.15 **Approve the First Amendment to the Agreement with Dr. Howard Michaels to provide Medical Director Services within the Fire Department's Emergency Medical Services program. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Fire)**

Documents Filed: Memorandum from Interim Fire Chief Curtis Jacobson, dated May 26, 2015, recommending approval of the first amendment to the agreement.

Action: The First Amendment to the Agreement with Dr. Howard Michaels to provide Medical Director Services within the Fire Department's Emergency Medical Services program was approved. (9-0-2. Absent: Khamis, Nguyen.)

- 2.16 (a) Approve the First Amendment to the Agreement for Funding and Construction of Recreational Improvements at the Guadalupe River Park and Gardens by the Rotary Club of San Jose, Inc.**
- (b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:**
- (1) Decrease the Future PDO/PIO Reserve by \$135,000.**
 - (2) Increase the Guadalupe River Park Rotary Play Garden appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$135,000.**

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

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated May 26, 2015, recommending approval of the first amendment to the agreement and adoption of appropriation ordinance amendments.

Action: The First Amendment to the Agreement for Funding and Construction of Recreational Improvements at the Guadalupe River Park and Gardens by the Rotary Club of San Jose, Inc. was approved. Ordinance No. 29584, entitled: An Ordinance of the City of San José Amending Ordinance No. 29431 To Appropriate Monies in the Subdivision Park Trust Fund for the Guadalupe River Park Rotary Play Garden; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (9-0-2. Absent: Khamis, Nguyen.)

- 2.17 Approve the Second Amendment to the Master Agreement with David J. Powers & Associates, extending the term from June 30, 2015 to June 30, 2017 for a continuation of ongoing environmental consultant services supporting various City projects, at no additional cost to the City. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Public Works)**

Documents Filed: City Council Action Request from Interim Director of Public Works Barry Ng, dated May 26, 2015, recommending approval of the Second Amendment to the Master Agreement.

Action: The Second Amendment to the Master Agreement with David J. Powers & Associates, extending the term from June 30, 2015 to June 30, 2017 for a continuation of ongoing environmental consultant services supporting various City projects, at no additional cost to the City was approved. (9-0-2. Absent: Khamis, Nguyen.)

- 2.18 (a) Retroactively approve travel by Council Member Nguyen to Beijing, China from June 15– 21, 2015 to represent the City of San José on the Inaugural Flight of the new, direct Boeing 787 Dreamliner Air Service between San José Mineta International Airport and Beijing Capital International Airport in the People’s Republic of China. Source of Funds: District 7 Travel Fund.**

- 2.18 (b) Request for an excused absence for Council Member Nguyen from the Closed Session and the Regular Meeting of the City Council on June 16, 2015.**

**CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Nguyen)
(Rules Committee referral 6/10/15)**

Documents Filed: Memorandum from Council Member Tam Nguyen, dated June 3, 2015, retroactively requesting approval of travel and an excused absence.

Action: The travel and excused absence for Council Member Tam Nguyen were approved. (9-0-2. Absent: Khamis, Nguyen.)

- 2.19 Consideration of adoption of a resolution approving a Planned Development Permit and Determination of a Public Convenience or Necessity to allow the demolition of an existing gas station and the construction of a new gas station with a 3,200 square foot convenience store with the off-sale of alcohol on a 0.64 gross acre site located at the southwest corner of Saratoga Avenue and Williams Road. CEQA: Negative Declaration, Resolution No. 77364. (Planning, Building and Code Enforcement)
(Rules Committee referral 6/10/15)**

Action: Resolution No. 77364, entitled: “A Resolution of the Council of the City of San José Approving a Planned Development Permit, Subject to Conditions and Granting a Determination of Public Convenience or Necessity To Allow Development of a 3,200 Square Foot Retail Store and Gasoline Station and To Allow the Off-sale of Beer and Wine for Off Site Consumption at the Convenience Store, All on a 0.64 Gross Acre Site Located at the Southwest Corner of Saratoga Avenue and Williams Road (1005 Saratoga Avenue”, was adopted. (9-0-2. Absent: Khamis, Nguyen.) Resolution No. 77364 was tentatively adopted on June 2, 2015.

- 2.20 Adopt an annual renewal resolution authorizing the City Manager or his designee to negotiate and execute agreements relating to the Workforce Innovation and Opportunity Act (formerly Workforce Investment Act) Program and projects:**

(a) All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors and partners providing services to the Workforce Innovation and Opportunity Act Program, including, but not limited to, novations or assignments, vendor training contracts, case management contracts, consultant contracts, memorandums of understanding required with Required and Additional Partners for the use of One-Stop facilities, and cities and the unincorporated area of Santa Clara County whose residents receive services from work2future for the period July 1, 2015 to June 30, 2016 in accordance with procurement procedures and requirements mandated by the State and Federal governments for Workforce Innovation and Opportunity Act grant

- 2.20 (a) recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Board, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (b) All amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (c) All grant applications, grant agreements, sub-grant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for the period from July 1, 2015 to June 30, 2016, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (d) All Eligible Training Provider List (ETPL) agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2015 to June 30, 2017, subject to annual appropriation of funds by the work2future Board.
- (e) All agreements specified in (a) above with an end term beyond the fiscal year in which the contract begins (beyond June 30, 2016), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement, but not beyond the end of the following fiscal year (not beyond June 30, 2017).
- (f) All agreements specified in (a) above that do not involve a disbursement of funds (no-fund agreement) beyond the fiscal year in which the agreement begins (beyond June 30, 2016), but not beyond the end of the following fiscal year (not beyond June 30, 2017).

**CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Economic Development)
(Rules Committee referral 6/10/15)**

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, dated June 1, 2015, recommending adoption of a resolution.

Action: Resolution No. 77391, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Certain Agreements Related to the Work Force Innovation and Opportunity Act and Projects During FY2015-2016", was adopted. (9-0-2. Absent: Khamis, Nguyen.)

- 2.21 Adopt a resolution authorizing the City Manager or his designee to submit a grant application to the California High Speed Rail Authority (CHSRA) and to negotiate and execute all documents necessary to accept the grant from the CHSRA to provide the City up to \$600,000 with a \$200,000 local match, which wholly includes previously completed in-kind work, to further development in the Diridon Station Plan Area. CEQA: Diridon Station Area Plan Final Program Environmental Impact Report, Resolution No. 77096. Council Districts 3 and 6. (Economic Development)
(Rules Committee referral 6/10/15)**

Documents Filed: (1) Memorandum from Deputy City Manager/Director of Economic Development Kim Welsh, dated June 1, 2015, recommending adoption of a resolution. (2) Aerial photograph of the Diridon Station Plan Area submitted by Roland LeBrun, dated June 16, 2015.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Roland LeBrun expressed opposition to the Staff recommendations.

Action: Resolution No. 77392, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Submit a Grant Application to the California High Speed Rail Authority and To Negotiate and Execute All Documents Necessary to Accept the Grant”, was adopted. (9-0-2. Absent: Khamis, Nguyen.)

- 2.22 Approve the First Amendment to the Agreement between the City of San José and GreenWaste Recovery, Inc. for Solid Waste Services to clarify the rate for processing and recycling any single-family dwelling garbage in 2015-2016, and to remove a 15-year commitment requirement for processing any additional residential solid waste for the remaining term of the agreement. CEQA: Negative Declaration, File No. PP10-055. (Environmental Services)
(Rules Committee referral 6/10/15)**

Documents Filed: City Council Action Request from Director of Environmental Services Kerrie Romanow, dated May 26, 2015, recommending approval of the first amendment to the agreement.

Action: The First Amendment to the Agreement between the City of San José and GreenWaste Recovery, Inc. for Solid Waste Services to clarify the rate for processing and recycling any single-family dwelling garbage in 2015-2016, and to remove a 15-year commitment requirement for processing any additional residential solid waste for the remaining term of the agreement was approved. (9-0-2. Absent: Khamis, Nguyen.)

- 2.23 Adopt a resolution authorizing the Director of Public Works to:**
(a) Award the design-build construction contract for the Photovoltaic Panels and Solar Structures at the Environmental Innovation Center to the lowest responsive and responsible bidder in an amount not to exceed \$2,931,134.

- 2.23 (b) Approve a contingency up to 15% of the contract amount not to exceed \$439,670.
- (c) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive and responsible bidder, and to reject all bids and re-bid the project.
- (d) Execute change orders in excess of \$100,000 within the contingency amount.
- CEQA: Negative Declaration for the San Jose Environmental Innovation Center, File No. PP09-138. Council District 3. (Environmental Services/Public Works) (Rules Committee referral 6/10/15)**

Documents Filed: Memorandum from Interim Director of Public Works Barry Ng and Director of Environmental Services Kerrie Romanow, dated June 1, 2015, recommending adoption of a resolution.

Action: Resolution No. 77393, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Take Various Actions Related to the Award of a Contractor for the Design and Construction of Photovoltaic Panels and Solar Structures at the San José Environmental Innovation Center", was adopted. (9-0-2. Absent: Khamis, Nguyen.)

- 2.24 **Adopt a resolution to set a Public Hearing for Tuesday, August 4, 2015, at 1:30 p.m. to approve the placement of the Fiscal Year 2015-2016 annual residential Solid Waste Collection Service Charges on the Fiscal Year 2015-2016 Santa Clara County Secured Property Tax Roll and to direct the City Clerk to publish notice of the time and place of the Public Hearing. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (Finance) (Rules Committee referral 6/10/15)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated June 1, 2015, recommending adoption of a resolution.

Action: Resolution No. 77394, entitled: "A Resolution of the Council of the City of San José Setting a Public Hearing on the Annual Residential Solid Waste Collection Service Charge Pursuant to Sections 9.10.1202 and 9.10.1204 of the San José Municipal Code", was adopted. (9-0-2. Absent: Khamis, Nguyen.)

- 2.25 **Adopt a resolution:**
- (a) **To set a Public Hearing for Tuesday, August 4, 2015, at 1:30 p.m. to place the 2015-2016 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessment on the Fiscal Year 2015-2016 Santa Clara County Secured Property Tax Roll, based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Charge report of the Director of Finance and to direct the City Clerk to publish notice of the time and place of the Public Hearing; and**

- 2.25 (b) Allowing the Director of Finance to file the 2015-2016 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports with the City Clerk on or before July 15, 2015 instead of July 5, 2015.**

**CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (Finance)
(Rules Committee referral 6/10/15)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated June 1, 2015, recommending adoption of a resolution.

Action: Resolution No. 77395, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Finance to File With the City Clerk, the 2015-2016 Sanitary Sewer Service and Use Charges and Storm Sewer Services Charges On Or Before July 15, 2015 and Setting a Public Hearing on the Annual Sewer Service and Use Charges and Storm Sewer Service Charge Reports of the Director of Finance Pursuant to Section 15.12.550 and 15.16.1410 of the San José Municipal Code", was adopted. (9-0-2. Absent: Khamis, Nguyen.)

- 2.26 Report on bids and award of contract for the 7218 – Husted Avenue Sanitary Sewer Improvement – Phase II (ALM-7A) Project to the low bidder, Bay Pacific Pipelines, Inc., in the amount of \$2,162,920 and approve a contingency in the amount of \$216,292. CEQA: Exempt, File No. PP12-076, dated September 17, 2012. Council District 9. (Public Works)**

(Rules Committee referral 6/10/15)

Documents Filed: Memorandum from Interim Director of Public Works Barry Ng, dated June 1, 2015, recommending award of the contract to the low bidder.

Action: The report on bids and award of contract for the 7218 – Husted Avenue Sanitary Sewer Improvement – Phase II (ALM-7A) Project to the low bidder, Bay Pacific Pipelines, Inc., in the amount of \$2,162,920, with related contingency was approved. (9-0-2. Absent: Khamis, Nguyen.)

- 2.27 Report on bids and award of contract for the 6725 - Monterey-Riverside Relief Sanitary Sewer Rebid project to the low bidder, Mountain Cascade, Inc., in the amount of \$6,269,000, and approve a contingency in the amount of \$626,900. CEQA: Exempt, File Nos. PP12-076 and PP12-039. (Public Works)**

(Rules Committee referral 6/10/15)

Documents Filed: Memorandum from Interim Director of Public Works Barry Ng, dated June 1, 2015, recommending award of the contract to the low bidder.

Action: The report on bids and award of contract for the 6725 - Monterey-Riverside Relief Sanitary Sewer Rebid project to the low bidder, Mountain Cascade, Inc., in the amount of \$6,269,000 with related contingency was approved. (9-0-2. Absent: Khamis, Nguyen.)

- 2.28 Report on bids and award of contract for the 7233- 11th Street Sanitary Sewer Replacement Project to the low bidder, Ranger Pipelines Incorporated, in the amount of \$1,616,935 and approve a contingency in the amount of \$323,387. CEQA: Exempt, File No. PP13-076. Council District: 3. (Public Works)
(Rules Committee referral 6/10/15)**

Documents Filed: Memorandum from Interim Director of Public Works Barry Ng, dated June 1, 2015, recommending award of the contract to the low bidder.

Action: The report on bids and award of contract for the 7233- 11th Street Sanitary Sewer Replacement Project to the low bidder, Ranger Pipelines Incorporated, in the amount of \$1,616,935 with related contingency was approved. (9-0-2. Absent: Khamis, Nguyen.)

- 2.29 Adopt a resolution authorizing the City Manager to execute an agreement with the Wildlife Center of Silicon Valley for the care and treatment of wildlife taken to the Wildlife Center from July 1, 2015 through an initial term ending June 30, 2018 with two one-year options to extend the term through June 30, 2020, for a total maximum compensation of \$472,100. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Public Works)
(Rules Committee referral 6/10/15)**

Documents Filed: Memorandum from Interim Director of Public Works Barry Ng, dated June 1, 2015, recommending adoption of a resolution.

Action: Resolution No. 77396, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Agreement with the Wildlife Center of Silicon Valley for the Care and Treatment of Wildlife Taken to the Wildlife Center for an Initial Three Year Term from July 1, 2015 Through June 30, 2020, In An Amount Not To Exceed \$472,100, Subject to the Appropriation of Funds”, was adopted. (9-0-2. Absent: Khamis, Nguyen.)

- 2.30 Adopt a resolution authorizing the City Manager to execute an agreement with the City of Milpitas for animal care and control services for a term beginning July 1, 2015 through June 30, 2018, for a total compensation of \$1,109,297, subject to the appropriation of funds. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Public Works)
(Rules Committee referral 6/10/15)**

Documents Filed: Memorandum from Interim Director of Public Works Barry Ng, dated June 1, 2015, recommending adoption of a resolution.

Action: Resolution No. 77397, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute An Agreement With the City of Milpitas To Provide Animal Care and Control Services to the City of Milpitas for the Period of Jun 1, 2015 Through June 30, 2018, With A Total Amount of \$1,109,297 To Be Paid to the City of San José, Subject to the Appropriation of Funds”, was adopted. (9-0-2. Absent: Khamis, Nguyen.)

- 2.31 Adopt a resolution authorizing the City Manager to negotiate and execute the Maintenance Agreement between the State of California - Department of Transportation and the City of San José for that portion of Stevens Creek Boulevard over I-880 between Monroe Street to Di Salvo Avenue. CEQA: Improvements at SR17/I-280/I-880 Interchange and I-880/Stevens Creek Boulevard Interchange Final (Caltrans) EIR Adopted by Council 8/21/2012 under Resolution No. 76398. Council District 6. (Transportation)
(Rules Committee referral 6/10/15)**

Documents Filed: City Council Action Request from Director of Transportation James Ortbal, dated May 26, 2015, recommending adoption of a resolution.

Action: Resolution No. 77398, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Maintenance Agreement Between the State of California Department of Transportation and the City of San José for that Portion of Stevens Creek Boulevard Over I-880 Between Monroe Street and Di Salvo Avenue”, was adopted. (9-0-2. Absent: Khamis, Nguyen.)

- 2.32 As recommended by the Rules and Open Government Committee on June 10, 2015:**
- (a) Approve the District 1 Korean Flag Raising 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: Not a Project, File No. PP10-069(c), City Administrative Activities. (Jones)
[Rules Committee referral 6/10/15 – Item G(1)(a)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 11, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 1 Korean Flag Raising as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (9-0-2. Absent: Khamis, Nguyen.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

- 3.3 (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)**

Action: Deferred to June 23, 2015 per Rules and Open Government Committee.

- 3.4 (a) **Adopt a resolution authorizing the City Manager to:**
- (1) **Negotiate and execute a Memorandum of Understanding with the Silicon Valley Regional Interoperability Authority (SVRIA) for the SVRIA's build out of the remaining infrastructure for the Silicon Valley Regional Communication System (SVRCS) at a cost to the City not to exceed \$7,637,159.**
 - (2) **Negotiate and execute a side letter Agreement with the SVRIA to prepay San José's 2015-2016 payment of \$2,545,720 plus \$584,280 in fiscal year 2014-2015.**
- (b) **Adopt the following Appropriation Ordinance amendments in the General Fund:**
- (1) **Establish a Capital appropriation to the City Manager's Office for the Silicon Valley Regional Communications System – Infrastructure Payment project in the amount of \$3,130,000.**
 - (2) **Decrease the Silicon Valley Regional Communications System Reserve by \$3,130,000.**

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

Documents Filed: Memorandum from Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 3, 2015, recommending adoption of a resolution and appropriation amendments.

Action: Upon motion by Council Member Donald Rocha, seconded by Council Member Pierluigi Oliverio and carried unanimously, Resolution No. 77399, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Negotiate and Execute a Memorandum of Understanding with the Silicon Valley Regional Interoperability Authority for Its Build Out of the Remaining Infrastructure for the Silicon Valley Regional Communications System at a Cost to the City Not To Exceed \$7,637,159 and (2) Negotiate and Execute a Side Letter Agreement with the Silicon Valley Regional Interoperability Authority to Prepay the City's 2015-2016 Payment of \$2,545,720 Plus \$584,280 Towards 2016-2017 Payment in Fiscal Year 2014-2015" and Ordinance No. 29585, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29431 To Appropriate Monies in the General Fund for the Silicon Valley Regional Communications System – Infrastructure Payment; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. (9-0-2. Absent: Khamis, Nguyen.)

- 3.5 **Adopt 2014-2015 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund attachments to this memorandum. CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager)**

Documents Filed: Memorandum from Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 5, 2015, recommending adoption of appropriation ordinance and funding sources resolution amendments.

3.5 (Cont'd.)

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, Ordinance No. 29586, entitled: An Ordinance of the City of San José Amending Ordinance No. 29431 To Appropriate Monies in the General Fund, Various Special Funds and Various Capital Funds to Reflect Estimated 2014-2015 Revenue Receipts, Expenses and Encumbrances; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77400, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 77037 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2014-2015 Annual Report Recommendations and Make Appropriate Technical Adjustments in Various Operating Funds”, were adopted. (9-0-2. Absent: Khamis, Nguyen.)

3.6 **As recommended by the Rules and Open Government Committee on May 27, 2015, discuss and consider adoption of a resolution calling for an amendment to the Constitution of the United States declaring that only human beings have Constitutional rights. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Kalra)** **[Rules Committee referral 5/27/15 – Item G(3)]**

Documents Filed: (1) Memorandum from Council Member Ash Kalra, dated June 15, 2015, recommending adoption of a resolution calling for an amendment to the U.S. Constitution. (2) Memorandum from City Attorney Richard Doyle, dated June 4, 2015, recommending adoption of a resolution. (3) Memorandum from City Clerk Toni J. Taber, CMC, dated June 3, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Council Member Ash Kalra pointed out that there has been a growing concern that corporations, special interest groups and lobbyists are leveraging power with the use of campaign donations and other methods of financial influence and furthermore all these actions have been labeled as free speech and protected under the First Amendment. Council Member Ash Kalra alluded to the fact that corporations benefit from special advantages not afforded to human beings such as limited liability, perpetual life and favorable treatment of the accumulation and distribution of assets.

Motion: Council Member Ash Kalra moved approval of his memorandum dated June 15, 2015, recommending adoption of a resolution calling for an amendment to the U.S. Constitution. Council Member Donald Rocha seconded the motion.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing comments pro and con to the memorandum from Council Member Ash Kalra, dated June 15, 2015, recommending adoption of a resolution calling for an amendment to the U.S. Constitution and the motion on the floor were Norman Kline, Shaunn Cartwright, Jerry Mungai, Shane Patrick Connolly, Enrique Navarro-Donnellan, Ross Signorino, Brain Carr, Sierra Club; Herb Engstrom, Craig Dunkerley, California Clean Money Campaign and John Fioretta.

3.6 (Cont'd.)

Council Member Raul Peralez stated that this is an issue where residents should voice their opinions and rights as a voting citizen.

Council Member Pierluigi Oliverio expressed opposition to the motion on the floor.

Action: On a call for the question, the motion carried, the memorandum from Council Member Ash Kalra, dated June 15, 2015, was approved, and Resolution No. 77401, entitled: “A Resolution of the Council of the City of San José Establishing as a Position of the City San José That Only Human Beings Have Constitutional Rights and Calling for a Constitutional Amendment to Establish that Position”, was adopted. (8-1-2. Noes: Oliverio. Absent: Khamis, Nguyen.)

3.7 **Adopt a resolution to supersede Resolution No. 76971 and to amend the Recycle Plus rates effective July 1, 2015, as follows:**

- (a) **Increase rates for single-family households by up to five percent.**
- (b) **Increase rates for multi-family households by five percent.**
- (c) **Increase the rates for large item collection services by 1.33 percent.**
- (d) **Increase the rates for subscription yard trimmings cart services by 1.49 percent.**

**CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates & Fares. (Environmental Services)
(Deferred from 6/9/15 – Item 3.5)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo and Vice Mayor Rose Herrera, dated June 12, 2015, recommending acceptance of the Staff Policy Alternative as outlined in the Staff supplemental memorandum. (2) Memorandum from Director of Environmental Services Kerrie Romanow, dated May 28, 2015, recommending adoption of a resolution. (3) Supplemental memorandum from Director of Environmental Services Kerrie Romanow and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 11, 2015, provided additional information so the Council may consider a four percent rate increase for single family households that would enable the City to provide enhancements to the neighborhood cleanup programs.

Mayor Sam Liccardo thanked the Staff and provided comments.

Director of Environmental Services Kerrie Romanow and Deputy Director of Environmental Services Jo Zientek responded to Council questions.

Motion: Vice Mayor Rose Herrera moved approval of the memorandum she cosigned with Mayor Sam Liccardo, dated June 12, 2015, recommending acceptance of the Staff Policy Alternative as outlined in the Staff supplemental memorandum.

3.7 (Cont'd.)

Brief Council discussion ensued.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Sam Liccardo and Vice Mayor Rose Herrera, dated June 12, 2015, was approved, accepting the Staff policy alternative, outlined in the Staff supplemental memorandum, increasing rates for single-family households four percent effective July 1, 2015 in order to launch San José's first Citywide free single-family large item collection program and Resolution No. 77402, entitled: "A Resolution of the Council of the City of San José Adopting Service Rates for the Recycle Plus Program Effective July 1, 2015 and Superseding Resolution No. 76971", was adopted. (9-0-2. Absent: Khamis, Nguyen.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) **Conduct a Public Hearing regarding an economic subsidy in connection with a Capital Equipment Assistance Agreement with Bestronics Inc., pursuant to California Government Code Section 53083.**
- (b) **Adopt a resolution authorizing the City Manager or his designee to execute the Capital Equipment Assistance Agreement with Bestronics Inc., in which the City will provide an amount not to exceed \$400,000 for the acquisition of clean room equipment for manufacturing and research and development to be located at the proposed Flexible Hybrid Electronics Manufacturing Innovation Institute in San José.**

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

Documents Filed: (1) Memorandum from Deputy City Manager/Director of Economic Development Kim Welsh, dated June 3, 2015, recommending conducting a public hearing and adoption of a resolution. (2) Staff presentation dated June 16, 2015 describing the National Network of Manufacturing Innovation Institutes.

Deputy City Manager/Director of Economic Development Kim Welsh offered background information on the National Network of Manufacturing Innovation Institutes.

Mayor Sam Liccardo opened the Public Hearing.

Public Comments: Mike Cicsinski, FlexTech Alliance expressed support to the Staff recommendations.

Mayor Sam Liccardo closed the Public Hearing.

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

4.1 (Cont'd.)

Brief Council discussion ensued.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77403, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Capital Equipment Assistance Agreement with Bestronics Inc. In Which the City Will Provide An Amount Not To Exceed \$400,000 for the Acquisition of Clean Room Equipment for Manufacturing and Research and Development To Be Located at the Proposed Flexible Hybrid Electronics Manufacturing Innovation Institute in San José”, was adopted. (9-0-2. Absent: Khamis, Nguyen.)

- 4.2 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: Not a Project, File No. PP10-069(a) Staff Report. (Housing)
(Deferred from 6/9/15 – Item 4.2)**

Action: Deferred to June 23, 2015 per Rules and Open Government Committee.

- 4.3 (a) Refer the following items for consideration at the City Council Priority Setting Session on June 23, 2015:**
- (1) Explore updating the City’s Rental Rights and Referrals Program and the Rental Dispute Mediation and Arbitration Ordinance including, but not limited to: Reducing the allowable rent increase; modifying the allowed debt-service pass-through; exploring a just cause evictions ordinance (an ordinance limiting the grounds for residential eviction); consider related items as discussed in this memorandum; and evaluate the staffing needed to monitor and enforce the Ordinance.**
 - (2) Explore an ordinance prohibiting income source discrimination.**
- (b) Accept the staff report on current work plan items to responding to the need for affordable housing.**
- CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making. (Housing)**

Note: Item 4.3 was heard last in the afternoon.

Documents Filed: (1) Memorandum from Vice Mayor Rose Herrera and Council Member Johnny Khamis, dated June 12, 2015, recommending acceptance of the Staff report with further direction. (2) Memorandum from Council Member Donald Rocha, dated June 15, 2015, recommending direction to Staff. (3) Memorandum from Council Member Raul Peralez, dated June 15, 2015, recommending acceptance of the Staff report

4.3 Cont'd.)

Documents Filed: (Cont'd.) with modifications. (4) Memorandum from Interim Director of Housing Jacky Morales-Ferrand, dated June 5, 2015, recommending referring the item to the City Council Priority Session on June 23, 2015 and acceptance of the Staff report. (5) Supplemental memorandum from Interim Director of Housing Jacky Morales-Ferrand, dated June 11, 2015, providing additional clarification on the ability of the City to expand the number of apartments under the Apartment Rent Ordinance. (6) Seventy Three letters from the public all dated June 16, 2015 expressing opinions on the City's Rental Rights and Referrals Program and the Rental Dispute Mediation and Arbitration Ordinance.

Interim Director of Housing Jacky Morales-Ferrand presented a brief report on the City's Rental Rights and Referrals Program and the Rental Dispute Mediation and Arbitration Ordinance.

Motion: Council Member Chappie Jones moved approval to accept the Staff recommendations. Vice Mayor Rose Herrera seconded the motion.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Presenting comments to the City's Rental Rights and Referrals Program and the Rental Dispute Mediation and Arbitration Ordinance were Jerry Mungai, Judy Healy, Angela Tirado, David Eisbach, Sandy Adams, Sandy Adams Properties; Richard Matthews, Joel Ricondo, Javier Vega, Prestige; Kurtis Reed, Sheryl Hewitt, Mark Ramoser, Silicon Valley Center for Independent Living; Bridget McKay, James Kopp, Joshua Howard, California Apartment Association; Kaliana Flores, Shevlin de la Roza, Mary Driedger, Jerry Petersen, Moria Merriweather, Richard Twohy, Sandy Perry, Rose Wallis, Affordable Housing Network; Carlos Padilla, Sylvia Gonzalez, Andy Gonzalez, Trieu Nguyen, Brett Bymaster, Melissa Morris, Law Foundation of Silicon Valley; Robert Aquirre, Julea Bacall, Mike Casas, Pat Farrow, Christina Van Zandt, Daniel Lee, Andrew Bigelow, Silicon Valley DeBug; Maher Louis, Jeff Zell, Gabriela, Aurora Solis, Susan Price, People Acting in Community Together; Aima Rosas, Brian Wheatley, Mt. Hamilton Council; Marc Boyd, Boyd Properties; Victor Lecha III, NASW South Bay; Noel Fernandes, Bruce Roberts, Shaunn Cartwright, Tom Linebarger, Gustavo Gonzalez, Fred Hirsch, Vincent Rocha, Myron Von Raesefeld, Santa Clara County Association of Realtors; Lita Kurth, Affordable Housing Coalition; Katherine Bock, Roger Grossenbacher, Brian Darby, Phil Olmstead, Marianne Taylor, Laura Munguia, Rostan Sarvian, Kim Pederson, Rebecca Acosta, Eunice Hernandez, Soledad Tellez, Sacred Heart Community Service; James Charles, Anil Patel, Reverend Peggy Bryan, Saint Andrews Episcopal Church; Emerald Ip, Flor Tello and Judith Borlase.

Mayor Sam Liccardo thanked all the speakers.

Council Member Margie Matthews expressed support to the motion on the floor

4.3 (Cont'd.)

Substitute Motion: Council Member Raul Peralez moved approval of his memorandum dated June 15, 2015 and Items (2) and (3) of the memorandum from Council Member Donald Rocha, dated June 15, 2015. Council Member Donald Rocha seconded the motion.

City Attorney Richard Doyle provided clarifications and subsequently Council Member Raul Peralez withdrew his substitute motion and reluctantly expressed support to the original motion on the floor. Council Member Donald Rocha accepted the withdrawal of the substitute motion.

Action: On a call for the question, the original motion carried, the Staff recommendations were accepted. The Rental Rights and Referrals Program and the Rental Dispute Mediation and Arbitration Ordinance were referred to the City Council Priority Setting Session on June 23, 2015. (8-1-2. Noes: Rocha. Absent: Khamis, Nguyen.)

4.4 Adopt a resolution:

- (a) **Authorizing the Director of Finance to write-off loan balances totaling \$194,958 for ten loans made to small business owners administered by the Revolving Loan Fund Program funded through a combination of federal funds from the Economic Development Administration (EDA) and Community Development Block Grant funds.**
- (b) **Authorizing the Interim Director of Housing to terminate the City's Participation in, and Administration of, the Economic Adjustment Assistance Grant and Close the EDA Revolving Loan Program.**
- (c) **Collectively take such other actions as necessary to close and terminate such programs.**

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

Documents Filed: Memorandum from Director of Finance Julia H. Cooper and Interim Director of Housing Jacky Morales-Ferrand, dated May 27, 2015, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, Resolution No. 77404, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Finance to Write Off Loans Made from the Revolving Loan Fund, Authorizing the Interim Director of Housing to Terminate Participation In and Administration of the Economic Adjustment Assistant Grant and Close the Revolving Loan Fund Program Related Thereto and Collectively Authorizing the Director of Finance and the Interim Director of Housing to Take Any Other Actions Necessary to Close and Terminate Such Programs", was adopted. (9-0-2. Absent: Khamis, Nguyen.)

- 4.5 **Consideration of an ordinance approving a Development Agreement between the Coleman Airport Partners, LLC, and the City of San Jose relative to the development of an industrial/commercial project with (a) up to 1.514 million square feet of general office uses, 300 hotel rooms, and 63,700 square feet of retail uses; or (b) up to 1.695 million square feet of office/research and development or light industrial uses on an approximately 45.4 gross acre site, located on the west side of Coleman Avenue, approximately 820 feet south of Brokaw Road and north of Newhall Drive. CEQA: Addendum to the FMC/Coleman Avenue Planned Development Rezoning Environmental Impact Report (Resolution No. 71716). (Planning, Building, and Code Enforcement)
DA15-001 – Council District 3**

Action: Deferred to August 4, 2015 Per Administration.

- 4.6 (a) **Consideration of an ordinance rezoning the real property located on the north side of The Alameda approximately 315 feet westerly of Stockton Avenue from the A(PD) Planned Development Zoning District, which allowed 140 dwelling units and 22,651 square feet of commercial to a new A(PD) Planned Development Zoning District, which will allow 168 dwelling units and 22,696 square feet of commercial, on a 1.04 gross acre site. This change in unit count is a result of decreasing the size of two (2) bedroom units and increasing the number of one (1) bedroom and studio units.
PDC15-003**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC15-003/PDC15-003/PT15-005 dated May 11, 2015. (2) Memorandum from Planning Commission Secretary Harry Freitas, dated June 2, 2015, transmitting the Planning Commission recommendation. (3) Revised Proof of Publication of Notice of Public Hearing, executed on June 5, 2015, submitted by the City Clerk.

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

Keith McCloskey, representing the Applicant, was available for questions.

Mayor Sam Liccardo opened the Public Hearing.

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

Action: On a call for the question, the motion carried unanimously, Ordinance No. 29587, “An Ordinance of the City of San José 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”, was passed for publication. (Second hearing and final adoption on June 23, 2015.) (9-0-2. Absent: Khamis, Nguyen.)

- 4.6 (b) Consideration of 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. PD15-003**

Action: Item 4.6(b) was continued to June 23, 2015.

- (c) Consideration of a Planned Development Tentative Map to consolidate four (4) parcels into one (1) lot. PT15-005**

CEQA: Addendum to the Mitigated Negative Declaration for the 785-807 The Alameda Project (File No. PDC13-007), Resolution No. 76762, as addended. Council District 6. (Planning, Building, and Code Enforcement)

Action: Item 4.6(c) was dropped, to be renoticed.

- 4.7 Adopt 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**

Documents Filed: City Council Action Request from Director of Planning, Building and Code Enforcement Harry Freitas, dated May 26, 2015, recommending adoption of a resolution.

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

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Michael Blach, Blach Construction Company, expressed support to the Staff recommendations.

Kevin Chang, OnPlus, LLC, expressed opposition to the street naming of an existing private driveway to Blach Place. City Manager Norberto Dueñas explained that Director of Planning, Building and Code Enforcement Harry Freitas met with the contractor regarding Mr. Chang's opposition and that particular issue will return to the Rules and Open Government Committee.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77405, entitled: "A Resolution of the Council of the City of San José for the Street Naming of an Existing Private Driveway Located on the South Side of Fortune Drive Between 2010 and 2030 Fortune Drive to Blach Place", was adopted. (9-0-2. Absent: Khamis, Nguyen.)

- 4.8 Adopt a resolution to name four new public streets: Earthquakes Way, Champions Drive, Champions Way and Aviation Avenue (western extension), located along the west side of Coleman Avenue, generally between Newhall Drive and Brokaw Road, in the A(PD) Planned Development Zoning District (Earthquakes Stadium, LLC, Owner). CEQA: Exempt, CEQA Guidelines Section 15301(c) (Existing Facilities). (Planning, Building, and Code Enforcement)
ST14-008 – District 3**

Documents Filed: City Council Action Request from Director of Planning, Building and Code Enforcement Harry Freitas, dated May 26, 2015, recommending adoption of a resolution.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77406, entitled: “A Resolution of the Council of the City of San José Naming Four New Streets to Earthquakes Way, Champions Drive, Champions Way and Aviation Avenue (Western Extension) Located Along the West Side of Coleman Avenue, Generally Between Newhall Drive and Brokaw Road, Adjacent to the Avaya Soccer Stadium”, was adopted. (9-0-2. Absent: Khamis, Nguyen.)

NEIGHBORHOOD SERVICES

- 5.1 (a) Adopt a resolution adopting the Mitigated Negative Declaration for the Tamien Park Master Plan (File No. PP14-057) and related Mitigation Monitoring and Reporting Program in accordance with the California Environmental Quality Act.**
- (b) Approve the Tamien Park Master Plan regarding the future development of 3.5 acres as a park near the Tamien Transit Station (APN 434-13-041).**
- CEQA: Mitigated Negative Declaration to be considered for adoption. Council District 3. (Parks, Recreation and Neighborhood Services)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo and Council Member Raul Peralez, dated June 12, 2015, recommending acceptance of the Staff recommendations. (2) Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Director of Planning, Building and Code Enforcement Harry Freitas, dated May 26, 2015, recommending adoption of a resolution and approval of the Master Plan. (3) Supplemental memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated June 15, 2015, providing an updated version of the Tamien Park Master Plan Final Report to reflect recommendations by the San José Police Department based on a Crime Prevention through Environmental Design Review that they conducted.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Brett Bymaster, Washington/Tamien Community and Aurelia Sanchez expressed support to the Staff recommendations.

5.1 (Cont'd.)

Division Manager Marybeth Harasz responded to Council questions and concerns.

Council Member Pierluigi Oliverio expressed support to the Staff recommendations.

Mayor Sam Liccardo thanked and congratulated Council Member Raul Peralez and the City Staff for their efforts.

Action: Upon motion by Council Member Raul Peralez, seconded by Council Member Margie Matthews and carried unanimously, Resolution No. 77407, entitled: “A Resolution of the Council of the City of San José Adopting the Tamien Park Master Plan Project Mitigated Negative Declaration for Which An Initial Study Was Prepared, All In Accordance With the California Environmental Quality Act, As Amended, and Adopting a Related Mitigation Monitoring and Reporting Program”, was adopted and the Tamien Park Master Plan regarding the future development of 3.5 acres as a park near the Tamien Transit Station was approved. (9-0-2. Absent: Khamis, Nguyen.)

TRANSPORTATION & AVIATION SERVICES

6.1 Adopt a resolution authorizing the Director of Public Works to:

- (a) Award the construction contract for the 7659 - 2014 OBAG Resurfacing Pavement Project, Federal Project No. STPL 5005 (134) in an amount not to exceed \$13,145,000 to the lowest responsive and responsible bidder.
- (b) Decide any timely bid protest(s), and make the City’s final determination as to the lowest responsive bidder that is responsible, or to reject all bids and re-bid the project.
- (c) Approve a contingency equal to ten percent of the contract award amount not to exceed \$1,314,500.

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

Documents Filed: Memorandum from Interim Assistant Director of Transportation Kevin O’Connor, dated May 26, 2015, recommending adoption of a resolution.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77408, entitled: “A Resolution of the Council of the City of San José Authorizing the Interim Director of Public Works to Award a Construction Contract for the 7659 – 2014 OBAG Resurfacing Pavement Project to the Lowest Responsive and Responsible Bidder In An Amount Not To Exceed \$11,950,000”, was adopted. (9-0-2. Absent: Khamis, Nguyen.)

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 As recommended by the Transportation and Environment Committee on June 1, 2015, accept the Audit Report on Curbside Recycling. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (City Auditor) [Transportation and Environment Committee referral 6/1/15 – Item D(4)]**

Action: Deferred to August 4, 2015 per Administration.

- 7.2 (a) Conduct a Public Hearing on the application of GreenWaste Recovery Inc., dba GW Debris Services LLC for Commercial Solid Waste and Recyclables Collection Franchise for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris.**
- (b) Approve an ordinance granting the franchise.**
- (c) Approve the Commercial Solid Waste and Recyclables Collection Franchise Agreement for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris for a term from July 1, 2015 to June 30, 2016, with the option of three one-year extensions.**
- CEQA: Exempt, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment, File No. PP08-228. (Environmental Services)**

Action: Deferred to August 4, 2015 per Administration. To Be Renoticed.

OPEN FORUM

- (1) Blair Beekman reiterated his concerns and opposition to the UAS Drone Program.
- (2) Brian Darby commented on mobile home issues and urged Council to consider an ordinance.

ADJOURNMENT

The Council of the City of San José was adjourned at 6:13 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

smd/06-16-15 MIN

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