



CITY COUNCIL AGENDA

JUNE 2, 2015

SYNOPSIS

CHAPPIE JONES	DISTRICT 1	PIERLUIGI OLIVERIO	DISTRICT 6
ASH KALRA	DISTRICT 2	TAM NGUYEN	DISTRICT 7
RAUL PERALEZ	DISTRICT 3	SAM LICCARDO MAYOR	DISTRICT 8
MARJORIE MATTHEWS	DISTRICT 4	ROSE HERRERA VICE MAYOR	DISTRICT 9
MAGDALENA CARRASCO	DISTRICT 5	DONALD ROCHA	DISTRICT 10
		JOHNNY KHAMIS	

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**
9:35 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

1:37 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 6)**
Reverend Ken Henry, Stone Church of Willow Glen (Presbyterian Church USA) 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 Item 6.2 deferred to June 23, 2015.
- **Closed Session Report**
No Report.

1. CEREMONIAL TEMS

- 1.1 Presentation of a proclamation recognizing June 2015 as Alzheimer’s & Brain Awareness Month in the City of San José. (Herrera)
Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized June 2015 as “Alzheimer’s & Brain Awareness Month.”
- 1.2 Presentation of a commendation to Rudy Guevara for his accomplishments and contributions as a teacher, mentor, counselor, case manager, and coach. (Herrera)
Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized and commended Mr. Rudy Guevara.
- 1.3 A proclamation declaring the month of June 2015 as “Immigrant Heritage Month” in the City of San José. (Mayor)
Mayor Sam Liccardo and Council Members Kalra, Khamis, Nguyen and Carrasco recognized the month of June 2015 as “Immigrant Heritage Month.”

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of March 3, 2015.
- (b) Regular Minutes of March 10, 2015.
- (c) Study Session Minutes on Current Status of Pension Systems/Retirement Reform Ballot Measure Implementation (Measure B) of March 16, 2015.
- (d) Regular Minutes of March 17, 2015.
- (e) The City of San José Housing Authority Minutes of March 17, 2015.
- (f) Special Minutes on the Mayor's March Budget Message/Public Hearings of March 23, 2015.
- (g) Regular Minutes of March 24, 2015.

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

Approved.

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29563 – Rezoning certain real property of approximately 0.27 acre situated at the northeast corner of Faulstich Court and Oakland Road (1332 Oakland Road), from the LI Light Industrial Zoning District to the CIC Combined Industrial/ Commercial Zoning District. CEQA: Negative Declaration, Resolution No. 77340. (Planning, Building and Code Enforcement) C14-062

Ordinance No. 29563 adopted.

2. CONSENT CALENDAR

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

- (b) ORD. NO. 29564 – Rezoning certain real property of approximately 2.93 acres situated at the easterly side of Monterey Road approximately 1,000 feet north of Lewis Road (2828 Monterey Road) from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District. CEQA: Negative Declaration, Resolution No. 77341. (Planning, Building and Code Enforcement) C14-063
Ordinance No. 29564 adopted.
- (c) ORD. NO. 29565 – Rezoning certain real property of approximately 0.5 acre situated at the southeast corner of Hamilton Avenue and Meridian Avenue (1610 Meridian Avenue) from the A(PD) Planned Development Zoning District to the CN Commercial Neighborhood Zoning District. CEQA: Negative Declaration, Resolution No. 77342. (Planning, Building and Code Enforcement) C14-067
Ordinance No. 29565 adopted.
- (d) ORD. NO. 29567 – Rezoning certain real property of approximately 14.42 gross acres situated on the northwest corner of Parrot Street and Senter Road (2201 Senter Road), from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. CEQA: Determination of Consistency with a Negative Declaration adopted for Project File No. PDC98-004. Ordinance No. 25700. (Planning, Building and Code Enforcement) PDC14-059
Ordinance No. 29567 adopted.
- (e) ORD. NO. 29568 – Rezoning certain real property of approximately 1.73 acres situated on the westerly side of Almaden Road, approximately 660 feet south of Willow Glen Way, (1807, 1821, 1833, 1849, 1863, And 1873 Almaden Road) from the R-1-5 Single-Family Residence to the RM(PD) Planned Development Zoning District. CEQA: Mitigated Negative Declaration, Resolution No. 77345. (Planning, Building and Code Enforcement) PDC13-034
Ordinance No. 29568 adopted, including the radar speed signs offered by the Developer.
- (f) ORD. NO. 29574 – Amending Section 2.08.1065 and Section 2.08.1270 of Chapter 2.08 of Title 2 of the San José Municipal Code to provide that the stipend for non-city employee members of the Boards of Administration for the Federated City Employees Retirement System and the Police and Fire Retirement Plan shall be set by the City Council by resolution. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)
Ordinance No. 29574 adopted.

2. CONSENT CALENDAR

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

- (g) ORD. NO. 29575 – Amending Chapter 6.88 of Title 6 of the San José Municipal Code as follows: to amend Section 6.88.300 to extend the deadline for medical marijuana collectives who meet certain criteria to obtain a notice of completed registration; to amend Section 6.88.315 to allow the City Manager regulations to become effective upon publication on The City’s website; to amend Section 6.88.360 to clarify when collectives are required to submit a new or amended application for registration; to amend Section 6.88.420 to authorize additional security mechanisms to prevent unauthorized entry; to amend Section 6.88.500 to authorize collectives to maintain records required under Chapter 6.88 of Title 6 in electronic format; to amend Section 6.88.600 to increase the time for a collective to file an audit of its financial operations with the City; and to make other technical, nonsubstantive, or typographical changes to Chapter 6.88 of Title 6 of the San José Municipal Code. CEQA: Negative Declaration, File No. PP11-039, adopted on June 15, 2011 and addenda thereto (File Nos. PP11-076 and PP14-030). (City Manager)

Ordinance No. 29575 adopted.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Transportation and Environment Committee Report of May 4, 2015. (Kalra)
(b) Rules and Open Government Committee Report of May 6, 2015. (Mayor)
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Approved.

2.4 Mayor and Council Excused Absence Requests.

No Report.

2.5 City Council Travel Reports.

No Report.

2.6 Report from the Council Liaison to the Retirement Boards.

No Report.

2.7 Amendment to the Agreement with County of Santa Clara for Household Hazardous Waste Collection Program.

Recommendation: 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, File No. PP09-138. Council District 3. (Environmental Services)
(Deferred from 5/19/15 – Item 2.12)

Deferred to June 16, 2015 per Administration.

2. CONSENT CALENDAR

2.8 “Butt Out of Our Bars” Tobacco Product Sampling Regulation.

Recommendation: Approve an ordinance amending Title 9 of the San José Municipal Code to add a new Chapter 9.46 to regulate tobacco product sampling. CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy that involves no changes in the physical environment. (City Attorney)

Ordinance No. 29576 passed for publication.

Noes: Khamis, Oliverio.

2.9 Deferred Maintenance Infrastructure Backlog.

Recommendation: As recommended by the Transportation and Environment Committee on May 4, 2015, accept the status report on the City’s Deferred Maintenance and Infrastructure Backlog. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Public Works)

[Transportation and Environment Committee referral 5/4/15 – Item D(3)]

Accepted.

2.10 Agreement with Moore Iacofano Goltsman, Inc. for the Three Creeks Trail Project.

Recommendation: Approve the Agreement with Moore Iacofano Goltsman for Consultant Services for the Three Creeks Trail (Lonus Street to Minnesota Avenue) project from the date of execution through December 31, 2018, in the amount of \$500,000. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. Council District 6. (Public Works)

Approved.

2.11 Award of Contract for the 7873 – 2015 Street Sealing Project.

Recommendation:

(a) Approve award of a construction contract for the 7873 - 2015 Street Sealing Project, to the lowest responsive bidder, Graham Contractors, Inc. in the amount of \$4,527,360.

(b) Approve a ten percent contingency in the amount of \$452,736.

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

Approved.

2.12 Amendment to the Agreement with State of California for the Route 87 Freeway Project Right of Way.

Recommendation: Approve the Fourth Amendment to the Route 87 Freeway Project Right of Way Cooperative Agreement between the State of California and the City of San José, extending the termination date of the agreement to December 30, 2016. CEQA: Route 87 Freeway Project EIR, Resolution No. 65071. Council District 3. (Transportation)

Approved.

2. CONSENT CALENDAR

2.13 Actions Related to the 2014-2015 Sidewalk Repairs Program.

Recommendation: Adopt the following 2014-2015 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(a) Increase the Sidewalk Repairs City-wide Expenses appropriation by \$300,000;

(b) Increase the estimate for Other Revenue by \$300,000.

CEQA: Exempt, File No. PP14-069, Citywide Street Maintenance, Repair and Improvements of existing streets. (Transportation/City Manager)

Ordinance No. 29577 adopted.

Resolution No. 77363 adopted.

2.14 District 6 Rainbow Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on May 27, 2015:

(a) Approve the Rainbow Flag Ceremony as a City Council sponsored Special Event.

(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. (Oliverio)

[Rules Committee referral 5/27/15 – Item G(1)(a)]

Approved.

3. STRATEGIC SUPPORT SERVICES

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 9:35 a.m.

No Report.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Progress Report on Homeless Housing Initiatives.

Recommendation: Accept the Progress Report on Homeless Housing Initiatives. CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making. (Housing)

Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Rezoning of the Real Property Located at the Southwest Corner of Saratoga Avenue and Williams Road.

Recommendation:

- (a) Adopt a resolution adopting the Negative Declaration for the Rotten Robbie #2 Replacement Project.

The memorandum from Council Member Chappie Jones and Council Member Raul Peralez, dated May 29, 2015 was approved, accepting the Staff recommendations. Resolution No. 77364 was tentatively adopted. Adoption on June 16, 2015.

Noes: Oliverio; Liccardo.

- (b) Consider an ordinance rezoning the real property located 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 to allow for a gas station and convenience store use; and a Planned Development Permit, to allow the demolition of an existing gas station, including the removal and replacement of existing underground gas tanks, and the construction of a new gas station with a 3,200 square foot convenience store with the off-sale of alcohol; and a determination of a Public Convenience or Necessity on a 0.64 gross acre site (Robinson Oil Corporation, Owner).

CEQA: Negative Declaration to be adopted. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)

PDC14-009/PD14-039/ABC14-008 – District 1

Ordinance No. 29578 passed for publication. Second Hearing and Adoption on June 16, 2015.

Noes: Oliverio; Liccardo.

4.3 Actions Related to the US-101/Oakland/Mabury Transportation Policy.

Recommendation:

- (a) Approve an ordinance amending Chapter 14.30 of Title 14 the San José Municipal Code to clarify the scope of the inclusion of the San José Flea Market site in the US-101/Oakland/Mabury Transportation Policy.
- (b) Adopt a resolution approving an amendment to the US-101/Oakland/Mabury Transportation Policy to align the San José Flea Market site's transportation mitigation payment schedule with both the US-101/Mabury Road Interchange project schedule and the phased development of the Flea Market Site.

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). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0). Council Districts 3 and 4. (Planning, Building and Code Enforcement/Transportation)

(Action Continued on the Next Page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Actions Related to the US-101/Oakland/Mabury Transportation Policy. (Action Cont'd.)

The memorandum from Mayor Sam Liccardo, dated June 2, 2015, was approved, approving the Staff recommendations to amend the US 101/Oakland/Mabury Transportation Development Policy with the following modifications:

- (1) Pursuant to the approved Planned Development Permit (PD12-031) allow Phases IIa, IIb and IIc, which provide for 495 residential units north of Berryessa to proceed, with the negotiated phased contribution of \$7.8 Million towards the Project Study Report/Project Report, Final Design and Environmental Impact Report for the US 101/Mabury Interchange.
- (2) Defer consideration of Phase IIc and Phase III as outlined in the Policy and direct Staff to return to Council in September 2015 with alternatives to increase industrial/commercial space beyond the approved 365,600 square feet, particularly on the south side of Berryessa.
- (3) Direct Staff to consider and report back to Council on:
 - (a) Developing commercial uses on the proposed 3.5 acre school site located north of Berryessa, if the Berryessa Unified School District determines that a school will not be built as currently proposed.
 - (b) Allocating the 115 industrial trips included in the Policy to the Flea Market to offset any additional trips at the interchange in exchange for increasing commercial/industrial capacity.
 - (c) The nature of the environmental clearance required to advance optimal development scenarios on the south side of Berryessa and potential adjustment of traffic mitigation payments for the proposed development.
 - (d) Creating a mechanism for check-in with the Council prior to proceeding with any development on the south side of Berryessa.

Ordinance No. 29579 passed for publication.

Resolution No. 77365 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Parks, Recreation, and Neighborhood Services Cost Recovery Fee Programs Audit.

Recommendation: As recommended by the Neighborhood Services and Education Committee on May 14, 2015, accept the report on Parks, Recreation and Neighborhood Services Department Cost Recovery Fee Programs. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (City Auditor)

(Action Continued on the Next Page)

5. NEIGHBORHOOD SERVICES

5.1 Parks, Recreation, and Neighborhood Services Cost Recovery Fee Programs Audit. (Action Cont'd.)

The memorandum from Council Member Magdalena Carrasco, dated June 1, 2015, was approved, accepting the Staff recommendations, with the City Manager directed to:

- (1) Track recently implemented changes to the Parks, Recreation and Neighborhood Services scholarship program as they relate to which programs and facilities use the scholarship program most, as well as community, staff and partner feedback about the scholarship program.**
- (2) Analyze which Parks, Recreation and Neighborhood Services programs and/or site are at capacity.**
- (3) Determine the viability of further reducing fees for qualifying community members, while taking into account the potential need for additional staffing, facility use, operation and maintenance and etc.**
- (4) Report these findings and analysis to the Neighborhood Services and Education Committee in the Fall of 2015.**
- (5) Return to the Neighborhood Services and Education Committee with a comprehensive outreach plan with the goal of utilizing the scholarship fund in its entirety each year.**

5.2 Actions Related to the Communications Hill 2 Phase I Parks Master Plan.

Recommendation:

- (a) Approve the Communications Hill 2 Phase I Parks Master Plan.**
- (b) Approve a Turnkey Parkland Agreement for Tentative Map No. PT14-034 with KB Home South Bay Inc., and MTA Properties, LP, to construct park, trail, and staircase improvements and dedicate approximately four acres of parkland to the City as part of the Communications Hill 2 Phase I Project.**

Approved.

Abstain: Khamis.

- (c) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:**
 - (1) Establish the Communications Hill 2 Turnkey Park Reimbursement to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,809,000.**
 - (2) Decrease the Communications Hill Reserve by \$294,000.**
 - (3) Decrease the Future PDO/PIO Projects Reserve appropriation by \$1,515,000.**

Ordinance No. 29580 adopted.

Abstain: Khamis.

(Action Continued on the Next Page)

5. NEIGHBORHOOD SERVICES

5.2 Actions Related to the Communications Hill 2 Phase I Parks Master Plan. (Action Cont'd.)

- (d) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #7:
 - (1) Establish the Communications Hill 2 Turnkey Park Reimbursement to the Parks, Recreation and Neighborhood Services Department in the amount of \$291,000.
 - (2) Decrease the Trail: Three Creeks (Bellevue Park Expansion) Land Acquisition appropriation by \$291,000.

CEQA: Exempt, File No. PDC13-009, Communications Hill 2 Project Final Subsequent Environmental Impact Report, Resolution No. 77172 – Certified September 30th, 2014. Council District 7. (Parks, Recreation and Neighborhood Services/City Manager)

Ordinance No. 29581 adopted.

Abstain: Khamis.

5.3 Alviso Park Master Plan and Improvements.

Recommendation: As recommended by the Rules and Open Government Committee on May 27, 2015:

- (a) Direct the administration to report back in June on the costs, possible funding, and timing of developing a park master plan, possible expansion, and phased improvements for Alviso Park.
- (b) Direct the administration to work immediately with the Alviso community to form an Alviso Park Master Plan Committee to work with and advise the City on the plan.
- (c) Direct the administration to set a timeline that will meet all the requirements of the Settlement Agreement, recently signed by the Alviso community, the Trammell Crow Company, and the City of San José.

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

[Rules Committee referral 5/27/15 – Item G(4)]

Approved.

6. TRANSPORTATION & AVIATION SERVICES

ITEMS 6.1, 6.2 AND 6.3 WERE HEARD LAST ON THE AGENDA.

6.1 Actions Related to the Airport Airfield Improvements 2015 Project.

Recommendation: Report on bids and award of contract for the 7714 - Mineta San José International Airport - Airfield Improvements 2015 Project to the low bidder, Granite Rock Company, to include the base bid in the amount of \$2,700,170, and approval of a contingency in the amount of \$270,017. CEQA: Resolution Nos. 67380 and 71451, File No. PP14-066. (Airport/Public Works)

(Deferred from 5/19/15 – Item 6.2)

Continued to June 9, 2015.

6.2 Actions Related to the Agreement with Taxi San Jose 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 Jose 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.
- (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.

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

Deferred to June 23, 2015 per Administration and Orders of the Day.

6.3 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 4/14/15 – Item 6.1 and 5/19/15 – Item 6.1)

The replacement memorandum from Mayor Sam Liccardo, dated June 2, 2015, was approved, continuing Item 6.3 to June 23, 2015 for Council consideration of regulatory options that would accompany Transportation Network Companies (TNC's) operation in San José. The City Manager shall provide information to the Council responsive to the following questions:

(Action Continued on the Next Page)

6. TRANSPORTATION & AVIATION SERVICES

6.3 Management and Operating Plan for the Transportation Network Companies at the Airport. (Action Cont'd.)

- (1) Can the City prohibit the operation of TNC's at Mineta San José International Airport of TNC's with outstanding California Public Utilities Commission (CPUC) enforcement or disciplinary actions? Can the Airport easily determine which TNC's remain subject to those proceedings?**
- (2) In light of CPUC regulatory preemption, does the City have the ability to assess fees upon TNC's above the standard \$2.30 per trip fee at the airport?**
- (3) Will TNC drivers be required to obtain a San José Business License and pay a license fee to the City? If not, why not?**
- (4) Which of the regulatory requirements listed on Page 2-3 of the Staff Report are imposed by the CPUC and which will be imposed by the City?**
- (5) Are taxis subjected to more or less stringent regulations over such safety issues as driver fingerprinting, background checks, vehicle inspections, driver safety classes and the like?**
- (6) Are there additional safety or other regulatory requirements that other cities impose upon TNC's that San José is intentionally declining to impose? If so, why?**
- (7) To what extent does the siting of pick-up locations at the airport favor one model or another of operation?**
- (8) Staff has determined that TNC's and taxis will be accorded specific areas in the Airport for passenger pick-ups. Yet TNC operations today routinely pick up passengers at the San José Airport in violation of the law and they routinely do so in front of the baggage claim entrance, evading the monitoring by City Staff. Will we need additional Staff to monitor TNC operators to ensure that they will restrict their operations to designated areas, rather than gaining an unfair advantage over taxis?**
- (9) Are there other unique regulatory burdens that TNC operators impose on the San José Airport? Additional data collection burdens? Additional monitoring, such as at designated pick-up areas?**
- (10) Will taxis utilizing an on-call app be able to "opt-out" of the dispatch model and dispatch fees and thereby pick up passengers in the same areas as TNC's?**
- (11) Is the City able to require more stringent background checks for drivers servicing the Airport, such as those that are fingerprint based?**
- (12) Is the City able to place a cap on the mileage of the vehicles used to service the Airport?**
- (13) Is the City able to collect data on license suspensions for those drivers servicing the Airport?**
- (14) Will Airport Staff collect any of the data required by the CPUC, such as reports providing accessible vehicles, service by Zip Code, problems with drivers and drivers completing a training course.**
- (15) Does Staff propose conducting audits of any of the reports/data produced and if so, at what frequency?**

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Report on the San José-Santa Clara Regional Wastewater Facility Ten-Year Funding Strategy.

Recommendation:

- (a) Accept the staff report on the San José-Santa Clara Regional Wastewater Facility (RWF) Ten-Year Funding Strategy.
- (b) Approve staff recommendation to have all agencies contribute to a 60 day operating reserve beginning in FY 2016-17; direct staff to continue to work with all agencies on optimal reserve levels for operational purposes.
- (c) Direct staff to pursue State Revolving Fund loans for RWF capital improvement projects to the maximum extent possible.
- (d) Direct staff to continue to work with City of Santa Clara (Santa Clara) and all tributary agencies to confirm participation in a commercial paper program and/or long term revenue bonds through the Clean Water Financing Authority (CWFA), by August 2015.
- (e) Direct staff to work with Santa Clara and all tributary agencies to amend the 1983 Master Agreement to incorporate terms related to operating reserve contributions, as well as terms related to financing of the RWF improvements through the CWFA.

CEQA: Not a Project, File PP10-069(a), City Organizational & Administrative Activities. (Environmental Services/Finance)

Approved.

7.2 Actions Related to the Biosolids Transition Strategy at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Accept the following staff recommendations on the Biosolids Transition Strategy for the San José-Santa Clara Regional Wastewater Facility:

- (a) Near-term recommendations:
 - (1) Proceed with implementation of the Digested Sludge Dewatering Facility and the Lagoon and Drying Bed Retirement projects as shown in the 2015-2016 Proposed Capital Budget and 2016-2020 Capital Improvement Program.
 - (2) Locate the Digested Sludge Dewatering Facility at Site A.
 - (3) Direct staff to bring back recommendations on the size and makeup of the Biosolids Management Team for City Council consideration as part of the annual budget process for 2016-2017.
- (b) Long-term recommendations:
 - (1) Implement any future on-site processing facilities considering conditions at the time including starting small with pilots, demonstrations, and phasing and potentially participating in regional facilities and emerging technologies.

CEQA: File No. PP11-043, The San José-Santa Clara Regional Wastewater Facility Master Plan Final Environmental Impact Report; Resolution Number 76858 approved on 11/19/2013. (Environmental Services)

Accepted.

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Action Related to the Investment of Monies in the Local Agency Investment Fund.

Recommendation:

- (a) Adopt a resolution by the Council of the City of San José (the “City”) authorizing the Director of Finance and other authorized officers of the City, who routinely conduct investment management activity on behalf of the City, to order the deposit or withdrawal of monies in the Local Agency Investment Fund on behalf of the City and repealing Resolution No. 76153.

Resolution No. 77366 adopted.

- (b) Adopt a resolution by the Board of the Successor Agency to the Redevelopment Agency of the City of San José (the “Successor Agency”) authorizing the Chief Financial Officer of the Successor Agency and the Director of Finance and other authorized officers of the City, as Successor Agency, who routinely conduct investment management activity on behalf of the Successor Agency, to order the deposit or withdrawal of monies in the Local Agency Investment Fund on behalf of the Successor Agency and repealing Successor Agency Resolution No. 7002.

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

(Deferred from 5/19/15 – Item 9.1)

Successor to the Redevelopment Agency Resolution No. 7038 adopted.

9.2 Approval of the July – December 2015 Administrative Budget and Recognized Obligation Payment Schedule 15-16A.

Recommendation: Adopt resolutions by the Successor Agency Board to:

- (a) Approve the Administrative Budget for July 1 through December 31, 2015
Successor to the Redevelopment Agency Resolution No. 7039 adopted.

- (b) Approve the Recognized Obligation Payment Schedule 15-16A and authorize payment of expenditures for items on ROPS 15-16A, which details the obligations of the Successor Agency for the period of July 1, 2015 through December 31, 2015, as revised by the California Department of Finance.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Successor Agency)

(Deferred from 5/19/15 – Item 9.2)

Successor to the Redevelopment Agency Resolution No. 7040 adopted.

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

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10262	1590 Berryessa Rd	4	Flea Market Inc	6 / 45	MFA	Approval

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10313	Timber Crest Dr. and Almaden Rd.	10	Timber Crest Venture, LLC	8 Lots/ 7 Units	SFD

- **Open Forum**

- (1) **David Wall offered comments about the Audit of Curbside Recycling heard at the June 1, 2015 Transportation and Environment Committee Meeting.**
- (2) **Blair Beekman opined about the UAS Drone Program.**

- **Adjournment**

The Council of the City of San José was adjourned at 8:41 p.m.