

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MARCH 24, 2015

The Council of the City of San José convened in Regular Session at 9:33 a.m. in the Council Chambers at City Hall.

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

Absent: Council Members - All Present.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:34 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to initiation of litigation in two (2) matters. (B) to confer with Real Property Designated Representatives pursuant to Government Code Section 54956.8: (1) Property: San José Arena, 525 Santa Clara Street, San José, California. Negotiating Parties: Nanci Klein, Jim Shannon, Bill Hughes, Patricia Deignan for City of San José and Jim Goddard, Sean Morely, Lucy LoFrumento for San José Arena Management; Under Negotiation: The direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on comparable rental values. (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) Organizacion Comunidad de Alviso v. City of San José; Names of Parties Involved: Organizacion Comunidad de Alviso, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-268130; Amount of Money or Other Relief Sought: Petition for Writ of Mandate. (2) 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:

CLOSED SESSION (Cont'd.)

Damages According to Proof. (3) 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. (4) 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. (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-972-M; Amount of Money or Other Relief Sought: Damages According to Proof. (6) 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. (7) 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. (8) 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. (9) 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 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. (10) 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 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: Challenge to Measure B. (11) 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 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. (12) AFSCME, et al.

CLOSED SESSION (Cont'd.)

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. (13) Citizens Against Airport Pollution v. City et al. Names of Parties Involved: Citizens Against Airport Pollution, an unincorporated association and Does 1 to 5, City of San José, City Council of the City of San José and Does 6 to 10, Does 10 to 30, Real Parties in Interest; Court: Superior Court of California, County of Santa Clara; Sixth Appellate District, San José Division; Case No: 1-10-CV-177290, HO038781; Amount of Money or Other Relief Sought: City to set aside and void approvals relating to 8th addendum to Airport Master Plan. (14) SJJC Aviation Services, LLC v. City of San José, et al. SJJC Aviation Services, LLC, City of San José City Council of the City of San José, Does 1 through 25; Court: Superior Court of California, County of Santa Clara; Sixth Appellate District, San José Division; Case No: 1-13CV246057, HO41946; Amount of Money or Other Relief Sought: Damages according to proof. (15) Shahrivar, Farid v. City, et al. Names of Parties Involved: Farid Shahrivar, City of San José, a municipality, Rodney Rapson, an individual, David Sykes, an individual, Harry Frietas, an individual, Katherine Jensen, an individual, David Printy, an individual, Danny Tsao, an individual, Katrina Allen, an individual, Doug Baker, an individual, Alex Gurza, an individual, Saran Nunes, an individual, Les White, an individual, Allen Demers, an individual, Rajiv Das, an individual, Steve Pagan, an individual, Angela Chen, an individual, Mark Danaj, an individual, Robert Fabela, an individual, Susan Lacy, an individual and Does 1 though 45; Court: United States District Court, Oakland Division; Case No: CV-10-01029 PSG; Amount of Money or Other Relief Sought: Damages according to proof. (16) Great Oaks Water, Inc., v. City, et al. Names of Parties Involved: Great Oaks Water Company, Inc., John W.S. Roeder, Betty B. Roeder, Betty B. Roeder Trust A and William C. Miller, Jr. and Betty B. Roeder, Trustees of the Walter S. Roeder Trust B, the City of San José, the San José Redevelopment Agency, Southbay Water Recycling, Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-04-CV012008; Amount of Money or Other Relief Sought: Damages According to Proof. (17) San Francisco Baykeeper v. City, et al. Names of Parties Involved: San Francisco Baykeeper, City of San José, San José Department of Transportation, San José Public Works Department, San José Environmental Services Department; Court: U.S. District Court, Northern District of California, San José Division; Case No: 15-CV-00642-HRL; Amount of Money or Other Relief Sought: Declaratory Relief, Injunctive Relief. (18) County of Alameda, et al. v. AMBAC Financial, et al. Names of Parties Involved: County of Alameda, City and County of San Francisco, City of Los Angeles, Los Angeles Department of Water and Power, Los Angeles World Airports, City of Oakland, City of Richmond, Redwood City, East Bay Municipal Utility District, City of Sacramento, Sacramento Suburban Water District, Sacramento Municipal Utility District, City of San José, City of Stockton, The Redevelopment Agency of the City of Stockton, The Public Financing Authority of the City of Stockton, County of Tulare, The Regents of the University of California, The

CLOSED SESSION (Cont'd.)

Redevelopment Agency of the City of San José, AMBAC Financial Group, Inc., AMBAC Assurance Corporation, MBIA, Inc., MBIA Insurance Corporation, MBIA Insurance Corp. of Illinois, aka National Public Finance Guarantee Corporation, Syncora Guarantee, Inc., fka XL Capital Assurance, Inc., Financial Guaranty Insurance Company, Financial Security Assurance, Inc., CIFG Assurance North America, Inc., Assured Guaranty Corp., Jason Kissane, Does 1-50; Court: Superior Court of California, In and for the City and County of San Francisco; Case No: CJC-08-04555; Amount of Money or Other Relief Sought: Damages According to Proof. (19) RDA/City vs. Back of America, N.A., et al. Names of Parties Involved: City of San José, The San José Redevelopment Agency, Bank of America, N.A. Merrill Lynch & Co., Inc., UBS AG, UBS Financial Services, Inc., UBS Securities, LLC, MBIA, Inc., Citibank, N.A., Citigroup Financial Products Inc., Citigroup Global Markets Holdings Inc., Morgan Stanley, Rabobank Group, Bayerische, Landesbank Gironzentrale, Piper Jaffray & Co., Societe Generale SA, Financial Security Assurance, Inc., Assured Guaranty US Holdings Inc., Dexia S.A. National Westminster Bank, PLC, Natixis Funding Corp., Natixis S.A., the Goldman Sachs Group, Inc., Goldman Sachs Mitsui Marine Derivative Products, LP, Goldman Sachs Bank USA, CDR Financial Products, Winters and Co., Advisors, LLC, George K. Baum & Co., Sound Capital Management, Inc., Investment Management Advisory Group, Inc., First Southwest Company, PFM Investment, LLC, PFM Asset Management LLC; Court: U.S. District Court, Northern District of California; Case No: CV 10 2199; Amount of Money or Other Relief Sought: Damages According to Proof. (20) Sipple, et al. v. City of Alameda, et al. Names of Parties Involved: Donald Sipple, John Simon, Karl Simonsen, Christopher Jacobs, Settlement Class Representatives, New Cingular Wireless PCS LLC, City of Alameda, County of Alameda, City of Albany, City of Alhambra, City of Arcadia, City of Baldwin Park, City of Beaumont, City of Bell, City of Bellflower, City of Benecia, City of Berkeley, City of Burbank, City of Calabasas, City of Cathedral, City of Ceres, City of Chico, City of Chula Vista, City of Citrus Heights, City of Claremont, City of Colton, City of Compton, City of Covina, City of Cudahy, City of Culver City, City of Cupertino, City of Daly City, City of Desert Hot Springs, City of Dinuba, City of Downey, City of East Palo Alto, City of El Cerrito, City of El Monte, City of El Segundo, City of Emeryville, City of Eureka, City of Exeter, City of Fairfax, City of Fairfield, City of Gardena, City of Gilroy, City of Glendale, City of Gonzales, City of Greenfield, City of Grover Beach, City of Guadalupe, City of Gustine, City of Hawthorne, City of Hayward, City of Hercules, City of Hermosa Beach, City of Holtville, City of Huntington Beach, City of Huron, City of Indio, City of Inglewood, City of Irwindale, City of La Habra, City of Lakewood, City of La Palma, City of La Verne, City of Lawndale, City of Lindsey, City of Long Beach, City of Los Alamitos, City of Los Altos, City of Los Angeles, Los Angeles County, City of Lynwood, City of Malibu, City of Mammoth Lakes, City of Maywood, City of Menlo Park, City of Modesto, City of Montclair, City of Monterey, City of Monterey Park, City of Moreno Valley, City of Mountain View, City of Norwalk, City of Oakland, City of Orange Cove, City of Oroville, City of Pacific Grove, City of Palm Springs, City of Palo Alto, City of Paramount, City of Pasadena, City of Pico Rivera, City of Piedmont, City of Pinole, City

CLOSED SESSION (Cont'd.)

of Placentia, City of Pleasant Hill, City of Pomona, City of Port Hueneme, City of Porterville, City of Rancho Palos Verde, City of Redondo Beach, City of Redwood City, City of Rialto, City of Richmond, City of Riverside, City of Sacramento, City of Salinas, City of San Bernardino, City of Buena Ventura (Ventura), City of San Francisco, City of San Gabriel, City of San José, City of San Leandro, City of San Luis Obispo, City of San Marino, City of San Pablo, City of Sanger, City of Santa Ana, City of Santa Barbara, City of Santa Cruz, City of Santa Monica, City of Seal Beach, City of Seaside, City of Sierra Madre, City of Soledad, City of South Pasadena, City of Stanton, City of Stockton, City of Sunnyvale, City of Torrance, City of Tulare, City of Waterford, City of Watsonville, City of Westminster, City of Whittier, City of Winters, City of Woodlake, Does 1-50; Court: Superior Court of California, County of Los Angeles; Case No: BC462270; Amount of Money or Other Relief Sought: Damages according to proof. (21) Seibert v. City of San José. Names of Parties Involved: Grant Seibert, City of San José, San José Civil Service Commission, Debra Figone as San José City Manager, Alex Gurza as San José Director of Employee Relations, William McDonald as Fire Chief for the San José Fire Department, Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-11CV 204096; Amount of Money or Other Relief Sought: Damages According to Proof. (22) Debra Ward and Patricia Tapia, v. City, Fire Chief William McDonald, et al. Names of Parties Involved: Debra Ward, Patricia Tapia, City of San José, Fire Chief William McDonald; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV203561; Amount of Money or Other Relief Sought: Damages According to Proof. (23) California Building Industry Association v. City, et al. Names of Parties Involved: 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: Superior Court of California, County of Santa Clara; Case No: 1-10-CV-167289; Amount of Money or Other Relief Sought: Declaratory and injunctive relief. (24) Cu Thanh Nguyen v. City of San José. Names of Parties Involved: Cu Thank Nguyen, City of San José. Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-268209; Amount of Money or Other Relief Sought: Damages According to Proof. (25) Heather Seacrist v. City of San José. Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-264010; Amount of Money or Other Relief Sought: Damages According to Proof. (26) Fetsum K. Zewoldemarian v. City. Names of Parties Involved: Fetsum K. Zewoldemarian, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-258237; Amount of Money or Other Relief Sought: Damages According to Proof. (27) Andy's BP, Inc. et al. v. City of San José, et al. Names of Parties Involved: Andy's BP, Inc. A California Corporation, Sabek, Inc., A California Corporation, Andy Saberi, an individual, Transportation and Environment Committee City of San José, Joseph Horwedel, individually, Amir Shirazi, individually, dba Moe's Stop, Amir Shirazi, Trustee for the Mohammad M. Shirazi Living Trust, Does 1-25; Court: U.S. District Court, Northern District of California, San José Division; Case No: 12-CV-01631 LHK; Amount of Money or Other Relief Sought: Damages According to Proof. (28) Berg & Berg Enterprises, LLC v. City, et al. Names of Parties Involved: Berg

CLOSED SESSION (Cont'd.)

& Berg Enterprises, LLC, City of San José, San José City Council, Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 1-07-CV-091955; Amount of Money or Other Relief Sought: Damages According to Proof. (29) California Clean Energy Committee v. City, et al. Names of Parties Involved: California Clean Energy Committee, City of San José, Does 1-50, FWSH Partners II, LLC, Edward D. Storm, Does 51-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV-212623; Amount of Money or Other Relief Sought: Injunctive relief. (30) City of Milpitas v. City, et al. Names of Parties Involved: City of Milpitas, a public entity, City of San José, public entity, Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233069; Amount of Money or Other Relief Sought: Petition for writ of mandate. (31) Stand for San José, et al. v. City, et al. Names of Parties Involved: Stand for San José, Eileen Hannan, City of San José, City Council of the City of San José, Redevelopment Agency of the City of San José, Diridon Development Authority; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV-214196; Amount of Money or Other Relief Sought: Injunctive relief. (32) Stand for San José, et al. v. City, et al. Names of Parties Involved: Stand for San José, Eileen Hannan, Michelle Brenot, Robert Brown, Robert Shields, City of San José, City Council of the City of San José, Successor Agency to the Redevelopment Agency of the City of San José, Successor Agency Oversight Board, Diridon Development Authority, Does 1-10, inclusive, Athletics Investment Group, LLC, Does 1-20, inclusive; Court: Superior Court of California, In and For the County of Santa Clara; Case No: 1-13-CV-250372; Amount of Money or Other Relief Sought: Writ of Mandamus and Complaint for Declaratory Relief and Injunction Relief and for Attorneys Fees. (33) Stand for San José, et al. v. City, et al. Names of Parties Involved: Stand for San José, Eileen Hannan, Michelle Brenot, Robert Brown, Karen Shirey, Fred Shirey, Robert Shields, City of San José, Successor Agency to the Redevelopment Agency of the City of San José, Oversight Board of the Successor Agency to the Redevelopment Agency of the City of San José, Diridon Development Authority, Does 1-10; Court: Superior Court of California, In and for the County of Sacramento; Case No: 34-2014-80001905-CU-WM-GDS; Amount of Money or Other Relief Sought: Writ of Mandamus and Complaint for Declaratory Relief and Injunction Relief and for Attorneys Fees. (34) Friends of the Willow Glen Trestle v. City of San José, et al. Names of Parties Involved: Friends of the Willow Glen Trestle, an unincorporated association, City of San José, City Council of the City of San José; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No: 1-14-CV-260439; Amount of Money or Other Relief Sought: Damages According to Proof. (35) Alemayehu v. City of San José, et al. Names of Parties Involved: Dawit Alemayehu, the City of San José, the City of San José Police Department, a municipal corporation, Officer Jorge Garibay #4218, a sworn San José Police Officer and as an individual, Sergeant D. Tran Badge #3269, a San José Police Officer and as an individual, Does 1-40; Court: U.S. District Court, Northern Division; Case No: C14-1738 EJD; Amount of Money or Other Relief Sought: Damages According to Proof. (36) Binkovich v. Barthelmy, et al. Names of Parties Involved: Aleksandr Binkovich, City of San José, Officer Barthelemy, Officer Grondahl, Officer Panighetti, Officer Craig, Officer Jacob,

CLOSED SESSION (Cont'd.)

Officer Bollendorf; Court: U.S. District Court, Northern District of California, San José Division; Case No: C 11-03774 PSG; Amount of Money or Other Relief Sought: Damages According to Proof. (37) Correa v. City of San José, et al. Names of Parties Involved: Thomas Correa, the City of San José, the San José Police Department (SJPD), Michael Sullivan, individually and in his official capacity as Lieutenant, SJPD, Kimberly Hudson, individually and in her official capacity as Sergeant SJPD; Court: U.S. District Court, Northern District of California, San José Division; Case No: CV12-05436 HRL; Amount of Money or Other Relief Sought: Damages According to Proof. (38) Michael Fujikawa, the City of San José, Police Chief Chris Moore, Officers Payne (Badge #3971), Officer Pfieler (Badge #3951), Officer Jeffrey (Badge #3926), Officer Burke (Badge #3949), Officer Akery (Badge #3495) and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-219612; Amount of Money or Other Relief Sought: Damages According to Proof. (39) Gonzales v. City of San José, et al. Names of Parties Involved: Mary Lou Gonzales, City of San José, as a municipal corporation, SJPD Detective Yvonne Delacruz in her official and individual capacity, SJPD Sgt. Archer, in his official and individual capacity, SJPD Homicide Detective Jamie (last name unknown) in his individual and official capacity, SJPD Officers Doe 1 to Doe 7 in their individual and official capacities, SJPD Officers and Detectives and Employees Doe 8-50 in their individual and official capacities; Court: U.S. District Court, Northern District of California, San José Division; Case No: 13-CV-00695-BLF (PSG); Amount of Money or Other Relief Sought: Damages According to Proof. (40) Luis Hernandez and Cindy Calderon v. City of San José, et al. Names of Parties Involved: Luis Hernandez, Cindy Calderon, City of San José, Ernie Alcantar individually and in his official capacity as Captain, SJPD, James Werkema, individually and in his official capacity as Lieutenant, SJPD; Court: U.S. District Court, Northern District of California, San José Division; Case No: CV12-02952 HRL; Amount of Money or Other Relief Sought: Damages According to Proof. (41) Hernandez, Yanira v. City, Geoffrey Evatt Graves, et al. Names of Parties Involved: City of San José, Geoffrey Evatt Graves, Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 114CV270467; Amount of Money or Other Relief Sought: Damages According to Proof. (42) Kerkeles v. City of San José, et al. Names of Parties Involved: Michael Kerkeles, aka Michael Kerk, City of San José, Matthew Christian, Does 1-25; Court: Superior Court of California, County of Santa Clara; Case No: 1-08-CV103523; Amount of Money or Other Relief Sought: Damages According to Proof. (43) Hung Lam v. City of San José, et al. Names of Parties Involved: Hung Lam, individually, through his next friend, Kathy Lam, City of San José, a municipal corporation, Larry Esquivel, in his capacity of Chief of Police for the City of San José, Officer Dondi West, individually and in her official position; Court: U.S. District Court, Northern District of California, San José Division; Case No: 14-CV-00877 PSG; Amount of Money or Other Relief Sought: Damages According to Proof. (44) JoAnn Rice, American Savin, et al. v. City, et al. Names of Parties Involved: JoAnn Rice, America Savin, Perry Nelson, W.N., a minor, by and through his Guardian ad Litem, America Savin, City of San José, San José Police Department, Does 1-10; Court: U.S. District Court; Case No: 2:13-CV-00334-KJM-

CLOSED SESSION (Cont'd.)

CKD; Amount of Money or Other Relief Sought: Damages According to Proof. (45) Lori Rodriguez v. City of San José. Lori Rodriguez, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-241669; Amount of Money or Other Relief Sought: Damages According to Proof. (46) Sutter's Place, Inc. dba Bay 101 v. City of San José. Names of Parties Involved: Sutter's Place, Inc. dba Bay 101, City of San José, the Division of Gaming Control; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-258057; Amount of Money or Other Relief Sought: Damages According to Proof. (47) Vasquez v. City, et al. Names of Parties Involved: Ramon Rose Vasquez, Brian Ferrante, Individually and as an Officer of the San José Police Department, Tom Morales, Individually as an Officer of the San José Police Department, Does 1-50; Court: U.S. District Court, Northern District of California, San José Division; Case No: CV10-00948 LKH; Amount of Money or Other Relief Sought: Damages According to Proof. (48) Watson-Stalker, et al. v. City, et al. Names of Parties Involved: Tracy Watson, Renee Stalker, Olivia Stalker, Shafer Watson, Riley Watson, County of Santa Clara, County of Santa Clara Department of Family and Children Services, County of Santa Clara Department of County Counsel, County of Santa Clara District Attorney's Office, Santa Clara Valley Medical Center, Evergreen School District, City of San José San José Police Department, Norma Sparks, Yazmina Letona, Sharon Burgan, Jewels Ramirez, Vu Tran, Ann Miller Ravel, Rima Singh, Aaron West, George Kennedy, Clifton Black, Rose Real, Robert Pruitt, Cheryl Harms, Claudia Blodgett, Gary Kishimoto, John Hamilton, Anita Noble, Janet Kahle, Mary Ritter, David Kearns, Rajul Kazi, Rob Davis, William Hoyt, Craig Blank; Court: U.S. District Court, Northern District of California, San José Division; Case No: C06-04029 RMW; Amount of Money or Other Relief Sought: Damages According to Proof. (49) City v. Rossdruiscesenbery Architecture, Inc., et al. Names of Parties Involved: City of San José, Rossdruiscesenbery Architecture, Inc., aka Michael Ross, Charles Drulis Architects and 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. (50) Camacho v. CSJ, et al. Names of Parties Involved: Carolina Camacho, individually and as Successor in Interest to Jessenia Camacho-Torres, deceased, the City of San José, Amy M. Dorr, Sarah R. Cox; Court: Superior Court of California, County of Santa Clara; Court of Appeal of the State of California, Sixth Appellate District; Case No: No. H041762; Amount of Money or Other Relief Sought: Damages According to Proof. (51) Joseph Longtin v. City of San José, et al. Joseph Longtin, City of San José, Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-269410; Amount of Money or Other Relief Sought: Damages According to Proof. (52) Herrera, et al. v. City, et al. Names of Parties Involved: Martha Herrera, Michelle Rodriguez, Jessica Rodriguez, Minors, By and Through Their Guardian Ad Litem Martha Herrera, City of San José, John Doe, John Doe Company, et al; Court: Superior Court of California, County of Santa Clara; Case No: 1-10-CV-165689; Amount of Money or Other Relief Sought: Damages According to Proof. (53) Deanna Smith and Johnny Garcia v. City of San José, Santa Clara Valley Transportation Authority, et al. Names of Parties Involved: Deanna Smith, Johnny

CLOSED SESSION (Cont'd.)

Garcia, City of San José, a public entity, Santa Clara Valley Transportation Authority, a public entity, Union Pacific Railroad Company, Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-271771; Amount of Money or Other Relief Sought: Damages According to Proof. (54) Ildio Avila, Angelina Avila, Sonny Avila, a minor, Dominic Avila, a minor, Jovina Avila, a minor v. Oscar Chacon, Mayra Ortega, Blanca Martinez, City of San José. Names of Parties Involved: Ildio Avila, Angelina Avila, Sonny Avila, a minor, Dominic Avila, a minor, Jovina Avila, a minor v. Oscar Chacon, Mayra Ortega, Blanca Martinez, City of San José, Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-245894; Amount of Money or Other Relief Sought: Damages According to Proof. (55) Lisa Blevins v. City of San José. Names of Parties Involved: Lisa Blevins, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV270060; Amount of Money or Other Relief Sought: Damages According to Proof. (56) City of San José v. County of Santa Clara. Names of Parties Involved: City of San José, a municipal corporation, as Successor Agency to the Redevelopment Agency of the City of San José, Vinod K. Sharma, individually, and in his official capacity as Santa Clara County Director of Finance, County of Santa Clara; Court: Superior Court of California, County of Santa Clara; Case No: 34-2012-80001190; Amount of Money or Other Relief Sought: Damages According to Proof. (57) Ted Smith v. City, et al. Names of Parties Involved: Ted Smith, City of San José, a municipal entity, San José Redevelopment Agency, a municipal entity, Harry Mavrogenes, in his official capacity as Executive Director of the San José Redevelopment Agency, Mayor Chuck Reed, in his official capacity as Mayor of the City of San José, Pete Constant, in his official capacity as a Council Member for the City of San José, Ash Kalra, in his official capacity as a Council Member for the City of San José, Sam Liccardo, in his official capacity as a Council Member for the City of San José, Pierluigi Oliverio, in his official capacity as a Council Member for the City of San José, Madison Nguyen, in his official capacity as a Council Member for the City of San José, Rose Herrera, in his official capacity as a Council Member for the City of San José, Judy Chirco, in his official capacity as a Council Member for the City of San José, Kansen Chu, in his official capacity as a Council Member for the City of San José, Nora Campos, in his official capacity as a Council Member for the City of San José, Nancy Pyle, in his official capacity as a Council Member for the City of San José, Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No: 1-09-CV-150427; Amount of Money or Other Relief Sought: Damages According to Proof. (58) Vietnamese-American Community of Northern California v. City, et al. Names of Parties Involved: Vietnamese-American Community of Northern California, City of San José, City Council of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-08-CV-107082; Amount of Money or Other Relief Sought: For declaratory and injunctive relief according to proof. (59) Raymond and Michelle Plata v. City of San José. Names of Parties Involved: Raymond and Michelle Plata, individually and on behalf of other members of a class of similarly situated residents and taxpayers, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-258879; Amount of Money or Other Relief

CLOSED SESSION (Cont'd.)

Sought: Declaratory Relief, Injunctive Relief. (D) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Designee Jennifer Schembri; Interim 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.

By unanimous consent, Council recessed from the Closed Session at 11:10 a.m. and reconvened to Regular Session at 1:36 p.m. in the Council Chambers.

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

Absent: Council Members - All Present.

INVOCATION

Kevin Jensen shared prayers of Martin Luther King for the Invocation. (District 3)

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Magdalena Carrasco and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (9-0-2. Absent: Nguyen, Oliverio.)

CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session actions of March 24, 2015:

A. Authority to Pursue Appellate Review in a Litigation Case:

| | |
|---------------------------|---|
| Case Name: | Herrera, et al. v. City, et al. |
| Adverse Party or Parties: | Martha Herrera, Michelle Rodriguez, Jessica Rodriguez, Minors, By and Through their Guardian Ad Litem Martha Herrera, City of San José, John Doe and John Doe Company, et al. |
| Substance of Litigation: | Appeal of decision. |
| Council Vote: Ayes: | Carrasco, Herrera, Jones, Kalra, Khamis, Matthews, Nguyen, Oliverio, Peralez, Rocha; Liccardo. |
| Noes: | None. |
| Not Present: | None. |
| Abstain: | None. |

CEREMONIAL ITEMS

1.1 Presentation of a commendation to Downtown College Prep Alum Rock High School students who participated in the Samsung Solve for Tomorrow education contest. (Herrera)

Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Magdalena Carrasco recognized and commended the Downtown College Prep Alum Rock High School students.

1.2 Presentation of a proclamation recognizing March 2015 as “Women’s Veteran’s Month” in the City of San José. (Herrera)

Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized March 2015 as “Women’s Veteran’s Month” in the City of San José.

1.5 Presentation of a commendation for SK Panda, President of the Downtown Residents Neighborhood Association for his leadership and efforts to create a greater sense of community among Downtown San José residents. (Mayor)

Mayor Sam Liccardo and Council Member Raul Peralez recognized and commended SK Panda, President of the Downtown Residents Neighborhood Association.

CONSENT CALENDAR

Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0)

2.1 Approval of minutes.

- (a) Regular Minutes of January 6, 2015.**
- (b) Regular Minutes of January 13, 2015.**
- (c) Study Session Minutes of January 20, 2015 on the General Fund Structural Budget Deficit History and Service Restoration Priorities and Strategies.**
- (d) Regular Minutes of January 27, 2015.**

Documents Filed: (1) The Regular Minutes dated January 6, 2015, January 13, 2015 and January 27, 2015. (2) The Study Session Minutes dated January 20, 2015.

Action: Upon motion by Council Member Margie Matthews, seconded by Council Member Raul Peralez and carried unanimously, the Council Minutes were approved, including the minor correction to Item 2.1(b). Correction to Page 3, Ceremonial Item 1.1: “Mayor Susan Hammer” and Supervisor Blanca Alvarado administered the Oath of Office to Marjorie McInnis Matthews. (11-0.)

2.2 Final Adoption of Ordinances.

There were none.

2.3 Approval of Council Committee Reports.

- (a) **Transportation and Environment Committee Report of March 2, 2015. (Kalra)**
- (b) **Rules and Open Government Committee Report of March 4, 2015. (Mayor)**

Documents Filed: (1) The Transportation and Environment Committee Report dated March 2, 2015. (2) The Rules and Open Government Committee Report dated March 4, 2015.

Action: The Council Committee Reports were approved. (11-0.)

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2.7 As recommended by the Library and Early Education Commission, name the new library at 4001 Evergreen Village Square, as John J. Montgomery Village Square Library. CEQA: Not a Project, File No. PP10-069(c) Organizational Activities. (City Clerk)

Action: Deferred to April 2015 per City Clerk.

2.8 As recommended by the Rules and Open Government Committee on March 11, 2015:

- (a) **Approve the National Night Out scheduled for August 4, 2015 as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) **Approve and accept donations from various individuals, businesses or community groups to support the event.**

CEQA: Not a Project. (City Clerk)

2.8 (Cont'd.)

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

Action: The National Night Out scheduled for August 4, 2015 as a City Council sponsored Special Event was approved and expenditure of funds and acceptance of donations from various individuals, businesses and community groups to support this event were authorized. (11-0.)

- 2.9 (a) Approve travel by Mayor Liccardo to Washington, D.C. on March 17 – 19, 2015 to represent the City at the Silicon Valley Leadership Group Spring Silicon Valley Advocacy Trip. Source of Funds: Mayor and Council Travel Fund.**
- (b) Request for an excused absence for Mayor Liccardo from the Closed Session and the Regular Meeting of the City Council on March 17, 2015 and the Regular Meeting of the Rules and Open Government Committee on March 18, 2015 due to Authorized City Business: Silicon Valley Leadership Group Advocacy Trip.**

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

Documents Filed: Memoranda from Mayor Sam Liccardo, both dated March 9, 2015, requesting approval to travel and an excused absence.

Action: The travel for Mayor Sam Liccardo was approved and his absence was excused. (11-0.)

- 2.10 Approve the First Amendment to the Agreement with Timothy Knea and Tena Caprista Knea, and William Caprista, Trustee for the hardship deferral of assessment payments in the amount of \$429,189 for Improvement District 99-218SJ in order to transfer the lien for the assessments from the parcel currently subject to the assessment lien (APN 678-93-008) located near the intersection of Piercy Road and Hellyer Avenue to a parcel resulting from a reconfiguration of the property. CEQA: Exempt, File No. PP15-031. Council District 2. (Public Works)**

Documents Filed: Memorandum from Interim Director of Public Works Barry Ng, dated March 2, 2015, recommending approval of the first amendment to the agreement.

Interim Director of Public Works Barry Ng responded to questions from Council Member Johnny Khamis.

2.10 (Cont'd.)

Action: Upon motion by Council Member Johnny Khamis, seconded by Vice Mayor Rose Herrera and carried unanimously, the First Amendment to the Agreement with Timothy Knea and Tena Caprista Knea, and William Caprista, Trustee for the hardship deferral of assessment payments in the amount of \$429,189 for Improvement District 99-218SJ in order to transfer the lien for the assessments from the parcel currently subject to the assessment lien (APN 678-93-008) located near the intersection of Piercy Road and Hellyer Avenue to a parcel resulting from a reconfiguration of the property was approved. (11-0.)

2.11 As recommended by the Rules and Open Government Committee on March 11, 2015, approve grants for the following schools for their general fund to support student programs and activities:

(a) Ida Price Middle School \$1000.

(b) Branham High School \$500.

CEQA: Not a Project, File No. PP10-067(c), Grant Disbursement that Would Not Result In a Physical Change in the Environment. (Rocha)

[Rules Committee referral 3/11/15 – Item G(3)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 12, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: Grants for Ida Price Middle School and Branham High School for their general fund to support student programs and activities were approved. (11-0.)

2.12 As recommended by the Rules and Open Government Committee on March 18, 2015:

(a) Approve the 10th Annual West Valley Senior Walk as a City Council sponsored Special Event and approve the expenditure of funds.

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

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

[Rules Committee referral 3/18/15 – Item G(1)(a)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 19, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: The 10th Annual West Valley Senior Walk as a City Council sponsored Special Event was approved and expenditure of funds and acceptance of donations from various individuals, businesses and community groups to support this event were authorized. (11-0.)

2.13 As recommended by the Rules and Open Government Committee on March 18, 2015:

- (a) Retroactively approve the Tully Community Branch Library 10th Anniversary Celebration on January 13, 2015 as a City Council sponsored Special Events and approve the expenditure of funds.**
- (b) Approve the District 7 Photography Contest, District 7 Town Hall Meeting on March 19, 2015 as City Council sponsored Special Events and approve the expenditure of funds.**
- (c) Approve the 40th Annual Black April Commemoration on April 30, 2015 as City Council sponsored Special Events and approve the expenditure of funds.**
- (d) Asian Pacific American Heritage Month Celebration on May 9, 2015; as City Council sponsored Special Events and approve the expenditure of funds.**
- (e) 2nd Annual Eastside Narratives Youth Leadership Summit on Saturday, March 28, 2015 as City Council sponsored Special Events and approve the expenditure of funds.**

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

- (f) Retroactively approve the District 7 Clean Up at Yerba Buena High School on February 21, 2015 as a City Council sponsored Special Events and approve the expenditure of funds.**
- (g) Approve the District 7 Clean Up at Tully Ballfields on March 28, 2015 as a City Council sponsored Special Events and approve the expenditure of funds, and**

CEQA: Exempt, File No. PP13-056, Public Project exemption for activities associated with citywide litter clean-up activities.

- (h) Approve and accept donations from various individuals, businesses or community groups to support the events.**

CEQA: Not a Project. (Nguyen)

[Rules Committee referral 3/18/15 – Item G(1)(b)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 19, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: Item 2.13(a)-(h) as listed above was approved. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

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

Interim City Manager Norberto Dueñas reported that the San José Mineta International Airport and Partners conducted a FAA Required Emergency Preparedness Exercise; announced that the San José Earthquakes celebrated the opening game at the new Avaya Stadium Sunday, March 22, 2015 and exclaimed that San José will be welcoming “*WrestleMania*” to City Center from March 26 through March 30, 2015.

3.3 Approve the FY 2015-2016 Mayor’s March Budget Message. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Mayor)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated March 16, 2015, recommending direction to the City Manager to submit a proposed budget for Fiscal year 2015-2016 that is balanced and guided by the policy direction and framework of priorities outlined in the Mayor’s March Budget Message. (2) Presentation from the Office of Mayor Sam Liccardo dated March 24, 2015 summarizing the Mayor’s March Budget.

Mayor Sam Liccardo provided a brief presentation on the FY2015-2016 Mayor’s March Budget Message. Ray Perez urged the Council to keep the public libraries open six days a week.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Nancy Rubio requested that the Council continue to fund San José Family Camp.

Motion: Vice Mayor Rose Herrera moved approval of the Mayor’s March Budget Message. Council Member Raul Peralez seconded the motion.

Interim Senior Deputy City Manager/Budget Director Jennifer A. Maguire responded to Council questions and concerns.

Council discussion ensued.

Action: On a call for the question, the motion carried unanimously, the Mayor’s March 16, 2015 Budget Message was approved. (11-0.)

3.4 City Council to take the following actions as discussed at the March 2, 2015 Transportation and Environment Committee:

- (a) Accept the staff report.**
- (b) Discuss and provide direction on various capital project delivery streamlining measures.**
- (c) Direct staff to return to Council for consideration of an ordinance codifying previously discussed modifications to the San José Municipal Code regarding the procurement and administration of public works construction contracts.**

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Public Works)

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated March 12, 2015, transmitting the recommendations of the Transportation and Environment Committee. (2) Supplemental memorandum from Interim Director of Public Works Barry Ng, dated March 20, 2015, recommending acceptance of the Staff report and providing additional information. (3) Staff presentation dated March 24, 2015 summarizing the Public Works Municipal Code Revisions.

Interim Assistant City Manager David Sykes presented introductory remarks. Interim Director of Public Works Barry Ng and Deputy Director of Public Works John Cannon provided the report.

Council discussion ensued.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Donald Rocha and carried unanimously, the Staff report was accepted and the Director of Public Works was authorized to extend the authority to accept/reject all bids over \$1M Dollars. (11-0.) The Staff recommendations to codify a process whereby the bid protest, contractor responsibility hearings and subcontractor substitution hearings would come to Council for final disposition, was approved. (10-1. Noes: Liccardo.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Consideration of an ordinance amending Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) to add new Section 20.80.1915 of Part 20 of Chapter 20.80, and to amend Sections 20.20.100 of Chapter 20.20, 20.30.100 and 20.30.140 of Chapter 20.30, 20.40.100 of Chapter 20.40, 20.50.100 of Chapter 20.50, 20.70.100 of Chapter 20.70, 20.75.200 of Chapter 20.75 and 20.100.1230 of Chapter 20.100 related to the issuance of administrative permits for certain modifications to existing wireless towers and base stations consistent with federal law, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and Federal Communications Commission Report and Order FCC-14-153, and to make other technical, non-substantive, or formatting changes within Title 20. CEQA: Not a Project, File No. PP10-068(c), Municipal Code amendments that involve no changes to the physical environment. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)**

Title 20 – Citywide

4.1 (Cont'd.)

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated March 16, 2015, transmitting the report and the recommendation of the Planning Commission. (2) Proof of Publication of Notice of Public Hearing executed on February 20, 2015, submitted by the City Clerk. (3) Letter from MacKenzie and Albritton LLP dated March 23, 2015, regarding the amendment to the Title 20 Zoning Code Ordinances for Wireless Towers and Base Stations.

Director of Planning, Building and Code Enforcement Harry Freitas presented the report. Deputy City Attorney Molly Dent offered key points pertaining to the letter received from MacKenzie and Albritton LLP dated March 23, 2015 on behalf of Verizon Wireless regarding the amendment to the Title 20 Zoning Code Ordinances for Wireless Towers and Base Stations.

Motion: Council Member Johnny Khamis moved approval of the Staff recommendations. Council Member Pierluigi Oliverio seconded the motion.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Blair Beekman provided comments on the wireless towers.

Action: On a call for the question, the motion carried unanimously, Ordinance No. 29546, entitled: "An Ordinance of the Council of the City of San José Amending Title 20 of the San José Municipal Code to Add a New Section 20.80.1915 To Chapter 20.80, To Amend Sections 20.20.100 of Chapter 20.20, 20.30.100 and 20.30.140 of Chapter 20.30, 20.40.100 of Chapter 20.40, 20.50.100 of Chapter 20.50, 20.70.100 of Chapter 20.70, 20.75.200 of Chapter 20.75 and 20.100.1230 of Chapter 20.100 Related To the Issuance of Administrative Permits for Certain Modifications to Existing Wireless Towers and Base Stations Consistent With Federal Law, Section 6409(A) of the Middle Class Tax Relief and Job Creation Action of 2012 and Federal Communications Commission Report and Order FCC-14-153 and To Make Other Technical, Non-Substantive or Formatting Changes Within Title 20", was passed for publication. (11-0.)

4.2 As recommended by the Community and Economic Development Committee on February 23, 2015:

(a) **Receive a verbal report on the Friends of Levitt San José Exploratory Committee regarding the feasibility of a performance venue in Saint James Park.**

CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports.

(b) **Accept the *Levitt Pavilions Exploratory Committee: Building Community Through Music Report* and endorse the community moving forward with its business planning, fundraising and entity formation.**

**CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.
(Economic Development/Parks, Recreation and Neighborhood Services)**

Action: Deferred to April 7, 2015 per Administration.

TRANSPORTATION & AVIATION SERVICES

6.1 Adopt a resolution:

- (a) **Approving a proposed overall Disadvantaged Business Enterprise (DBE) participation race-neutral goal of 10.28% for development projects at the Norman Y. Mineta San José International Airport for Federal Fiscal Years 2014-2016.**
 - (b) **Authorizing the City Manager to submit the three-year DBE participation plan to the Federal Aviation Administration (FAA).**
 - (c) **Authorizing the City Manager to make revisions as requested by the FAA.**
- CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Public Works/Airport)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Council Members Kalra, Peralez and Matthews, dated March 20, 2015, recommending acceptance of the Staff recommendations and direction to the City Manager as described in “Action”. (2) Memorandum from Council Member Chappie Jones, dated March 23, 2015, recommending acceptance of the memorandum from Mayor Sam Liccardo, Council Members Kalra, Peralez and Matthews, dated March 20, 2015, with a modification as described below in “Action”. (3) Memorandum from Director of Aviation Kimberly J. Becker Aguirre and Interim Director of Public Works Barry Ng, dated March 2, 2015, recommending adoption of a resolution. (4) Staff presentation date dated March 24, 2015 summarizing the Pavement Maintenance Reports: Audit of Street Pavement Maintenance and Funding Strategy Update. (5) Letter from Matthew Mahood, President/CEO, San José Silicon Valley Chamber of Commerce, dated March 20, 2015, expressing support to the Disadvantaged Business Enterprise participation goal. (6) Memorandum from Ben Field, South Bay Labor Council, dated March 23, 2015, expressing support to the memorandum from Mayor Sam Liccardo, Council Members Kalra, Peralez and Matthews, dated March 20, 2015, to the Disadvantaged Business Enterprise Program. (7) Memorandum from Walter Wilson, Minority Business Consortium, dated March 24, 2015, expressing support to the memorandum from Mayor Sam Liccardo, Council Members Kalra, Peralez and Matthews, dated March 20, 2015, to the Disadvantaged Business Enterprise Program.

Motion: Council Member Ash Kalra moved approval of the memorandum from Mayor Sam Liccardo, Council Members Kalra, Peralez and Matthews, dated March 20, 2015 and the memorandum from Council Member Chappie Jones, dated March 23, 2015. Council Member Raul Peralez seconded the motion.

Director of Aviation Kimberly J. Becker Aguirre responded to Council questions.

Public Comments: Expressing support to the Disadvantaged Business Enterprise Program were Reverend Reginald Swilley, Nancy Avila, Silicon Valley Vietnamese American Chamber of Commerce; Carl Davis Jr., Silicon Valley Black Chamber of Commerce; Carol Been and Walter Wilson, Minority Business Consortium and Esha Menon, Working Partnerships USA.

6.1 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Sam Liccardo and Council Member Kalra, Peralez and Matthews, dated March 20, 2015, was approved, accepting the Staff Report, with direction to the City Manager to: (1) Approve the proposed overall DBE participation goal as a minimum, while making every effort to surpass the goal. (2) Work with community stakeholders, such as the Minority Business Consortium, ethnic/minority Chambers of Commerce, San José/ Silicon Valley Chamber of Commerce, Santa Clara and San Benito Counties Building and Construction Trades Council and the South Bay Labor Council, in order to assist in a communications strategy and outreach to minority and women-owned businesses. (3) As the City Manager's Office continues its work to establish an Office of Immigrant Affairs, identify opportunities to take advantage of the stakeholders working with the Office to do specific outreach to immigrant-owned businesses. (4) In addition to setting goals and developing outreach efforts regarding Norman Y. Mineta San José International Airport, return to the Community and Economic Development Committee with a strategy to implement a similar program throughout the entire City organization. The memorandum from Council Member Chappie Jones, dated March 23, 2015, was approved, modifying the memorandum from Mayor Sam Liccardo and Council Members Kalra, Peralez and Matthews as follows: Approve an overall DBE participation goal with a minimum of 14.5%, a percentage that is the base figure recommended by the City's consultant. This is more closely in line with other local jurisdictions including the Valley Transportation Authority's 18% for BART projects and 13% for SFO and other agencies. Resolution No. 77307, entitled: "A Resolution of the Council of the City of San José Approving the Norman Y. Mineta San José International Airport Disadvantaged Business Enterprise Program Participation Plan for Airport Capital Development Projects for Federal Fiscal Years 2014 through 2016", was adopted, as amended. (11-0.)

6.2 **As recommended by the Transportation and Environment Committee on March 2, 2015, accept the Audit of Street Pavement Maintenance. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Auditor)** **[Transportation and Environment Committee referral 3/2/15 – Item D(2)]**

Note: Items 6.2 and 6.3 were heard together.

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 12, 2015, transmitting the recommendations of the Transportation and Environment Committee.

City Auditor Sharon W. Erickson presented the Audit of Street Pavement Maintenance. Assistant Director of Transportation James Ortbal and Director of Transportation Hans Larsen provided the next steps.

Council discussion ensued.

6.2 (Cont'd.)

Motion: Vice Mayor Rose Herrera moved approval of the Audit of Street Pavement Maintenance and the status report on San José pavement maintenance program and an update on current funding strategies to improve Citywide pavement conditions, with direction to Staff to come to the Rules and Open Government Committee for a decision to authorize a commitment letter. Council Member Margie Matthews seconded the motion.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Harvey Darnell, Greater Gardner NAC, presented comments on the pavement maintenance.

Action: On a call for the question, the motion carried unanimously, the Audit of Street Pavement Maintenance was accepted. (10-0-1. Absent: Kalra.)

6.3 **As recommended by the Transportation and Environment Committee on March 2, 2015, accept the status report on San José pavement maintenance program and an update on current funding strategies to improve Citywide pavement conditions. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Transportation) [Transportation and Environment Committee referral 3/2/15 – Item D(3)]**

Note: Items 6.2 and 6.3 were heard together.

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 12, 2015, transmitting the recommendations of the Transportation and Environment Committee.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, the status report on San José pavement maintenance program and an update on current funding strategies to improve Citywide pavement conditions, were accepted. Staff was directed to come to the Rules and Open Government Committee for a decision to authorize a commitment letter. (10-0-1. Absent: Kalra.)

ENVIRONMENTAL & UTILITY SERVICES

7.1 **Accept the staff report on the San José-Santa Clara Regional Wastewater Facility Ten-Year Funding Strategy. CEQA: Not a Project, File PP10-069(a), Staff Reports. (Environmental Services)**

Action: Deferred to April 21, 2015 per Administration.

7.2 Recommendation: As referred by the Transportation and Environment Committee on March 2, 2015:

- (a) Accept the staff report on the proposed project delivery and procurement strategy for the San José-Santa Clara Regional Wastewater Facility's Capital Improvement Program.**
- (b) Adopt a resolution that approves the use of low bid design-build and progressive design-build as potential delivery methods for project in the San José-Santa Clara Regional Wastewater Facility's Capital Improvement Program and that delegates authority to the Director of Environmental Services and Public Works, or their designees, to make a determination on the appropriate delivery method for each project.**

CEQA: San José/Santa Clara Plant Master Plan EIR, Resolution 76858, adopted 11/19/2013. (Environmental Services/Public Works)

[Transportation and Environment Committee referral 3/2/15 – Item D(4)]

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated March 12, 2015, transmitting the recommendations of the Transportation and Environment Committee. (2) Memorandum from the Secretary to the Treatment Plant Advisory Committee Kerrie Romanow, dated March 12, 2015, expressing concurrence with the Staff recommendations. (3) Staff presentation dated March 24, 2015 on the San José - Santa Clara Regional Wastewater Facility CIP Project Delivery and Procurement Strategy.

Assistant Director of Environmental Services Ashwini Katak and Interim Director of Public Works Barry Ng provided the report.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, the staff report on the proposed project delivery and procurement strategy for the San José-Santa Clara Regional Wastewater Facility's Capital Improvement Program was accepted and Resolution No. 77308, entitled: "A Resolution of the Council of the City of San José Approving the Procurement of Design Build Contracts as a Potential Delivery Method for Public Works Projects in Excess of \$1,000,000 in the San José-Santa Clara Regional Wastewater Facility's Capital Improvement Program and Delegating Authority to the Directors of Environmental Services and Public Works to Make a Determination on the Appropriate Delivery Method for Each Project", was adopted. (10-0-1. Absent: Kalra.)

OPEN FORUM

- (1) Chris Miller congratulated the Mayor and the Council Members for their hard work and requested an appointment with Mayor Liccardo. Mayor Sam Liccardo replied that his secretary will set that up.
- (2) Roland LeBrun offered comments about a grant from Highspeed Rail Authority.
- (3) Blair Beekman opined about the Unmanned Aerial System (UAS) drone program.

ADJOURNMENT

The Council of the City of San José adjourned the afternoon session at 6:28 p.m.

RECESS/RECONVENE

The City Council recessed at 6:28 p.m. from the afternoon Council Session and reconvened at 7:03 p.m. in the Council Chambers, City Hall.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Khamis, Liccardo, Nguyen, Oliverio (7:22 p.m.), Rocha; Reed.

Absent: Council Members - All Present.

City Clerk Toni J. Taber, CMC read the requests for continuance of the applications. Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis and carried unanimously, the below noted continuances and actions were taken as indicated. (11-0.)

CEREMONIAL ITEMS

1.3 Presentation of a commendation to the Macias Family for their support of the Veteran's Parade in San José each year and to our service members. (Herrera)

Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized and commended the Macias Family.

1.4 Presentation of a commendation to Robert Lopez for lifelong commitment to public safety and outstanding leadership in coordinating the annual Freedom Train. (Rocha)

Mayor Sam Liccardo and Council Member Donald Rocha recognized and commended Robert Lopez.

1.6 Presentation of a commendation to Gurdeep Kaur Chawla in recognition of her work in the community through her professional interpretation and translation services. (Kalra)

Mayor Sam Liccardo and Council Member Ash Kalra recognized and commended Gurdeep Kaur Chawla.

PUBLIC HEARINGS ON CONSENT CALENDAR

- 11.1 (a) **Consideration of a Conditional Use Permit to allow the addition of an automated carwash at an existing smog test facility on a 0.40 gross acre site in the CN Neighborhood Commercial Zoning District, located at 2270 Camden Avenue (Akbar and Mary Nazemian Et Al, Owner). CEQA: Mitigated Negative Declaration, to be adopted. (Planning, Building and Code Enforcement)**
CP10-010 – District 9

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on February 10, 2015, submitted by the City Clerk.

Action: Dropped.

- (b) **Consideration of 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. (Planning, Building and Code Enforcement)**
PDC14-009/PD14-039/ABC14-008 - District 1

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on February 6, 2015, submitted by the City Clerk.

Action: Dropped. To Be Renoticed.

- 11.2 **Consideration of an ordinance rezoning the real property located on the westerly side of Monterey Road, approximately 969 feet northeasterly of Lewis Road from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District to allow industrial uses on a 2.93 gross acre site (John and Jan Sun, Owners). CEQA: Exempt pursuant to Section 15270. (Planning, Building and Code Enforcement)**
C14-063 - District 7

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on February 6, 2015, submitted by the City Clerk.

Action: Dropped. To Be Renoticed.

**11.3 Consideration of a Conditional Use Permit to allow after-midnight use and a drinking establishment (for over 250 people), the Spectrum, in the DC Downtown Primary Commercial Zoning District on a 0.15 gross acre site located at 400 South First Street (Berg, Richard P. and Made S. Trustee & Et. Al., Owner). CEQA: Exempt. Planning Commission recommends approval (6-0-0). (Planning, Building and Code Enforcement)
CP15-004 – District 3**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. CP15-004, dated February 17 2015. (2) Memorandum from Planning Commission Secretary Harry Freitas, dated March 4, 2015, transmitting the recommendation of the Planning Commission. (3) Proof of Publication of Notice of Public Hearing executed on March 6, 2015, submitted by the City Clerk.

Director of Planning, Building and Code Enforcement Harry Freitas presented introductory remarks.

Motion: Council Member Raul Peralez moved approval of the Staff recommendations. Council Member Pierluigi Oliverio seconded the motion.

Mayor Sam Liccardo opened the Public Hearing.

Public Comments: There was no public testimony from the floor.

Mayor Sam Liccardo closed the Public Hearing.

City Attorney Richard Doyle and Director of Planning, Building and Code Enforcement Harry Freitas responded to Council questions and concerns.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77309, entitled: “A Resolution of the Council of the City of San José Approving, Subject to Conditions, A Conditional Use Permit to Allow A Drinking Establishment with After Midnight use Until 2:00 a.m. and With An Approved Maximum Occupancy Load of Over 250 Persons on a 0.15 Gross Acre Site, Located at the Southeast Corner of South First Street and East San Salvador Street (400 South First Street)”, was adopted. (11-0.)

- 11.4 (a) Adopt a resolution adopting the Mitigated Negative Declaration for the Branham Lane Residential Planned Development Zoning Project and the related Mitigation Monitoring and Reporting Program.**
- (b) Consider an ordinance rezoning the real property located on the north side of Branham Lane, approximately 250 feet east of Glenmont Drive (955 Branham Lane) from A Agricultural to A(PD) Planned Development Zoning District to allow up to 24 multi-family units on an approximately 1.19 gross acre site (Ulla 1997 Fmly Ltd Ptsp I, Ltd Ptsp, Owner).**

CEQA: Mitigated Negative Declaration (MND) to be adopted. Planning Commission recommends approval (5-1-0). (Planning, Building and Code Enforcement)

PDC14-042 – District 9

11.4 (Cont'd.)

Director of Planning, Building and Code Enforcement Harry Freitas presented introductory remarks.

Kelly Snyder, representing the Applicant DR Horton, America's Builders, offered the merits of the project and highlighted the proposed changes. Rueben Shaw, the Owner, commented to the safety improvements along Branham Lane.

Mayor Sam Liccardo opened the Public Hearing.

Public Comments: Jerry Lane expressed opposition to the rezoning citing safety reasons, insufficient open space and parking.

Mayor Sam Liccardo closed the Public Hearing.

Mayor Sam Liccardo apologized to the members of the public and the Applicant but because of a very important and serious public safety issue that had just occurred in San José, recommended that this item be deferred in order that the Council may give their full attention to this critical safety issue.

Action: Upon motion by Council Member Marjorie Matthews, seconded by Vice Mayor Rose Herrera and carried unanimously, Item 11.4 was continued to April 14, 2015 in the evening. (11-0.)

- 11.5 (a) **Adopt a resolution adopting the Mitigated Negative Declaration for the 1821 Almaden Road Residential Project and the related Mitigation Monitoring and Reporting Program;**
- (b) **Consider an ordinance rezoning the real property located on the west side of Almaden Road, approximately 600 feet south of Willow Glen Way (1807 Almaden Road) from the R-1-5 Single Family Residence Zoning District to the RM(PD) Planned Development Zoning District to allow development of up to 96 residential units in a 5-story building on an approximately 1.8 gross acre site (Dias, Ludd J, Owner).**

CEQA: Mitigated Negative Declaration to be adopted. (Planning, Building and Code Enforcement)

PDC13-034 – District 6

Action: Deferred to May 12, 2015 per Administration.

ADJOURNMENT

The Council of the City of San José was adjourned at 7:48 p.m. in memory of Nguyen Xuan Hoang, community activist and Editor in Chief of Van Magazine, Nguoi Viet, San José Viet Mercury News, and Viet Tribune, who passed away on September 13, 2014. (Nguyen)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

smd/03/24/15 MIN