

## MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, FEBRUARY 3, 2015

The Council of the City of San José convened in Regular Session at 9:18 a.m. in the Council Chambers at City Hall.

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

Absent: Councilmembers - All Present.

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

There was no report.

Documents Filed: “Environmental Inspectors” graph provided by Jon Max Reger, dated February 3, 2015.

Public Comment: Jon Max Reger criticized Council for actions that could be instrumental in the City losing its institutional knowledge.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:22 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 anticipated litigation in one (1) matter; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation; (1) In re: Claim of Gerbino; Amount of Money or Other Relief Sought: Administrative Appeal; (2) In re: Claim of Chaboya; Amount of Money or Other Relief Sought: Administrative Appeal; (3) In re: Claim of Buzzetta; ; Amount of Money or Other Relief Sought: Administrative Appeal; (4) City of San José v. Office of the Commissioner of Baseball, et al.; Names of Partie(s) Involved: City of San José; City of

## CLOSED SESSION (Cont'd.)

San José as Successor Agency to the Redevelopment Agency of the City of San José; The San José Diridon Development Authority; Office of the Commissioner of Baseball, an Unincorporated Association Doing Business as Major League Baseball; Allan Huber “Bud” Selig”; Court: United States Court of Appeals, Ninth Circuit; Case No.: 1-11-CV-212623; Amount of Money or Other Relief Sought: Injunctive Relief; (5) California Clean Energy Committee v. City, et al.; Names of Partie(s) Involved: California Clean Energy Committee, City of San José, Does 1-50; FWSH Partners II, LLC; Edward D. Storm; and Does 51-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-11-CV-212623; (6) IAFF Local 230 v. City of San José; Names of Partie(s) Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-969-M; Amount of Money or Other Relief Sought: Damages According to Proof; (7) IFPTE Local 21 v. City of San José; Names of Partie(s) Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages According to Proof; (8) American Federation of State, County & Municipal Employees, et al. v. City; Names of Partie(s) Involved: American Federation of State, County & Municipal Employees, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof; (9) American Federation of State, County & Municipal Employees, et al. v. City; Names of Partie(s) Involved: American Federation of State, County & Municipal Employees, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-972-M; Amount of Money or Other Relief Sought: Damages According to Proof; (10) OE#3 v. City of San José; Names of Partie(s) Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-900-M; (11) 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. (12) 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. (13) 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. (14) 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

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

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. (15) 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. (16) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (C) 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. (D) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; 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

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

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 International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc.; Name of Existing Wages 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 11:45 a.m. and reconvened to Regular Session at 1:30 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**

Helen Kassa, Junior at Prospect High School and CEO and Founder of "Giving Hope to Kids Like Me," presented the Invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Liccardo led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

Upon motion by Vice Mayor Herrera, seconded by Councilmember Rocha and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 3.5, General Fund Structural Budget Deficit History and Service Restoration Priorities and Strategies (a continuation of the Study Session of January 20, 2015) to be heard last on the agenda. (11-0.)

## CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session actions of February 3, 2015:

### A. Authority to Seek Review by the U.S. Supreme Court in a Litigation

Case Name:	City of San José, et al. v. Office of the Commissioner of Baseball, et al.
Adverse Party or Parties:	Office of the Commissioner of Baseball, an unincorporated association, DBA Major League Baseball; and Allan Huber “Bud” Selig.
Substance of Litigation:	Challenge to antitrust exemption for baseball.
Council Vote:	
Ayes:	Carrasco, Herrera, Jones, Kalra, Khamis, Matthews, Nguyen, Oliverio, Peralez, Rocha; Liccardo.
Noes:	None.
Abstain:	None.
Absent:	None.

## CONSENT CALENDAR

Upon motion by Vice Mayor Herrera, seconded by Council Member Peralez 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 November 4, 2014.**
- (b) **Special Council Meeting Minutes of November 7, 2014.**
- (c) **Regular Minutes of November 18, 2014.**

Documents Filed: (1) The Regular Minutes dated November 4, 2014 and November 18, 2014. (2) Special Council Meeting Minutes dated November 7, 2014.

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

### 2.2 Final Adoption of Ordinances.

None.

## **2.3 Approval of Council Committee Reports.**

- (a) **Rules and Open Government Committee Report of January 14, 2015.  
(Mayor)**

Documents Filed: Rules and Open Government Committee Report dated January 14, 2015.

Action: The Council Committee Report was approved. (11-0.)

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

None.

## **2.5 City Council Travel Reports.**

None.

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

None.

## **2.7 Adopt a resolution authorizing the City Manager to:**

- (a) **Execute the First Amendment to Agreement with Resource Development Associates, for a Comprehensive Retrospective and Prospective Evaluation of the Mayor's Gang Prevention Task Force to modify the scope of services, extend the term by one year to December 31, 2016, update schedules of performance and compensation, at no additional cost to the City;**
- (b) **Negotiate and execute future amendments to the Agreement with Resource Development Associates to modify the scope of services, extend the term and update the schedules of performance and compensation, as necessary to produce a final Comprehensive Retrospective and Prospective Evaluation of the Mayor's Gang Prevention Task Force for submittal to the Department of Justice, at no additional cost to the City.**

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

Documents Filed: Replacement City Council Action Request from Interim Assistant City Manager David Sykes, dated February 3, 2015, recommending adoption of a resolution.

Interim Assistant Director of Parks, Recreation and Neighborhood Services Matt Cano responded to questions from Council.

Action: Resolution No. 77273, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute the First Amendment to Agreement with Resource Development Associates, Inc. for a Comprehensive Retrospective and Prospective Evaluation of the Mayor's Gang Prevention Task Force to modify the scope of services, extend the term by one year to December 31, 2016, and update the schedules of performance and compensation, at no additional cost to the City", was adopted. (11-0.)

- 2.8 (a) **Approve the following Council Appointment Advisory Commission appointments:**
- (1) **Appoint to the District 1 Seat to a term ending 12/13/18;**
  - (2) **Appoint to the District 3 Seat to a term ending 12/13/18;**
  - (3) **Appoint to the District 8 Seat to a term ending 12/13/18;**
  - (4) **Appoint to the District 10 Seat to a term ending 12/13/18; and**
  - (5) **Appoint to the Citywide Seat to a term ending 12/13/18.**
- (b) **Approve the following Housing and Community Development Commission appointments:**
- (1) **Appoint to the District 4 Seat to a term ending 6/30/15; and**
  - (2) **Appoint to the District 7 Seat to a term ending 12/31/18.**
- (c) **Appoint the following Human Services Commission appointments:**
- (1) **Appoint to the District 2 Seat to a term ending 12/13/18;**
  - (2) **Appoint to the District 4 Seat to a term ending 12/13/18;**
  - (3) **Appoint to the District 5 Seat to a term ending 12/13/18;**
  - (4) **Appoint to the District 8 Seat to a term ending 12/13/18; and**
  - (5) **Appoint to Seat reserved for a disable person to a term ending 12/31/18.**

(City Clerk)

Action: Deferred to February 10, 2015 per City Clerk.

- 2.9 **Approve contract with Fairbank, Maslin, Maullin, Metz & Associates, Inc. (FM3) for consultant survey services for a four-year term from time of execution, with option for renewal, in an amount not to exceed \$610,500. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Manager)**

Action: Deferred to February 10, 2015 per Administration.

- 2.10 (a) **Adopt a resolution authorizing the City Attorney to negotiate and execute a final settlement agreement in an amount not to exceed \$200,000 with Liberty Mutual Insurance Company, the surety that completed construction of the San Jose Environmental Innovation Center.**
- (b) **Adopt the following 2014-2015 Appropriation Ordinance Amendments in the Integrated Waste Management Fund:**
- (1) **Decrease the Unrestricted Ending Fund Balance in the amount of \$200,000;**
  - (2) **Increase the EIC (Miscellaneous Funding Sources) appropriation to the Environmental Services Department in the amount of \$200,000.**
- CEQA: Negative Declaration for the renovation of the SJEIC, adopted December 1, 2009, File No. PP09-138. (City Attorney/Public Works/City Manager)**

Documents Filed: Joint memorandum from City Attorney Richard Doyle, Interim Senior Deputy City Manager/Budget Director Jennifer Maguire and Interim Director of Public Works Barry Ng, dated January 23, 2015, recommending adoption of a resolution and appropriation ordinance amendments.

## 2.10 (Cont'd.)

Public Comment: David Wall opined that the project was doomed from its inception.

Action: Resolution No. 77274, entitled: “A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute a Final Settlement Agreement in an Amount Not to Exceed \$200,000 with Liberty Mutual Insurance Company, the Surety that Completed Construction of the San Jose Environmental Innovation Center”; and Ordinance No. 29530, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the Integrated Waste Management Fund for the EIC (Miscellaneous Funding Sources) Appropriation to the Environmental Services Department; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (11-0.)

## 2.11 As recommended by the Rules and Open Government Committee on January 28, 2015:

- (a) **Approve the July 4<sup>th</sup> Fun Festival as a City Council sponsored Special Event and approving the expenditure of funds; and**
- (b) **Approve and accept donations from various individuals, businesses, or community groups to support the event.**

**CEQA: Not a Project. (Khamis)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated January 29, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: District 10’s July 4<sup>th</sup> Fun Festival as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

## 2.12 As recommended by the Rules and Open Government Committee on January 28, 2015:

- (a) **Approve the 2015 State of the City event as a City Council sponsored Special Event; and**
- (b) **Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event.**

**CEQA: Not a Project. (Mayor)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated January 29, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: The 2015 State of the City as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.13 As recommended by the Rules and Open Government Committee on January 28, 2015, approve a grant of \$1000 to the Almaden Kiwanis TAS Scholarship Fund to be paid from the budgeted District 10 SAP Center at San José allocation, which is funded by the Arena Community Fund City-Wide appropriation. CEQA: Not a Project. (Khamis)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated January 29, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: A grant of \$1000 to the Almaden Kiwanis TAS Scholarship Fund to be paid from the budgeted District 10 SAP Center at San José allocation, which is funded by the Arena Community Fund City-Wide appropriation, was approved. (11-0.)

## **END OF CONSENT CALENDAR**

### **STRATEGIC SUPPORT SERVICES**

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

Interim City Manager Norberto Dueñas announced that the San José Public Library was awarded a \$35,000 grant from the Knight News Challenge under the Prototype Fund Category for its Privacy Literacy Project. He also recognized the City's effective role and recognition received for protecting the burrowing owl habitat near the Regional Wastewater Facility.

**3.3 Discuss the 2014 Service Efforts and Accomplishments Report. (City Auditor)**

Documents Filed: "Service Efforts and Accomplishments Report 2013-14 Annual Report on City Government Performance", provided by City Auditor Sharon Erickson, dated December 2014.

Public Comment: Ross Signorino expressed appreciation to the City Auditor's Office.

City Auditor Sharon Erickson provided an overview of the report and responded to questions from Council.

Action: The 2014 Service Efforts and Accomplishments Report was received.

- 3.4 Adopt a resolution authorizing the City Manager to:**
- (a) Execute the First Amendment to the Graffiti Abatement Services Agreement with Graffiti Protective Coatings, Inc. (Los Angeles, CA) to increase the maximum compensation by \$999,797 for the initial five-year term from June 27, 2011, to June 26, 2016, for a revised maximum compensation of \$4,166,300.**
  - (b) Negotiate and execute subsequent amendments to the Agreement to increase the maximum compensation as required to meet the demand for graffiti abatement services for the remaining term of the Agreement including option terms through June 26, 2020, subject to the appropriation of funds.**
- CEQA: Exempt, File No. PP11-046. (Finance)**

Documents Filed: (1) Memorandum from Councilmember Rocha, dated February 3, 2015, declining approval of Recommendation 2 in the staff report and supporting review of the Anti-Graffiti Program Annual Report for consideration by full Council following review by the PSFSS Committee. (2) Memorandum from Director of Finance Julia H. Cooper, dated January 12, 2015, recommending adoption of a resolution.

Deputy Director of Parks, Recreation, and Neighborhood Services, Suzanne Wolf and Deputy Director of Finance, Mark Giovanetti provided information to Council and responded to questions.

Public Comment: David Wall recommended the State modify its laws, creating a more formidable deterrent to graffiti.

Motion: Vice Mayor Herrera moved approval of the Staff's recommendation with the inclusion of Councilmember Rocha's memorandum dated February 3, 2015, which declined Staff's Recommendation (b), instead adding further direction as indicated below in "Action". The motion was seconded by Councilmember Rocha.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 77275, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to: "Execute the First Amendment to the Graffiti Abatement Services Agreement with Graffiti Protective Coatings, Inc. to Increase the Maximum Compensation by \$999,797 for the Initial Five-Year Term from June 27, 2011 to June 26, 2016 for a Revised Maximum Compensation of \$4,166,300", was adopted, and Councilmember Rocha's memorandum of February 3, 2015 was approved to exclude recommendation (b) in the staff's memorandum, and added further direction to return the Anti-Graffiti Program Annual Report, which is to be heard by the Public Safety, Finance and Strategic Support Committee (PSFSS) at its April 16, 2015 meeting, to City Council and seek Council direction at that time as to whether the Council desires to continue with the current model past the expiration of the initial contract term in June 2016, explore another service provision model, or go out for an RFP. (11-0.)

- 3.6 (a) **Adopt a resolution approving compensation and benefits for Interim City Manager Norberto Dueñas, effective January 1, 2015, as outlined in the letter from Mayor Liccardo; and**
- (b) **Authorize the City Clerk to execute an agreement between the City of San José and Mr. Dueñas for services as Interim City Manager. (Mayor) [Rules Committee referral 1/28/15 – Item G(4)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated January 29, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Kalra and carried unanimously, Resolution No. 77276, entitled: “A Resolution of the Council of the City of San José Approving the Terms of Compensation and Benefits for the Interim City Manager, Norberto Duenas, Effective January 1, 2015; and Authorizing the City Clerk to Execute an Agreement Between the City of San José and Norberto Duenas”, was adopted. (11-0.)

## **COMMUNITY & ECONOMIC DEVELOPMENT**

- 4.1 **Consideration of an ordinance rezoning the real property located on the north side of Thornwood Drive, east of Winfield Boulevard (5340 and 5406 Thornwood Drive) from A(PD) Zoning District to the Combined Industrial/Commercial Zoning District on two adjacent properties totaling approximately 2.37 gross acres (Rena Solomon Family Trust and California State Auto Association, Owners). CEQA: Exempt. (Planning, Building and Code Enforcement)**  
**C14-066 – District 10**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C14-066, dated January 13, 2015. (2) Proof of Publication of Notice of Public Hearing executed on January 16, 2015, submitted by the City Clerk.

Action: Upon motion by Councilmember Kalra, seconded by Vice Mayor Herrera and carried unanimously, Ordinance No. 29531, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2.37 Acres Situated on the North Side of Thornwood Drive, East of Winfield Boulevard at 5340 and 5406 Thornwood Drive from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District”, was passed for publication. (10-0-1. Absent: Jones.)

## NEIGHBORHOOD SERVICES

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

- (a) Negotiate and execute a partial reconveyance of the City's deed of trust on the Boys and Girls Club (BGC) of Silicon Valley's clubhouse property located at 2293 Cunningham Avenue, reducing the amount of debt secured from \$875,000 to \$80,380.
- (b) Negotiate and execute a public use easement for the BGC clubhouse property to allow public access to outdoor spaces after hours and on weekends.
- (c) Subordinate the City's deed of trust to commercial lenders from whom BGC may borrow funds in the future.
- (d) Remove the City's deed of trust and public use easement from the City-owned soccer field parcel located behind 2293 Cunningham Avenue.
- (e) Record a covenant on the title to the City's soccer field located behind the clubhouse property to document the Community Development Block Grant (CDBG) requirement that a CDBG-eligible use of the site be maintained until 2021.

**CEQA: Exempt, File No. PP14-089. Council District 8. (Economic Development/Housing/Parks, Recreation and Neighborhood Services)**

Documents Filed: Joint memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, Interim Director of Housing Jacky Morales-Ferrand and Interim Assistant Director of Parks, Recreation and Neighborhood Services Angel Rios, dated January 12, 2015, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Kalra and carried unanimously, Resolution No. 77277, entitled: "A Resolution of the Council of the City of San José Regarding City Funding for Improvements at the Boys and Girls Club Property on Cunningham Avenue", was adopted. (10-0-1. Absent: Jones.)

### 5.2 Adopt a resolution:

- (a) Authorizing the Director of Housing, or designee, to submit grant applications in an aggregate amount up to \$2,600,000 to the California Department of Housing and Community Development under the Housing-Related Parks Program (HRPP) for the development of parkland in the Tamien area and on the Alum Rock & 31st Street property.
- (b) Authorizing the Director of Housing, or designee, to accept HRPP grant awards and conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary in connection with these grants, provided that the Director is not authorized to expend funds on these projects prior to receiving specific California Environmental Quality Act approval for each project.

**CEQA: Not a Project, File No. PP10-068(a), Grant Application. Council Districts 2 and 5. (Housing/Parks, Recreation and Neighborhood Services)**

## 5.2 (Cont'd.)

Documents Filed: Joint memorandum from Interim Director of Housing Jacky Morales-Ferrand and Interim Assistant Director of Parks, Recreation and Neighborhood Services Angel Rios, dated January 12, 2015, recommending adoption of a resolution.

Action: Upon motion by Councilmember Oliverio, seconded by Councilmember Khamis and carried unanimously, Resolution No. 77278, entitled: "A Resolution of the Council of the City of San José Authorizing Applications for Housing-Related Parks Grants", was adopted. (11-0.)

## 5.3 **Adopt a resolution to endorse and support the Destination: Home Community Plan to End Homelessness 2015-2020. CEQA: Not a Project, File No. PP10-068, policy making. (Housing)**

Documents Filed: Memorandum from Interim Director of Housing Jacky Morales-Ferrand, dated January 12, 2015, recommending adoption of a resolution

Interim Director of Housing Jacky Morales-Ferrand provided an introduction, and Jennifer Loving, Executive Director of Destination Home, provided a presentation on the Community Plan to End Homelessness 2015-2020. Council discussion followed.

Public Comment: Urging the need for affordable housing were: Shelby Brown, Robert Aguirre, Monica Hyatt, Valerie Kane, Alyce Cutini and Ross Signorino. Offering criticism to the plan as presented was Dave Truslow, David Wall and Sandy Perry.

*Note: Councilmember Rocha left the meeting at approximately 4:00 p.m.*

Action: Upon motion by Councilmember Khamis, seconded by Vice Mayor Herrera and carried unanimously, Resolution No. 77279, entitled: "A Resolution of the Council of the City of San José Endorsing and Supporting the Destination: Home Community Plan to End Homelessness", was adopted. (10-0-1. Absent: Rocha.)

## TRANSPORTATION & AVIATION SERVICES

- 6.1 (a) **Approving a proposed overall Disadvantaged Business Enterprise (DBE) participation race-neutral goal of 7.25% for 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); and**
- (c) **Authorizing the City Manager to make revisions as requested by the FAA.**
- CEQA: Not a Project, File No. PP10-066(e), Services involving no physical change to the environment. (Public Works/Airport)**

Action: Deferred to March 3, 2015 per Administration.

**3.5 Discussion continued from the General Fund Structural Budget Deficit History and Service Restoration Priorities and Strategies City Council Study Session on January 20, 2015. (City Manager)  
(Continued from 1/27/15 – Item 3.5)**

Documents Filed: (1) Memorandum from Councilmember Rocha, dated January 26, 2015, recommending scheduling a study session regarding the City’s pension system. (2) Supplemental memorandum from Director of Finance Julia H. Cooper, dated January 26, 2015, providing additional background on the City’s outstanding debt portfolio.

Discussion continued from the City Council Study Session of January 20, 2015.

Deputy City Manager/Budget Director Jennifer Maguire provided a follow-up to the January 20<sup>th</sup> Study Session, offering additional information on retirement eligibility.

Public Comment: David Wall spoke on the difficulty of retaining police officers.

No action required.

**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 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>
10287	S/S of Balbach Street, 100’ East of Almaden Ave	3	SiliconSage Builders	1 Lot/ 101 Units	MFA
10249	S/S of W. St. James St., between Terraine St. and N. San Pedro St.	3	Full Power Properties, LLC	1 Lot/643 Units	MFA

**OPEN FORUM**

- (1) Ross Signorino advocated bicyclists wearing reflective safety gear and expressed his vision that San José may become the United States’ safest big city for bicycling.
- (2) David Wall referenced Item 8 on the Public Record of the Rules and Open Government Meeting Agenda for February 5, 2015, indicating his opinion that the staff’s report is flawed.

## **ADJOURNMENT**

The Council of the City of San José adjourned at 4:27 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

rmk/2-3-15MIN