

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MARCH 04, 2014

The Council of the City of San José convened in Regular Session at 9:36 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu (9:38 a.m.), Constant, Herrera (9:40 a.m.), Kalra (9:40 a.m.), Khamis, Liccardo (9:38 a.m.), Oliverio (9:38 a.m.), Rocha, Nguyen; Reed.

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 9:37 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 existing litigation: (1) In re: Claim of Tokiwa. Amount of Money or Other Relief Sought: Administrative Appeal. (2) In re: Claim of Dellinger. Amount of Money or Other Relief Sought: Administrative Appeal. (3) Fujikawa, Michael v. City, Chief Chris Moore, et al. Names of Parties Involved: Michael Fujikawa, City of San José, Police Chief Chris Moore, Officer Payne (Badge No.3971), Officer Jeffrey (Badge No. 3926), Officer Burke (Badge No. 3949), Officer Akery (Badge No. 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. (4) 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 and Does 51-100; Court: Superior Court of the State of California, County of Santa Clara; Case No: 1-11-CV-212623; Amount of Money or Other Relief Sought: Injunctive relief. (5) San José Police Officers' Association v. City, et al. Names of Parties

CLOSED SESSION (Cont'd.)

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.

(6) 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. (7) 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. (8) 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. (9) 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. (10) 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. (B) 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

CLOSED SESSION (Cont'd.)

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 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 11:50 a.m. and reconvened to Regular Session at 1:31 p.m. in the Council Chambers.

Present: Council Members - Campos, Chu (1:36 p.m.), Constant, Herrera, Kalra (1:38 p.m.), Khamis, Liccardo, Nguyen, Oliverio, Rocha; Reed.

Absent: Council Members - All Present.

INVOCATION

Pastor Shinya Goto, San José First United Methodist Church offered a prayer for the Invocation. (District 3)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Herrera, seconded by Council Member Oliverio and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 4.9 heard following the Consent Calendar. (10-0-1. Absent: Kalra.)

CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring the month of March 2014 as “National Women’s History Month” in the City of San José. (Herrera)

Mayor Reed and Council Member Herrera recognized the month of March 2014 as “National Women’s History Month” in San José.

1.2 Presentation of a proclamation declaring the month of March 2014 as “Arts Education Month” in the City of San José. (Rocha) (Rules Committee referral 2/26/14)

Mayor Reed and Council Member Rocha recognized the month of March 2014 as “Arts Education Month” in San José.

CONSENT CALENDAR

Upon motion by Vice Mayor Nguyen, seconded by Council Member 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 November 5, 2013.**
- (b) Minutes of the Urban Villages Implementation Study Session of November 12, 2013.**
- (c) Regular Minutes of November 19, 2013.**

Documents Filed: (1) Regular Minutes dated November 5, 2013 and November 19, 2013.
(2) Minutes of the Urban Villages Implementation Study Session dated November 12, 2013.

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

2.2 Final Adoption of Ordinances.

There were none.

2.3 Approval of Council Committee Reports.

- (a) **Rules and Open Government Committee Report of February 12, 2014. (Mayor)**
- (b) **Airport Competitiveness Committee Report of January 31, 2014. (Mayor)**
- (c) **Economic Competitiveness Committee Report of February 3, 2014. (Mayor)**

Documents Filed: (1) The Rules and Open Government Committee Report dated February 12, 2014. (2) The Airport Competitiveness Committee Report Dated January 31, 2014. (3) The Economic Competitiveness Committee Report dated February 3, 2014.

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.

Mayor Reed presented highlights of his trip to Washington, D.C. on February 26, 2014 and noted that he participated in critical Pension Reform discussions at the Brookings Institute.

Council Member Chu attended the League of California Cities in San Francisco on February 20 through February 21, 2014, and pointed out that the main issue was the Cannabis Medical Act.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2.7 As recommended by the Rules and Open Government Committee on February 12, 2014:

- (a) **Approve the District 1 Annual Greek Flag Raising Event 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. (Constant)

[Rules Committee referral 2/12/14 – Item G(2)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated February 14, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 1 Annual Greek Flag Raising Event as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

2.8 As recommended by the Rules and Open Government Committee on February 12, 2014:

- (a) Approve the District 5 Neighborhood Association Appreciation dinner held on February 7, 2014 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. (Campos)

[Rules Committee referral 2/12/14 – Item G(5)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated February 14, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 5 Neighborhood Association Appreciation dinner held on February 7, 2014 as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

2.9 Adopt a resolution authorizing the City Manager or his designee to execute a First Amendment to the Sublease for the use of real property for the Spartan Keyes Neighborhood Action Center, between the City of San José and Roem Development Corporation, allowing for continued use of 2,256 square feet for community gatherings as well as office space for staff. CEQA: Mitigated Negative Declaration and Addenda thereto, File No. PD04-065. Council District 3. (Economic Development)

Documents Filed: City Council Action Request from Director of Economic Development/Chief Strategist Kim Welsh, dated February 14, 2014, recommending adoption of a resolution.

Action: Resolution No. 76931, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or His Designee to Execute a First Amendment to the Sublease for the Use of Real Property for the Spartan Keyes Neighborhood Action Center Between the City of San José and Roem Development Corporation”, was adopted. (11-0.)

2.10 Adopt a resolution authorizing the City Manager to:

- (a) Execute an Agreement (Master Agreement) with the Silicon Valley Regional Interoperability Authority (SVRIA) to transfer equipment and licenses from the City of San José for the Emergency Communications microwave radio network (ECOMM) to the SVRIA and to transfer all continuing restrictions and obligations assigned under the agreements entered by the City for the UASI and COPS Grant Funds used to purchase the ECOMM microwave radio network to Silicon Valley Regional Interoperability Authority.**

- 2.10 (b) Negotiate and execute such amendments to the Master Agreement and/or additional agreements, and take such additional actions, as are necessary to consummate the transactions contemplated by the Master Agreement, including without limitation: (i) the final form of assignments from the City to SVRIA of existing license agreements for sites that are not owned by the City, and (ii) the final form of new agreements for the grant of licenses by the City to SVRIA for sites owned by the City.**

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

Action: Item 2.10 was dropped.

2.11 Adopt a resolution:

- (a) Authorizing the City Manager and the Chief of Police to execute the Memorandum of Understanding (MOU) between the Santa Clara County Sheriff's Office and the South Bay Region Node Member Agencies to continue participation in the South Bay Information Sharing System (SBISS).**
- (b) Authorizing the City Manager and the Chief of Police to execute the SBISS System Use Agreement.**
- (c) Authorizing the SBISS Board of Directors to amend the SBISS MOU by affirmative majority vote of the Board without approval by the City Manager or the City Attorney.**

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

Documents Filed: Memorandum from Chief of Police Larry Esquivel, dated February 10, 2014, recommending adoption of a resolution.

Council Member Khamis asked Staff to comment on why the expenses went up. Deputy Chief, Bureau of Technical Services David Hober replied that the South Bay Sharing System incorporates four different counties and each are assessed different amounts for operating this system and require grant funding to help cover maintenance costs.

Action: Upon motion by Council Member Khamis, seconded by Council Member Herrera and carried unanimously, Resolution No. 76932, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager and Chief of Police to Take Various Actions With Regard to the City's Participation in the South Bay Information Sharing System", was adopted. (11-0.)

2.12 Approve the following actions:

- (a) Approve prior year expenditures of \$203,612 for Corona Solutions service agreement for Computer Aided Dispatch System data mining software.**
- (b) Approve a one-year extension for Corona Solutions service agreement in an amount not to exceed \$47,877.**

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

2.12 (Cont'd.)

Documents Filed: Memorandum from Chief of Police Larry Esquivel, dated February 10, 2014, recommending approval of prior year expenditures and a one year extension service agreement.

Action: The prior year expenditures of \$203,612 for Corona Solutions service agreement for Computer Aided Dispatch System data mining software and a one-year extension for Corona Solutions service agreement in an amount not to exceed \$47,877, were approved. (11-0.)

2.13 As recommended by the Rules and Open Government Committee on February 19, 2014:

(a) Approve the District 8 When Women Come Marching Home Events on March 20, 2014 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. (Herrera)

[Rules Committee referral 2/19/14 – Item G(2)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated February 20, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 8 When Women Come Marching Home Events on March 20, 2014 as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

2.14 Adopt a resolution of intention to form Zone C (Innovation Drive) in Maintenance District 19 (River Oaks Area Landscaping), and directing the Director of Public Works to create and file an engineer's report. CEQA: North San José Development Policies Update EIR, Resolution No. 72768. Council District 4. (Public Works)

Note: Item 2.14 was renumbered from Item 4.8.

Documents Filed: Memorandum from Director of Public Works David Sykes, dated February 10, 2014, recommending adoption of a resolution.

Action: Resolution No. 76933, entitled: "A Resolution of the Council of the City of San José Declaring Its Intention to Form Zone C to Maintenance District 19 (River Oaks Area Landscaping)", was adopted. (11-0.)

- 2.15 Approve travel by Mayor Reed to Washington D.C. on February 26, 2014 to participate in a Brookings Institute Pension Reform discussion. Source of Funds: Brookings Institute. (Mayor)
(Rules Committee referral 2/26/14)**

Documents Filed: Memorandum from Mayor Reed, dated February 20, 2014, requesting approval of travel.

Action: The travel request for Mayor Reed was approved. (11-0.)

END OF CONSENT CALENDAR

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.9 Adopt a resolution:**
- (a) Establishing a Sister City affiliation with the Guadalajara, Jalisco (Mexico) Municipal Government;**
 - (b) Authorizing the Mayor to execute the Sister City Agreement with the Guadalajara, Jalisco (Mexico) Municipal Government.**
- CEQA: Not a Project, File No. PP10-066(g), Memorandum of Understanding. (Economic Development)**

Documents Filed: (1) Memorandum from Mayor Reed and Council Members Campos and Kalra, dated February 28, 2014, recommending approval of the Staff recommendations. (2) Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, dated February 20, 2014, recommending adoption of a resolution. (3) Letter from County Supervisor David Cortese, dated March 4, 2014, expressed support to establishing a Sister City affiliation with Guadalajara. (4) Letter from Jeff Campbell, Cisco Systems, dated March 3, 2014, expressing support to the proposed Sister City affiliation with Guadalajara.

Mayor Reed and Director of Economic Development/Chief Strategist Kim Walesh presented introductory remarks.

International Program Manager Joseph R. Hedges offered highlights of the Sister Cities Program and pointed out that California and San José share a strong historical, cultural and economic bond with Mexico and the people of Mexico.

Mayor Reed introduced Carlos Ponce, General Counsel of Mexico.

Carlos Ponce, General Counsel of Mexico expressed his encouragement and pleasure of the proposed Sister City relationship between Guadalajara and San José and pledged his support to foster the affiliation between the two cities to create stronger economic ties.

4.9 (Cont'd.)

Public Comments: Speaking in support to establishing the Sister City relationship between Guadalajara and San José were Jeff Etherington, Alaska Airlines; Gerardo T. Gallardo and Ruben Esqueda, Federacion Jalisco; Fernando Fonseca and Ben A. Andrews, Sister City Committee; Tim Quigley, Sister Cities International and San José Dublin Sister City Program; Carlos Figueroa, Greater San José Hispanic Chamber of Commerce; Juan Carlos Rico, Team Companies in Guadalajara, Adolfo Gomez, Mezcal Restaurant and Jorge Cabala.

Motion: Council Member Campos moved approval of the memorandum he cosigned with Mayor Reed and Council Member Kalra, dated February 28, 2014, accepting the Staff recommendations. Council Member Oliverio seconded the motion.

Mayor Reed and the Council Members offered congratulations, comments and enthusiasm to the establishment of a Sister City Affiliation with the Municipal Government of Guadalajara, Jalisco, Mexico.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Reed and Council Members Campos and Kalra, dated February 28, 2014, was approved, the Staff recommendations were accepted and Resolution No. 76934, entitled: “A Resolution of the Council of the City of San José Establishing a Sister City Affiliation with the Municipal Government of Guadalajara, Jalisco, Mexico”, was adopted. (11-0.)

STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Edward Shikada (Verbal Report).

City Manager Edward K. Shikada recognized the excellent work of the Fire, Police, Transportation and Public Works Departments in providing timely responses to operational issues relating to recent storm events.

City Manager Edward K. Shikada announced that the Five Year Forecast was released on Monday, March 3, 2014.

- 3.3 (a) **Adopt a resolution of the City Council calling and giving notice, on its own motion, a Special Municipal Election to be held on June 3, 2014, to submit to the electors of the City of San José the following measure:**

MEASURE

San José Libraries Local Funding Continuation Measure:

<p>To continue existing, voter-approved funding for all San José’s libraries and services, including: open hours; librarians; updated books/research materials; access to computers/technology; children’s reading programs, story times, teen/senior programs; and adult literacy/job readiness, shall the City of San José continue its library parcel tax for another 25 years, subject to independent annual audits and citizens oversight, with no change in the existing voter-approved tax rate formula?</p>	<p>YES</p>	
	<p>NO</p>	

Documents Filed: (1) Memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Herrera, Liccardo and Oliverio, dated February 28, 2014, recommending adoption of the resolution placing the renewal of the existing voter approved funding for the San José Libraries on the June 3, 2014 ballot. (2) Memorandum from Library Director Jill Bourne and City Clerk Toni J. Taber, CMC, dated February 10, 2014, recommending (a) adoption of a resolution; (b) whether the full text of the proposed ordinance should be printed in the sample ballot pursuant to Elections Code Section 12111; (c) consideration of adopting provisions to permit any member or members of the Council to submit arguments, pursuant to Elections Code Section 9282; (d) consideration of adopting provisions to permit rebuttal arguments; (e) adoption of a resolution stating the City Council’s intention that the base General Fund level of funding support for the Library will not fall below that of FY 2013-2014 or 3.59% of the departmental budgets in the General Fund.

Library Director Jill Bourne presented the report on the Library Parcel Tax and responded to Council questions and concerns.

Motion: Vice Mayor Nguyen moved approval of the memorandum she consigned with Mayor Reed and Council Members Herrera, Liccardo and Oliverio, dated February 28, 2014, recommending adoption of the resolution placing the renewal of the existing voter approved funding for the San José Libraries on the June 3, 2014 ballot, with Staff directed to strike out the word “another” from the ballot language. Council Member Herrera seconded the motion.

City Attorney Richard Doyle, City Clerk Toni J. Taber and Library Director Jill Bourne responded to Council questions and concerns.

Extensive Council discussion ensued.

3.3 (Cont'd.)

Public Comments: Jane Light, Save San José Libraries 2014, urged the Council to allow the voters the opportunity for dedicated funding. Martha O'Connell, Ross Signorino and Jeffrey Bedolla expressed support and comments.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Herrera, Liccardo and Oliverio, dated February 28, 2014, was approved, the Staff recommendations (a), (c) and (e) from the memorandum February 10, 2014, were approved, the Resolution Calling for a Special Municipal Election was adopted, with Staff directed to strike out the word "another" in the ballot wording as shown above and Resolution No. 76935, entitled: "A Resolution of the Council of the City of San José Calling and Giving Notice Of, On Its Own Motion, The Submission to the Electors of the City of San José, At A Special Municipal Election To Be Held on June 3, 2014, A Ballot Measure Proposal to Continue the Existing Library Parcel Tax", was adopted, as amended. (11-0.)

- (c) **Council discussion and consideration of adopting provisions to permit any member or members of the City Council to submit arguments, pursuant to Elections Code Section 9282.**
- (e) **Adopt a resolution stating the City Council's intention that the base General Fund level of funding support for the Library Department will, to the extent possible, not fall below that of fiscal year (FY) 2013-2014, or 3.59% of the departmental budgets in the General Fund.**

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, Staff recommendations (c) and (e) as described above were approved; Staff was directed to designate "Save the San José Libraries 2014" as the proponents, with first priority; Council Members are allowed to sign if they are asked and Resolution No. 76936, entitled: "A Resolution of the Council of the City of San José Stating Its Intent to Maintain Funding Support for the Library", was adopted. (11-0.)

- (b) **Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the sample ballot pursuant to Elections Code Section 12111.**
- (d) **Council discussion and consideration of adopting provisions to permit rebuttal arguments, pursuant to Elections Code Section 9285, and if rebuttal arguments are permitted, then permitting any member or members of the City Council to submit a rebuttal argument.**

CEQA: Not a Project, File No. PP10-068(c), Municipal Code or policy change that involves no physical changes to the environment. (Library/City Clerk)

Item 3.3 (b) and (d) were not approved and there was no Council action.

3.4 Discussion and acceptance of report on paid parental leave programs. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Manager's Office)

Action: Deferred to March 11, 2014 per Administration.

3.5 Direct staff to evaluate policy alternatives to accomplish retirement board governance changes without a ballot measure. CEQA: Not a Project, File No. PP10-068(c), Policy changes that involve no changes in the physical environment. (City Manager's Office)

Documents Filed: (1) Memorandum from Deputy City Manager Alex Gurza, dated February 21, 2014, recommending direction to Staff to evaluate policy alternatives to accomplish retirement board governance changes without a ballot measure. (2) Letter from Jim Spence, President, Association of Retired San José Police Officers and Firefighters, dated March 4, 2014, urging the Council to direct the City Attorney and the City Manager to do further legal and policy analysis and to engage in meaningful dialogue with the active and retired employees.

City Attorney Richard Doyle, Deputy City Manager Alex Gurza and Director of Retirement Services Roberto Peña offered comments and responded to Council questions and concerns.

Council Member Constant stated that he supports autonomy with protections and safeguards and he is in agreement with almost all of the report from Cortex Applied Research, Inc.

Motion: Council Member Herrera moved approval of the Staff recommendations. Council Member Liccardo seconded the motion.

Extensive Council discussion ensued.

Council Member Herrera requested to amend the motion to direct Staff to meet with the Bargaining Units, and to explore the critical path of a ballot measure to see if there is a possibility of putting together a ballot measure for moving forward with the recommendations of Cortex and to return to the Rules and Open Government Committee or Council with an outline in 45 days. Council Member Liccardo accepted the amendments.

Council Members Constant, Khamis and Oliverio expressed opposition to the motion on the floor.

Action: On a call for the question, the motion carried, Staff was directed to: (1) Meet with the Bargaining Units, and to explore the critical path of a ballot measure to see if there is a possibility of putting together a ballot measure for moving forward with the recommendations of Cortex. (2) Return to the Rules and Open Government Committee or Council with an outline in 45 days. (7-3-1. Noes: Constant, Khamis, Oliverio. Absent: Kalra.)

- 3.6 (a) **Adopt a resolution of the City Council calling and giving notice, on its own motion, a Special Municipal Election to be held on June 3, 2014, to submit to the electors of the City of San José the following measure:**

**MEASURE
Police Department Budget Requirement**

Shall the San José City Charter be amended to add a new section establishing a Police Department Budget requirement to pay for the operation of City’s Police Department and other public safety costs to be funded from annual appropriations of at least 40% of the Total General Fund Budget, subject to the City’s ability to pay its financial obligations?	YES	
	NO	

- (b) **Council discussion and consideration of whether the full text of the proposed charter amendment should be printed in the sample ballot pursuant to Elections Code Section 12111.**
- (c) **Council discussion and consideration of adopting provisions to permit any member or members of the City Council to submit arguments, pursuant to Elections Code Section 9282.**
- (d) **Council discussion and consideration of adopting provisions to permit rebuttal arguments, pursuant to Elections Code Section 9285, and if rebuttal arguments are permitted, then permitting any member or members of the City Council to submit a rebuttal argument.**

CEQA: Not a Project, PP10-068(c) Municipal Code or Charter Amendment that will not have an effect on the environment. (Oliverio)

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated February 27, 2014, transmitting the recommendations of the Rules and Open Government Committee. (2) Letter from the San José Police Officers’ Association, dated March 3, 2014, expressing opposition to the ballot measure. (3) Fourteen emails from the public all dated March 4, 2014 expressing comments regarding the ballot measure.

City Attorney Richard Doyle and Director Jennifer A. Maguire presented introductory comments and responded to Council questions and concerns.

Mayor Reed urged his colleagues to oppose the measure.

Council Member Oliverio explained that this ballot initiative would allocate 40% of the General Fund to the Police Department and that the “Police Department budget” would encompass all salary compensation, benefit compensation, sick leave, comp time, vacation payouts and Workers’ Compensation for sworn and non-sworn employees of the Police Department, among other items and required personnel.

3.6 (Cont'd.)

Motion: Council Member Oliverio moved approval of the measure with an amendment to allocate 29% of the General Fund to the Police Department with the percentage to rise each year, to cap at 35% and to add a twenty-five year sunset date.

The motion by Council Member Oliverio failed for a lack of a second.

Brief Council discussion ensued.

Public Comments: Martha O'Connell expressed opposition to the potential ballot measure.

There was no Council action

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 As referred by the Community and Economic Development Committee on January 27, 2014, accept staff's report on the accomplishments of the Economic Strategy 18-Month Workplan. CEQA: Not a Project, File No. PP10-066(a), Staff Report. (Economic Development)

Documents Filed: (1) Memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Herrera, Liccardo and Rocha, dated February 28, 2014, recommending acceptance of the Staff report with an additional recommendation as described in "Action" on Page 16. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated February 13, 2014, transmitting the recommendations of the Community and Economic Development Committee.

Director of Economic Development Kim Walesh provided introductory remarks. Senior Business Development Manager Chris Burton highlighted additional information.

Mayor Reed presented a brief slideshow on major development projects in San José, including Brocade, Oracle, Samsung, Cisco, One South Market High Rise, the Hitachi – Cottle Project and the Soccer Stadium on Coleman Avenue.

Motion: Vice Mayor Nguyen moved approval of the memorandum she cosigned with Mayor Reed and Council Members Herrera, Liccardo and Rocha, dated February 28, 2014, accepting the Staff recommendations with an additional recommendation as described in "Action" on Page 16. Council Member Herrera seconded the motion.

Brief Council discussion ensued.

4.1 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Herrera, Liccardo and Rocha, dated February 28, 2014, was approved and the Staff report on the accomplishments of the Economic Strategy 18-Month Workplan was accepted. Staff was directed to continue to focus on implementing the same highest priority strategic goals and actions approved by the City Council in April 2013, over the next 9 months (March – December 2014), with the following additional recommendation: In partnership with property owners, prepare to launch a communications campaign by July 1, 2014, that promotes premier entitled/vacant lands and recently renovated Office/Research & Development buildings in North San José, Downtown and Edenvale, and highlights San José's competitive advantages and City Council approved business incentives to large and small Silicon Valley driving industry companies seeking location and/or expansion space, and provide the Council with a cost proposal to be considered in the budget process. (8-0-3. Absent: Chu, Constant, Kalra.)

4.2 **Consideration of an ordinance rezoning the real property located on the east side of San Felipe Road, approximately 550 feet northerly of Scenic Meadow Lane (5674 San Felipe Road) to R-1-5 Single-Family Residence Zoning District in preparation for the annexation of 1 parcel within the County of Santa Clara to the City of San José on a 1.57 gross acre site (Baron, Stan and Sheryl, Owners). CEQA: Envision San José 2040 General Plan Final Program EIR, Resolution No. 76041. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement) C13-039 – District 8**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C13-039, dated February 3, 2014. (2) Memorandum from Planning Commission Secretary David Sykes, dated February 10, 2014, transmitting the Planning Commission recommendation. (3) Memorandum from Interim Director of Planning, Building and Code Enforcement David Sykes, dated February 5, 2014, noting that the Planning Commission will hear this project on February 12, 2014 and transmitting the report. (4) Proof of Publication of Notice of Public Hearing, executed on January 24, 2014, submitted by the City Clerk.

Mayor Reed opened the Public Hearing.

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

Action: Upon motion by Council Member Herrera, seconded by Vice Mayor Nguyen and carried unanimously, the recommendation of the Planning Commission was approved, Ordinance No. 29381, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.57 Gross Acres Situated on the East Side of San Felipe Road, Approximately 550 Feet Northerly of Scenic Meadow Lane (5674 San Felipe Road) From County of Santa Clara to R-1-5 Single Family Residence Zoning District", was passed for publication. (8-0-3. Absent: Chu, Constant, Kalra.)

- 4.3 Consideration of an ordinance rezoning the real property located on the east corner of the intersection of Samaritan Place and Samaritan Drive (2360 Samaritan Place) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to increase the number of units from 143 to 153 multi-family attached residences within an existing building for a previously approved senior housing facility (PDC79-098) on a 2.25 gross acre site (Catalonia Inc./Eden Housing, Owner). CEQA: Exempt, File No. PDC13-056. (Planning, Building and Code Enforcement)**
PDC13-056 – District 9
(Deferred from 2/25/14 – Item 11.3)

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC13-056, dated February 4, 2014. (2) Proof of Publication of Notice of Public Hearing, executed on February 7, 2014, submitted by the City Clerk.

Mayor Reed opened the Public Hearing.

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

Action: Upon motion by Council Member Rocha, seconded by Council Member Herrera and carried unanimously, the recommendation of the Planning Director was approved, Ordinance No. 29382, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the East Corner of the Intersection of Samaritan Place and Samaritan Drive (2360 Samaritan Place) From the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District” was passed for publication. (8-0-3. Absent: Chu, Constant, Kalra.)

- 4.4 Consideration of an ordinance rezoning the real property located south of Karina Court, between U.S. Highway 101 and North First Street from LI Light Industrial Zoning District and IP Industrial Park Zoning District to TEC Transit Employment Center Zoning District on an approximately 5.97 gross acre site (MP Properties Associates LLC, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR, Resolution No. 76041. (Planning, Building and Code Enforcement)**
C13-044 – District 4

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C13-044, dated February 13, 2014. (2) Proof of Publication of Notice of Public Hearing, executed on February 14, 2014, submitted by the City Clerk.

Mayor Reed opened the Public Hearing.

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

4.4 (Cont'd.)

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, the recommendation of the Planning Director was approved, Ordinance No. 29383, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 5.97 Acres Situated on the East Side of Karina Court Between Highway 101 and North First Street from LI Light Industrial and IP Industrial Park Zoning Districts to TEC Transit Employment Center Zoning District”, was passed for publication. (8-0-3. Absent: Chu, Constant, Kalra.)

4.5 **Consideration of an ordinance rezoning the real property located on the south side of Park Avenue, between Sonoma Street and Delmas Avenue from LI Light Industrial Zoning District to DC Downtown Core Zoning District on an approximately 1.72 gross acre site (Park Delmas Investors LLC, Owner). This project was initially deferred to April 8, 2014. CEQA: Envision 2040 General Plan Final Program EIR, Resolution No. 76041. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)** **C13-047 – District 3**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C13-047, dated December 17, 2013. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated January 17, 2014, transmitting the recommendations of the Planning Commission. (3) Supplemental memorandum from Interim Director of Planning, Building and Code Enforcement David Sykes, dated February 27, 2014, noting that the proposed rezoning was deferred by Council on January 28, 2014 in order to allow the Airport Land Use Commission time to review and comment on the proposal. (4) Proofs of Publications of Notices of Public Hearings, executed on December 13, 2013 and February 14, 2014, submitted by the City Clerk.

Mayor Reed opened the Public Hearing.

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

Motion: Council Member Liccardo moved approval of the Staff recommendations. Council Member Herrera seconded the motion.

Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti responded to Council questions and concerns.

4.5 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, the recommendation of the Planning Commission was approved, Ordinance No. 29384, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the South Side of Park Avenue Between Sonoma Avenue and Delmas Avenue on a 1.72 Gross Acre Site (248 Sonoma Street) from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District”, was passed for publication. (8-0-3. Absent: Chu, Constant, Kalra.)

**4.6 Consideration of an ordinance conforming conventional rezoning the real property located at 1610 North Fourth Street, between U.S. 101 and North Fourth Street approximately 420 feet north of Koll Circle from LI Light Industrial to CIC Combined Industrial/Commercial Zoning District on an approximately 1.9 gross acre (17 Pasteur Investor LLC, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR, Resolution No. 76041. (Planning, Building and Code Enforcement)
C13-052 – District 3**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C13-052, dated February 12, 2014. (2) Proof of Publication of Notice of Public Hearing, executed on February 7, 2014, submitted by the City Clerk.

Mayor Reed opened the Public Hearing.

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

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, the recommendation of the Planning Director was approved, Ordinance No. 29385, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the Northeast Corner of the Intersection of North Fourth Street and Archer Street on a 1.9 Gross Acre Site (1610 North Fourth Street) to the CIC Combined Industrial/Commercial Zoning District”, was passed for publication. (8-0-3. Absent: Chu, Constant, Kalra.)

**4.7 Consideration of an ordinance rezoning the real property located on the southwest corner of North First Street and Century Court (1733 North 1st Street) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to modify setbacks, reduce parking and private open space requirements, and eliminate commercial parking for a previously approved Planned Development Zoning (File No. PDC09-002) on a 2.4 gross acre site (Schmidt F James Et Al, Owner). CEQA: North San José Development Policies Update Final Program EIR Resolution No. 72768. (Planning, Building and Code Enforcement)
PDC13-055 – District 3**

4.7 (Cont'd.)

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC13-055, dated July 23, 2009. (2) Memorandum from Interim Director of Planning, Building and Code Enforcement David Sykes, dated February 10, 2014, recommending approval of an ordinance. (3) Proof of Publication of Notice of Public Hearing, executed on February 14, 2014, submitted by the City Clerk.

Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti responded to Council questions and concerns.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Ordinance No. 29386, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated at the Southwest Corner of North First Street and Century Center Court (1733 North First Street) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District”, was passed for publication. (8-0-3. Absent: Chu, Constant, Kalra.)

4.8 **Adopt a resolution of intention to form Zone C (Innovation Drive) in Maintenance District 19 (River Oaks Area Landscaping), and directing the Director of Public Works to create and file an engineer’s report. CEQA: North San José Development Policies Update EIR, Resolution No. 72768. Council District 4. (Public Works)**

Note: Item 4.8 was renumbered to Item 2.14. See Item 2.14 for Action.

TRANSPORTATION & AVIATION SERVICES

- 6.1 (a) **As recommended by the Airport Competitiveness Committee on January 31, 2014, accept the Audit of Taxi Service and Regulation in San José. (City Auditor)**
- (b) **As recommended by the Airport Competitiveness Committee on January 31, 2014:**
- (1) **Adopt a resolution amending and restating the Airport general fee resolution to establish trip fees for all ground transportation pick-ups at the Airport and to continue a \$.50 reduced trip fee for clean fuel vehicles and vehicles with Americans with Disabilities Act compliant equipped lifts, eliminating drop-off fees and permit requirements and returning the Off-Airport parking operator fees to 10% of gross revenues plus standard per trip fee and repealing Resolution No. 76587.**

- 6.1 (b) (2) **Approve an ordinance amending Chapter 25.08 of the San José Municipal Code to eliminate permit requirements for on-demand taxi and shuttle services at the Norman Y. Mineta San José International Airport and to implement a concession management system for on-demand taxi and shuttles services at the Airport.**

CEQA: Not a Project, File No. PP10-068(c), Municipal Code or policy change that involves no changes to the physical environment, and File No. PP10-067(a), Adjustment to fees, rates and fares. (Airport)

Documents Filed: (1) Memorandum from Mayor Reed and Council Members Rocha, Campos and Liccardo, dated February 28, 2014, accepting the Auditor's Report with further recommendations. (2) Memorandum from Vice Mayor Nguyen and Council Members Herrera and Khamis, dated February 26, 2014, recommending approval of the Airport Staff recommendation A and approval of B with a change in direction as indicated in "Action" on Page 24. (3) The Taxi Service and Regulation in San José: An Opportunity to Reevaluate City Priorities and Oversight from the Office of the City Auditor dated May 2013. (4) Memorandum from Director of Aviation Services Kimberly Becker Aguirre, dated January 24, 2014, recommending adoption of a resolution and approval of an ordinance. (5) Supplemental memorandum from Director of Aviation Services Kimberly Becker Aguirre, dated February 25, 2014, transmitting the comments and questions addressed to the Airport Competiveness Committee and the Airport Commission. (6) Letter from Gurvinder Saini, UBER Driver's Association of San José, dated February 27, 2014, expressing support to the memorandum from Vice Mayor Nguyen and Council Members Herrera and Khamis. (7) Letter from Shalini Bhutani, Raksha Care Homes, dated February 27, 2014, expressing support to the memorandum from Vice Mayor Nguyen and Council Members Herrera and Khamis. (8) Letter from Larry Silva, Yellow Checker Cab Companies, dated March 3, 2014, urging support to the memorandum from Mayor Reed and Council Members Rocha, Campos and Liccardo. (9) Memorandum from Sherry Singh, American Cab, dated March 1, 2014, expressing support to the memorandum from Vice Mayor Nguyen and Council Members Herrera and Khamis. (10) Letter from Sherjagraj Singh, BATCA, dated March 1, 2014, expressing support to the memorandum from Vice Mayor Nguyen and Council Members Herrera and Khamis. (11) Letter from Bikram Jeet Singh, California Cab Company, dated March 1, 2014, expressing support to the memorandum from Vice Mayor Nguyen and Council Members Herrera and Khamis. (12) Letter from Harinder Jhund, All Star Cab, dated March 1, 2014, expressing support to the memorandum from Vice Mayor Nguyen and Council Members Herrera and Khamis. (13) Email from Kirpal Bajwa, San José Taxi Drivers Association, dated March 3, 2014, urging support to the memorandum from Mayor Reed and Council Members Rocha, Campos and Liccardo.

City Auditor Sharon W. Erickson provided the report. Director of Aviation Kim Becker Aguirre offered introductory remarks. Airport Operations Manager Robert Lockhart and Deputy Director of Aviation John Aitken responded to the Report from the City Auditor.

Mayor Reed opened the floor for public testimony.

6.1 (Cont'd.)

Public Comments: Expressing support to the memorandum from Mayor Reed and Council Members Rocha, Campos and Liccardo, dated February 28, 2014, the memorandum from Vice Mayor Nguyen and Council Members Herrera and Khamis, dated February 26, 2014, and various other comments and suggestions were: Buhpal Singh Ghumaan, Harbreet Singh, Said Ibrahim Ali, Abdikarim Jama, Devpal Hajara, Kirpal Basati, Mumtaz Hussain, Ray Duque, Jatinder Singh, Kiflom Sebitatu, Baldeve Sohal, Green Cab; Vikram Singh, All Star; Dave Logan, Manjinder Sidhu, Kulwant Singh, Aklilu, Sarbjit Singh, Surjit Grewal, Aurbag Singh, Farhan Mohamed, Abdulahi Ali, Jaamac Max, Yusuf Ahmed, Manjeet Singh, Abdi Ateye, Navtejspal Singh, Chanan Ram, Sarbjit Singh, Sukhder Gippon, Balwinder Kumar, Jatinder Singh, Fasil Hileselassie, Amrajit Dhillon, Gurbag Singh, Yellow Checker Cab; Kirpal Bajwa, Iqbal Durrani, San José Taxi Drivers Association; Mark Resurreccion, Taxi San José; Tony Alexander, Hailu Guta, Balwinder Singh, Hardy Singh, California Cab; Prabhsharan Singh, Sukhder Singh, Marvin, Harpal Chahal, Amrit Singh, Silver Cab; Gurjit Singh, NP Bay Limo; Vikky Ahuja, Parminder Singh, Amanjot Singh, Aurpal Singh, Yoga Singh, Inderjit Singh, Harinder Singh, Tajinder Singh, Kuldeep Singh, Bhljinder Sinan, Navtej Singh, Gurwinder Singh, Jimal Singh, Jarbir Singh, Sukhvir Singh, Ken Grpwel, Jagdip Singh, A-Orange Cab; Ibrahim Mohamed, Airport Drivers Association; Rajiv Batra, Khalid Siddiqui, Parminder Singh, Sherry Singh, Ramul, Sanjeen Kumar, Arjoban Singh, Surinder Adhi, Parminder Budwal, Baltej Singh, Samir, Gurdev Singh, American Cab; Mannder Kang, Ajit Singh, Sukha Singh, All Star Cab; Samatar Ayaule, Dennis Ray, Taxi San José; Balbar Singh, Jatinder Singh, Sukhdip Singh, California Cab; Taranpreet Singh, Bhawnvia Singh, Gurjot Pawar, Ricky Saker, City Cab; Kebede Kaba, Harman Singh, Harjit Singh, Sukhwinder Singh, Sukhray Singh, Fardnat, Harpreet Singh, Varinder Kumar, Mick Singh, Jatinder Kumar, Classic Cab; Ahmed Dualeh, Jesse Singh, Janwant Singh, Metro Cab Inc.; Sunny, Tesfalem Abraha, Duri Ibrahim, Isaac, Harinder Singh, Partapinder Singh, Lashkar Singh, Ramon Singh, Amarijit Singh, Partapwinder Singh, Onkar Singh, Amerjit Singh, Laskar Singh, Silicon Valley Cab; Shakur Buni, Bikram Jeej Singh, Alpha Cab; Amjid Malik, Dilnaj Singh, Satnam Singh, Jaspreet Singh, Viknam Singh, Ranjeet Nagra, All Star Cab; Sarbja Singh, Salan Buni, Afege Mohamed, Rahul Malik, Manjit Singh, Ali, Sandeep Singh, Suhail Farrukh, John Yawasy, Albert Lao, Habte Abraha, Achnar Sinonijdar, Prime Cab; Harinder Liddar, Davinder Singh Saini, King City Cab; Fisehaye Welde, Paramjit Sandhu, Engrida, Fekadu Keremo, Jorge Zavaia, Preet Randhawa, Parlad Singh, Muse Haile, Kibru Lemma, Yosef Michael, Nasser Said, Neyussu Gehra, Pushpinder, Abraha Solomon, Saranphal Bauji, Satwant Girewal, Sky Cab; Abay Bekele, Bedev, Jit Ram, Gurinder Cheema, Harvinder Gabri, Kassahun Gete, Upkar Singh, Gurpreet Sinsh and Tewodno Rede.

Mayor Reed offered comments and urged his colleagues to support the memorandum he cosigned with Council Members Rocha, Campos and Liccardo.

6.1 (Cont'd.)

Motion: Council Member Rocha moved approval of the memorandum from Mayor Reed and Council Members Rocha, Campos and Liccardo, dated February 28, 2014, accepting the Auditor's Report with further recommendations with respect to Recommendation A and B in the Staff Report and further direction to Staff. Council Member Campos seconded the motion.

Director of Aviation Services Kimberly Becker Aguirre, City Auditor Sharon W. Erickson and Airport Operations Manager Robert Lockhart responded to Council questions and concerns.

Substitute Motion: Council Member Herrera moved acceptance of the Report from the City Auditor and approval of the memorandum she cosigned with Vice Mayor Nguyen and Council Member Khamis, dated February 26, 2014, approving the Airport Staff Recommendation A, approving Recommendation B with a slight change in direction to proceed with changes to the on-demand system by modifying Staff Option 2 to implement a dispatch management system which is open to all San José City authorized taxi companies and to proceed with the Request for Proposal (RFP) process for a dispatch management company. Vice Mayor Nguyen seconded the motion.

Extensive Council discussion ensued.

Council Member Kalra requested to amend the substitute motion to direct Staff to return to Council after the 90 day period with an update on the Transportation Network Company (TNC) issues, including a plan to move forward. The amendment was accepted by Council Member Herrera and Vice Mayor Nguyen.

Council Member Liccardo expressed opposition to the substitute motion on the floor.

Council Member Chu requested to amend the motion to request that Staff ensure that the ability to work at the Airport will be distributed equally among the companies by the Dispatch Company. The amendment was accepted by Council Member Herrera and Vice Mayor Nguyen.

Constant requested to amend the motion to request and encourage Staff to be more proactive with signage and announcements, i.e. to remind citizens not to accept a ride in the Baggage Claim Area, that TNCs are not authorized to operate at the San José Airport, the City taxi stand is outside and blacklisting the sites that do not comply with City regulations when using the City public Wi-Fi. The amendments were accepted by Council Member Herrera and Vice Mayor Nguyen.

6.1 (Cont'd.)

Action: On a call for the question, the substitute motion carried, the memorandum from Vice Mayor Nguyen and Council Members Herrera and Khamis, dated February 26, 2014, was approved, accepting the Audit of Taxi Service and Regulation in San José. Per the memorandum from Vice Mayor Nguyen and Council Members Herrera and Khamis, dated February 26, 2014, Staff was directed to proceed with the changes to the on-demand system by modifying Staff Option 2 to implement a dispatch system which is open to all SJC authorized taxi companies and to proceed with the Request for Proposal (RFP) process for a dispatch management company. Resolution No. 76937, entitled: “A Resolution of the Council of the City of San José Establishing Fees, Rates and Charges at the Norman Y. Mineta San José International Airport and Repealing Resolution No. 76587”, was adopted, as amended. Staff was requested to consider a 5-year contract for a dispatch management company. Ordinance No. 29387, entitled: “An Ordinance of the City of San José Amending Part 7 of Chapter 25.08 of Title 25 of the San José Municipal Code to Eliminate Permit Requirements for Ground Transportation Providers That Only Drop Off Passengers at the Norman Y. Mineta San José International Airport, To Eliminate Airport Access Permit Requirements for On-Demand Taxi and Shuttle Services at the Airport and To Implement a Dispatch Management System for On-Demand Taxi and Shuttle Services at the Airport”, was passed for publication. (1) Staff was directed to return to Council after the 90 day period with an update on the Transportation Network Company (TNC) issues, including a plan to move forward. (2) Staff was requested and encouraged to be more proactive with signage and announcements, i.e. to remind citizens not to accept a ride in the Baggage Claim Area, that TNCs are not authorized to operate at the San José Airport, the City taxi stand is outside and blacklisting the sites that do not comply with City regulations when using the City public Wi-Fi. (3) Staff was directed to ensure that the ability to work at the Airport will be distributed equally among the companies by the Dispatch Company. (6-5. Noes: Campos, Constant, Liccardo, Rocha; Reed.)

NOTICE OF CITY ENGINEER’S PENDING DECISION ON FINAL MAPS

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9985	East side of Boynton Avenue, approx. 350 feet northerly of Williams Road	1	KMA Real Estate Properties	4 Lots & 1 Common Lot area	SFA	Approval
10033	Northeast corner of West Tasman Drive and Vista Montana	4	Equity Residential	2 Lots/ 554 Units	SFA	Approval

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 has received the following Final Map and is reviewing it for final approval:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10198	4170 Olga Drive, East of Saratoga Ave	1	La Quinta Investments, LLC	6 Lots/ 5 Units	SFD

OPEN FORUM

Jeffrey Bedolla presented comments concerning National Women's History Month.

ADJOURNMENT

The Council of the City of San José was adjourned at 8:58 p.m. in memory of George Bumb Jr., a prominent member of the San José business community and partner in the San José Flea Market and Bay 101 casino. Mr. Bumb, who was 61 years old, passed away on February 10, 2014 after a long battle with pulmonary disease. (Chu/Campos)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

smd/03-04-14 MIN

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