



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, OCTOBER 20, 2015

The Council of the City of San José convened in Regular Session at 9:32 a.m. in the Council Chambers at City Hall.

Present: Councilmembers - Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo. (Mayor Liccardo participated via teleconference)

Absent: Councilmembers - All Present.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:35 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 anticipated litigation (Claim Filed); In re: Claim of Mercury Insurance; City Department: Public Works; (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation; (1) In re: Claim of Addiego; Amount of Money or Other Relief Sought: Administrative Appeal; (2) In re: Claim of Cunningham; Amount of Money or Other Relief Sought: Administrative Appeal; (3) City of San José v. RossDrulisCusenbery Architecture, Inc., et al.; City of San José, RossDrulisCusenbery Architecture, Inc., aka Micheal Ross Charles Drulis Architects & Planners, a purported California Corporation; and Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-237767; Amount of Money or Other Relief Sought: Damages According to Proof; (4) 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; (5) IFPTE

CLOSED SESSION (Cont'd.)

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; (6) 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; (7) 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; (8) San José Police Officers' Association v. City, et al; Names of Parties Involved: San José Police Officers' Association, City of San José, Board of Administration for Police and Fire Department Retirement Plan of City of San José and Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225926; Amount of Money or Other Relief Sought: Declaratory and injunctive relief. (9) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (10) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (12) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: City of San José, John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (13) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B; (14) People of the State of California, et al. v. City of San José, et al.; Names of Partie(s)

CLOSED SESSION (Cont'd.)

Involved: The People of the State of California ex rel. San José Police Officers Association, City of San José, City Council of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-245503; Amount of Money or Other Relief Sought: Verified Complaint In Quo Warranto; (15) San José Retired Employees Association, et al. v. City of San José, et al; Names of Partie(s) Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, 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 No: 1-14-CV-268085; Amount of Money or Other Relief Sought: Change to City medical plan; (D) to Confer with Real Property Designated Representatives Pursuant to Government Code Section 54956.8: Property Street Address: The Plaza Hotel; Negotiation Parties: Jacky Morales-Ferrand for the City of San José; Richard Keit for the Successor Agency; and Mark Tersini for KT Properties Urban, Inc.; Under Negotiation: the direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values; (E) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries,

CLOSED SESSION (Cont'd.)

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 11:40 p.m. and reconvened to Regular Session at 1:30 p.m. in the Council Chambers.

Present: Councilmembers - Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha.

Absent: Councilmembers - Liccardo. (Excused)

INVOCATION

San José State University Choraliers, directed by Dr. Jeffrey Benson, performed "Down by the Riverside" for the Invocation.

PLEDGE OF ALLEGIANCE

Vice Mayor Rose Herrera led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Councilmember Pierluigi Oliverio seconded by Councilmember Tam Nguyen and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Items 11.1 through 11.3 to be heard directly following the Ceremonial Items in the evening. (10-0-1. Absent: Liccardo.)

CEREMONIAL ITEMS

1.1 Presentation of proclamation to declare the first Larry Itliong Day in the City of San José, recognizing the significant contributions of Filipino Americans to the farm labor and social justice movements. (Kalra)

Vice Mayor Rose Herrera and Councilmember Ash Kalra offered a proclamation declaring the first Larry Itliong Day in the City of San José, recognizing the significant contributions of Filipino Americans to the farm labor and social justice movements.

1.2 Presentation of a proclamation to recognize October 17 – 23, 2015 as National Protect Your Identity Week in the City of San José. (Jones)

Vice Mayor Rose Herrera and Councilmember Chappie Jones presented a proclamation recognizing October 17 – 23, 2015 as National Protect Your Identity Week in the City of San José.

1.3 Presentation of a proclamation proclaiming the month of October as Domestic Violence Awareness Month in the City of San José. (Herrera)

Vice Mayor Rose Herrera proclaimed the month of October as Domestic Violence Awareness Month in the City of San José.

CONSENT CALENDAR

Upon motion by Councilmember Pierluigi Oliverio, seconded by Council Member Tam Nguyen and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Liccardo.)

2.1 Approval of Minutes.

None provided.

2.2 Final Adoption of Ordinances.

- (a) **ORD. NO. 29622 – Conforming the public right-of-way on the portions of Ocala Avenue, Adrian Way, Alfred Way and Berona Way that from Hillview Park to reflect the existing, as-built street widths. CEQA: Exempt, Guidelines Section 15301(c), Existing Facilities. File No. PP15-082**

Action: Ordinance No. 29622 was adopted. (10-0-1. Absent: Liccardo.)

- (b) **ORD. NO. 29631 – Amending Title 20 (Zoning) of the San José Municipal Code to add new sections 20.70.140 and 20.70.100 of Chapter 20.70; to add new sections 20.200.111.5, 20.200.625 and 20.200.835 and amend sections 20.200.070, 20.200.100, 20.200.700, 20.200.1090 and 20.200.1110 of Chapter 20.200 to add and regulate Art Display Structures and Lighting Displays as allowable uses and modify the permitting process for Amusement Game Arcades in the DC-Downtown Primary Commercial Zoning District, to add auction, second-hand stores, photography studios, weight loss centers, the DG-Downtown Ground-floor Overlay Area, to clarify that residential uses are only allowed in the Downtown Zoning District where the general plan designation for a site supports residential use, to add new definitions related to Art Display Structure and Lighting Displays and to clarify definitions related to Adult Entertainment Establishments, Amusement Game Arcades, Lot Line Setback Area and Side Setback Area. CEQA: Addendum, Envision San José 2040 General Plan Final Program EIR**

2.2 Final Adoption of Ordinances (Cont'd.)

- (b) **Ord. No. 29631 (Cont'd.) - (Resolution No. 76041), Addendum, Downtown Strategy EIR (Resolution No. 76041), Downtown Strategy EIR (Resolution No. 72767), Diridon Station Area Plan EIR (Resolution No. 77096).**

Action: Ordinance No. 29631 was adopted. (10-0-1. Absent: Liccardo.)

- (c) **ORD. NO. 29633 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Bay Area Dumpsters. CEQA: Exempt Guidelines Section 15308. Actions by Regulatory Agencies for the Protection of the Environment. File No. PP08-228.**

Action: Ordinance No. 29633 was adopted. (10-0-1. Absent: Liccardo.)

2.3 Approval of Council Committee Minutes.

- (a) **Rules and Open Government Committee Minutes of September 23, 2015. (Mayor)**
- (b) **Community and Economic Development Committee Minutes of September 28, 2015. (Khamis)**
- (c) **Rules and Open Government Committee Minutes of September 30, 2015. (Mayor)**

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

Documents Filed: (1) Rules and Open Government Committee Minutes dated September 23, 2015. (2) Community and Economic Development Committee Minutes dated September 28, 2015. (3) Rules and Open Government Committee Minutes dated September 30, 2015.

Public Comment: David Wall and Allen Rice complained that their comments were misrepresented in meeting minutes.

Action: Upon motion by Councilmember Pierluigi Oliverio, seconded by Councilmember Tam Nguyen, and carried unanimously, the Council Committee Minutes were accepted. (10-0-1. Absent: Liccardo.)

- ## 2.4 Request for an excused absence for Council Member Peralez from the Regular Meeting of the Public Safety, Finance and Strategic Support Committee on October 15, 2015 due to serving as the City of San José representative on the Advisory Committee to conduct the search for a successor to President Mohammed H. Qayoumi at San José State University. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Peralez)

Documents Filed: Memorandum from Councilmember Raul Peralez, dated October 13, 2015, requesting an excused absence due to authorized City business.

Action: The absence request was accepted. (10-0-1. Absent: Liccardo.)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Adopt a resolution authorizing the City Attorney to negotiate and execute a Third Continuation Agreement with Berliner Cohen for legal services in connection with *California Building Industry Association v. City of San José, et al.*, to extend the term through December 31, 2016 and to increase compensation by \$75,000, to a total amount not to exceed \$365,000. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney)

Documents Filed: Memorandum from City Attorney Richard Doyle, dated October 8, 2015, recommending adoption of a resolution.

Action: Resolution No. 77552, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute a Third Continuation Agreement with Berliner Cohen for Legal Services in Connection with California Building Industry Association v. City of San José, et al.", was adopted. (10-0-1. Absent: Liccardo.)

2.8 Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution amendments to the Workforce Development Fund:

- (1) Increase the estimate for Earned Revenue by \$400,000; and**
- (2) Establish an appropriation to the Office of Economic Development for the Sector Partnership National Emergency Grant in the amount of \$400,000.**

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Economic Development/City Manager)

Documents Filed: Joint memorandum from Deputy City Manager/Director of Economic Development Kim Welsh and Senior Deputy City Manager Jennifer Maguire, dated September 28, 2015, recommending adoption of an appropriation ordinance and funding sources resolution amendments.

Action: Ordinance No. 29643, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the Workforce Development Fund for the Sector Partnership National Emergency Grant; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 77553, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 77423 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2015-2016 to Adjust Revenues in the Workforce Development Fund", were adopted. (10-0-1. Absent: Liccardo.)

- 2.9 Approve the First Amendment to the Master Agreement with Haley & Aldrich, for environmental consulting services, increasing the amount of compensation by \$200,000, for a total agreement not to exceed \$450,000, with no extension on the term of the agreement, which expires on March 1, 2017. CEQA: Not a Project, File No. PP10-066(d), Consultant Services that involve no physical change to the environment. (Environmental Services)**

Documents Filed: (1) Memorandum from Environmental Services Director Kerrie Romanow, dated September 28, 2015, recommending approval of a first amendment to a master agreement. (2) Letter from Chair to the Treatment Plant Advisory Committee, Jamie L. Matthews, dated October 13, 2015, stating concurrence with the Staff recommendation.

Action: The First Amendment to the Master Agreement with Haley & Aldrich, for environmental consulting services, increasing the amount of compensation by \$200,000, for a total agreement not to exceed \$450,000, with contingencies, was approved. (10-0-1. Absent: Liccardo.)

- 2.10 Direct staff to enter into discussions with the Santa Clara Valley Water District on the terms of a memorandum of understanding related to Pond A18 and the Shoreline Levee to facilitate the implementation of the Shoreline Levee Study. CEQA: Not a Project, File No. PP10-066(g), Memorandum of Understanding. (Environmental Services)**

Documents Filed: (1) Memorandum from Environmental Services Director Kerrie Romanow, dated September 28, 2015, providing staff recommendations. (2) Letter from Chair to the Treatment Plant Advisory Committee, Jamie L. Matthews, dated October 13, 2015, stating concurrence with the staff recommendation.

Action: Recommendations for staff to enter into discussions with the Santa Clara Valley Water District on the terms of a memorandum of understanding related to Pond A18 and the Shoreline Levee to facilitate the implementation of the Shoreline Levee Study, were approved. (10-0-1. Absent: Liccardo.)

- 2.11 Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and a carbon credit seller approved by the California Air Resources Board for the purchase of California Carbon Allowances for the San José-Santa Clara Regional Wastewater Facility as part of the California Cap-and-Trade Program for an amount not to exceed \$320,000. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. (Environmental Services)**

Documents Filed: (1) Memorandum from Environmental Services Director Kerrie Romanow, dated September 28, 2015, recommending adoption of a resolution. (2) Letter from Chair to the Treatment Plant Advisory Committee, Jamie L. Matthews, dated October 13, 2015, stating concurrence with the Staff recommendation.

2.11 (Cont'd.)

Action: Resolution No. 77554, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Agreement with and a Carbon Credit Seller Approved by the California Air Resources Board for the Purchase of California Carbon Allowances for the San José – Santa Clara Regional Wastewater Facility as Part of the California Cap-and-Trade Program in An Amount Not to Exceed \$320,000", was adopted. (10-0-1. Absent: Liccardo.)

- 2.12 (a) Adopt a resolution accepting the Fiscal Year 2015 Internet Crimes Against Children Task Force Invited Awards in the amount of \$392,843 and authorizing the City Manager to execute the Grant Agreement and all related documents and to execute additional amendments and related documents without further Council action.**
- (b) Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:**
- (1) Increase the City-Wide appropriation to the Police Department for the Internet Crimes Against Children Federal Grant 2014-2015 in the amount of \$392,843; and**
 - (2) Increase the estimate for Revenue from Federal Government by \$392,843.**

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

Documents Filed: Joint memorandum from Chief of Police Larry Esquivel and Senior Deputy City Manager Jennifer Maguire, dated September 28, 2015, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Action: Resolution No. 77555, entitled: "A Resolution of the Council of the City of San José Accepting the Office of Juvenile Justice and Delinquency Prevention Fiscal Year 2015-2016 Internet Crimes Against Children Task Force Invited Awards in the Amount of \$392,843, and Authorizing the City Manager to Execute the Grant Agreement and All Related Documents and Amendments"; and Resolution No. 77556, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 77423 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2015-2016 to Adjust Revenues in the General Fund", were adopted, and Ordinance No. 29632, entitled: "An Ordinance of the City of San José Conforming the Public Right-of-Way on Saint John Street between Market Street and San Pedro Street to Reflect the Existing Alignment and Width of Saint John Street", was passed for publication. (10-0-1. Absent: Liccardo.)

- 2.13 Approve an ordinance that will designate the public right-of-way boundary in alignment with the existing, as-built roadway width on that part of St. John Street that borders the Market Street Garage, between San Pedro Street and Market Street. CEQA: Exempt, Guidelines Section 153019(c) Existing Facilities, File No. PP15-083 Council District 3. (Public Works)**

2.13 (Cont'd.)

Documents Filed: City Council Action Request from Director of Public Works Barry Ng, dated October 20, 2015, recommending approval of an ordinance.

Action: Ordinance No. 29635, entitled: "An Ordinance of the City of San José Conforming the Public Right-Of-Way on Saint John Street between Market Street and San Pedro Street to Reflect the Existing Alignment and Width of Saint John Street", was passed for publication. (10-0-1. Absent: Liccardo.)

2.14 Approve the following Board and Commission appointments to the Library and Early Education Commission:

- (1) District 5 Seat: Appoint Daisy Barocio to a term expiring 6/30/17;**
 - (2) District 9 Seat: Appoint Terri Wallace-Bielecki to a term expiring 6/30/17.**
- CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (City Clerk)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated October 9, 2015, recommending approval of Board and Commission appointments to the Library and Early Education Commission.

Action: Library and Early Education Commission appointments for Daisy Barocio and Terri Wallace-Bielecki for terms expiring June 30, 2017, were approved. (10-0-1. Absent: Liccardo.)

END OF THE CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

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

City Manager, Norberto Dueñas welcomed the United States Patent & Trademark Office to San José, which will serve the Western Region of the United States, announced City Hall's 10th Anniversary at the East Santa Clara Street location, and thanked all who participated in Viva Calle San José, a successful and well-received community event.

- 3.3 (a) Accept the 2014-2015 City Manager's Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F).**
- (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2014-2015 Annual Report recommendations, including appropriate technical adjustments, as detailed in Section IV. Recommended Budget Adjustments and Clean-Up/Rebudget Actions.**

3.3 (Cont'd.)

- (c) **Adopt a resolution amending the Fiscal Year 2015-2016 Schedule of Fees and Charges (Resolution No. 72737, as amended) to decrease the Minor Development Signal Design: Traffic Controller Fee from \$6,041 to \$5,083 per controller.**

CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (City Manager)

Documents Filed: Memorandum from City Manager Norberto Dueñas, dated September 30, 2015, recommending acceptance of the 2014-2015 City Manager's Annual Report, and recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Senior Deputy City Manager Jennifer Maguire offered a presentation on the Annual Report. She and Deputy City Manager/Director of Economic Development Kim Walesh, Director of Finance Julia H. Cooper, Director of Planning, Building and Code Enforcement, Harry Freitas and Interim Director of Transportation Jim Ortbal responded to questions from Council.

Public Comment: David Wall offered criticism of the sewer service and use charge.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Pierluigi Oliverio and carried unanimously, the 2014-2015 City Manager's Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F), was accepted, and Ordinance No. 29636, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in Various Funds to Implement the 2014-2015 Annual Report Recommendations and Make Appropriate Technical Adjustments; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 77557, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 77423 to Implement the 2014-2015 Annual Report Recommendations and Make Appropriate Technical Adjustments to Adjust Revenues in Various Operating Funds"; and Resolution No. 77588, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 72737, as Previously Amended by Resolutions Nos. 73019, 73056, 73242, 73637, 73831, 73879, 73881, 74035, 74047, 74452, 74839, 74841, 74981, 75135, 75334, 75338, 75442, 75502, 75509, 75600, 75610, 75639, 75641, 75684, 75725, 75783, 75863, 75913, 76085, 76230, 76282, 76397, 76476, 76611, 76663, 76953, 77018, 77102, 77110, 77137, 77253, and 77382, to Decrease the Minor Development Signal Design: Traffic Controller Fee, to be Effective Retroactive to July 1, 2015", were adopted. (10-0-1. Absent: Liccardo.)

- 3.4 As recommended by the Ethics Commission and Rules Committee, approve an ordinance amending Sections 12.02.040, 12.02.050, 12.02.070, and 12.02.090 of Chapter 12.02, Sections 12.04.025, 12.04.060, 12.04.100, and 12.04.120 of Chapter 12.04, Section 12.05.080 of Chapter 12.05, Sections 12.06.210, 12.06.290, 12.06.295, 12.06.600, 12.06.610, 12.06.710, 12.06.720, 12.06.910, 12.06.920, 12.06.930, 12.06.1000, 12.06.1010, and deleting Section 12.06.140 and Part 5 of Chapter 12.06 of Title 12 of the San Jose Municipal Code relating to municipal elections and campaign and officeholder contributions. CEQA: Not a Project, File No. PP10-068(c), Code or Policy change that involve no change in the physical environment. (City Attorney/City Clerk) *Approval of this item required 8 or more affirmative votes (2/3).*

Documents Filed: Memorandum from City Attorney Richard Doyle, dated October 14, 2015, recommending approval of an ordinance.

Public Comment: David Wall offered criticism of the Ethic's Commission and suggested that it be reformulated.

Motion: Councilmember Johnny Khamis moved approval of staffs' recommendations. The motion was seconded by Councilmember Tam Nguyen.

Councilmember Chappie Jones requested amending the motion to include a change to Item (I) as indicated below in "Action". Councilmembers Khamis and Man Nguyen accepted the amendment to the motion.

Action: On a call for the question, the motion carried unanimously, and Ordinance No. 29642, Entitled: "An Ordinance of the City of San José, Amending Sections 12.02.040, 12.02.050, 12.02.070, and 12.02.090 Of Chapter 12.02, Sections 12.04.025, 12.04.060, 12.04.100, And 12.04.120 of Chapter 12.04, Section 12.05.080 of Chapter 12.05, Sections 12.06.210, 12.06.290, 12.06.295, 12.06.600, 12.06.610, 12.06.710, 12.06.720, 12.06.910, 12.06.920, 12.06.930, 12.06.1000, 12.06.1010, and Deleting Section 12.06.140, Part 5 of Chapter 12.06 and 12.06.620 of Title 12 of the San Jose Municipal Code Relating to Municipal Elections and Campaign and Officeholder Contributions", passed for publication, including a change to Councilmember Chappie Jones' recommendation (I) from his memorandum dated October 5, 2015, regarding submission of Form 460 from 2 days before the election to noon, *one day* before election day. (10-0-1. Absent: Liccardo.)

- 3.5 **Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the certain Cooperation Agreement between the City and CPN Delta Inc. and Metcalf Energy Center, LLC (collectively, "Calpine"), that eliminates the requirement that Calpine construct two air quality monitoring stations in exchange for payment to the City of no less than \$1,000,000 upon the terms and conditions outlined in the staff memorandum. CEQA: Exempt, Guidelines Section 15303(e), New Construction or Conversion of Small Structures, File No. PP15-056. (City Manager)**

Note: Item 3.5 was heard in the evening.

3.5 (Cont'd.)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo and Councilmember Ash Kalra, dated October 15, 2015, recommending actions related to the air monitoring station. (2) Supplemental memorandum from Assistant City Manager Dave Sykes, dated October 7, 2015, providing updated information based on negotiations with Calpine.

Assistant City Manager Dave Sykes offered clarification regarding the proposed amendments.

Public Comment: Issa Ajlouny and Steve Nelson offered support to the staff recommendations.

Motion: Councilmember Ash Kalra moved approval of staff recommendations, including the memorandum he coauthored with Mayor Sam Liccardo, dated October 15, 2015.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 77559, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Amendment to the Certain Cooperation Agreement Between the City and CPN Delta Inc. and Metcalf Energy Center, LLC, that Eliminates the Requirement that Calpine Construct Two Air Quality Monitoring Stations in Exchange for Payment to the City of No Less than \$1 Million", was adopted, including recommendations as outlined in the joint memorandum from Mayor Sam Liccardo and Councilmember Ash Kalra, dated October 15, 2015, to (1) Pursue the option of "Alternative 4: Calpine Makes Payment in Lieu for Both Stations, City Earmarks Monies for Community Project"; (2) Ensure that the neighborhood improvement project(s) stay within the boundaries of the originally impacted neighborhoods: bounded by the area south of Bernal, north of Bailey, east of Santa Teresa Foothills, and west of Highway 101; (3) Explore the option of utilizing a Participatory Budgeting Process to engage the community in a meaningful and fair method of determining the project(s) and use of funds; and (4) Explore conversations with private sector companies like Aclima and others for a *pro bono* pilot project enhancing air quality measurement throughout the City, including this area. (10-0-1. Absent: Liccardo.)

3.6 As recommended by the Rules and Open Government Committee on October 7, 2015:

- (a) That the City Council adopt a resolution in support of H.R. 2140 (Smith) – The Vietnam Human Rights Act of 2015 – to withhold non-humanitarian assistance to the Government of Vietnam, or to any organization working within Vietnam under an agreement signed with a Government of Vietnam entity, agency, or organization, due to their lack of progress in stopping human rights abuses committed against political and religious prisoners, journalists, bloggers, independent labor union members, democracy and free speech advocates and those detained for engaging in religious activity or peaceful protests against religious freedom restrictions;
- (b) To encourage Congress to pass legislation in the future that imposes sanctions on individuals who are complicit in human rights abuses and torture committed against nationals of Vietnam or their families; and

3.6 (Cont'd.)

(c) **Direct the City Clerk to send a copy of the Resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the Honorable Members of the United States Congress representing the City of San José.**

CEQA: Guidelines Section 15061(b)(3). No potential for causing a significant effect on the environment. (Mayor/M. Nguyen/T. Nguyen/Kalra)

Note: Item 3.6 was heard in the evening.

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, dated October 8, 2015, transmitting the recommendations of the Rules and Open Government Committee. (2) Email correspondence from Van Le, community activist, dated October 19, 2015, offering support to the proposed resolution.

Public Comment: Providing support to the proposed resolution and denouncing human rights abuses were Bob Vuong, Quyen Vuong, Barry Hung Do (Little Saigon San José Foundation), Blair Beekman and Jimmy Nguyen.

Councilmember Pierluigi Oliverio offered that he cannot support this action, since he does not believe Council should vote on issues of National consequence.

Action: Upon motion by Councilmember Manh Nguyen, seconded by Councilmember Tam Nguyen and carried, Resolution No. 77560, entitled: "A Resolution of the Council of the City of San José Supporting H.R. 2140 (Vietnam Human Rights Act of 2015) and Urging the United States Congress to Pass the Legislation", was adopted. (9-1-1. Noes: Oliverio. Absent: Liccardo.)

NEIGHBORHOOD SERVICES

3.7 **As recommended by the Neighborhood Services and Education Committee on September 10, 2015, accept the report with information on the causes of decline in net operating and maintenance income to the Golf Course Fund. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments, and Annual Reports. (City Auditor)**

**[Neighborhood Services and Education Committee referral 9/10/15 – Item d(1)]
(Deferred from 10/6/15 – Item 5.1)**

Action: Deferred to November 17, 2015 (Evening) per Administration.

TRANSPORTATION & AVIATION SERVICES

6.1 Adopt a resolution:

- (a) **Revising Aircraft Parking Fees for commercial and general aviation aircraft, Ground Transportations Definitions, Ground Transportation Fees and Charges, Non-Airline Terminal Space rates and Miscellaneous Accounting Fees effective November 1, 2015;**
- (b) **Re-adopting all other Airport Fees, Rates and Charges; and**
- (c) **Repealing Resolution No. 76937.**

CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates, and Fares. (Airport)

Documents Filed: Memorandum from Director of Aviation Kimberly J. Becker, dated September 28, 2015, recommending adoption of a resolution.

Public Comment: David Wall commented that the rate increase should include a security component.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 77561, 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. 76937", was adopted. (10-0-1. Absent: Liccardo.)

- ### 6.2 Approve a funding agreement between the City of San José and the Santa Clara Valley Transportation Authority to initiate preliminary engineering and environmental clearance for the US 101/Zanker Road Interchange Project in the amount of \$1,500,000 and for a term beginning at the date of full execution to June 30, 2018. CEQA: Exempt, Guidelines Section 15262, Feasibility and Planning Studies and Guidelines Section 15061(b)(3) No potential for causing a significant effect on the environment. File No. PP15-095. (Transportation)

Documents Filed: Memorandum from Interim Director of Transportation Jim Ortbal, dated September 28, 2015, recommending approval of a funding agreement.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Magdalena Carrasco and carried unanimously, the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority to initiate preliminary engineering and environmental clearance for the US 101/Zanker Road Interchange Project in the amount of \$1,500,000 and for a term beginning at the date of full execution to June 30, 2018, was approved. (10-0-1. Absent: Liccardo.)

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>
10329	955 Branham Ln	9	D R Horton	28/24	SFA

OPEN FORUM

- (1) C.J. Walker complained that exorbitant rental prices in Silicon Valley are chasing out low-income residents that have contributed to this Valley throughout their lives.
- (2) David Wall offered his appreciation to the San José Police Department and Councilmember Raul Peralez for the safety they have provided to his community, although the vagrant issue remains a problem.

ADJOURNMENT

Vice Mayor Rose Herrera adjourned the afternoon Council session at 3:56 p.m.

RECESS/RECONVENE

The City Council recessed at 3:56 p.m. from the afternoon Council Session and reconvened at 7:00 p.m. in the Council Chambers, City Hall.

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

Absent: Council Members - Liccardo (Excused)

City Clerk Toni J. Taber, CMC read the requests for continuance of the applications. Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Johnny Khamis, and carried unanimously, the below noted continuances and actions were taken as indicated. (10-0-1. Absent: Liccardo.)

CEREMONIAL ITEMS

1.4 Presentation of a proclamation proclaiming October 7, 2015 as “International Walk to School Day” in the City of San José. (Herrera)

Vice Mayor Rose Herrera and Councilmembers Carrasco and Peralez recognized October 7, 2015 as “International Walk to School Day” in the City of San José.

1.5 Presentation of a proclamation proclaiming October 24, 2015 as Polio Day in the City of San José in honor of Rotary International’s World Polio Day. (Khamis)

Vice Mayor Rose Herrera and Councilmembers Khamis, Kalra and Carrasco declared October 24, 2015 as Polio Day in the City of San José and presented a commendation to the Rotarians in honor of Rotary International’s World Polio Day.

1.6 Presentation of a proclamation declaring the week of October 18 – 24, 2015 to be National Save for Retirement Week in the City of San José. (Khamis)

Vice Mayor Rose Herrera and Councilmember Khamis recognized the week of October 18 – 24, 2015 to be National Save for Retirement Week in the City of San José.

PUBLIC HEARINGS ON CONSENT CALENDAR

- 11.1 (a) Rezoning the Real Property Located at 33 N 5th Street.**
Consideration of an ordinance rezoning the real property located at 33 N 5th Street from the CG Commercial General and R-M Multiple Residence Zoning Districts to the DC Downtown Primary Commercial Zoning District to allow greater mix of uses on a 1.4-gross acre site (SJSC Properties LLC, Owner). Planning Commission recommends approval (4-0-2) (Ballard and Bit-Badal absent). CEQA: Addendum, Envision San José 2040 General Plan Final EIR (Resolution No. 76041 adopted November 1, 2011). (Planning, Building and Code Enforcement)
C15-039 – District 3

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C15-039, dated September 15, 2015. (2) Memorandum from Planning Commission Secretary Harry Freitas, dated September 28, transmitting the Planning Commission recommendation. (3) Proof of Publication of Notice of Public Hearing executed on September 11, 2015, submitted by the City Clerk.

Councilmember Raul Peralez pulled Item 11.1(a) to question staff on the zoning restrictions.

Director of Planning, Building and Code Enforcement, Harry Freitas responded to questions from Council.

11.1 (a) (Cont'd.)

Vice Mayor Rose Herrera opened the public hearing.

Public Comment: Debbie Mendez complained of encroachment on her property.

Vice Mayor Rose Herrera closed the public hearing.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Tam Nguyen and carried unanimously, Ordinance No. 29637, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.4 Acres Situated at the Northwesterly Corner of East Santa Clara Street and North 5th Street (33 North 5th Street) from the CG Commercial General and R-M Multiple Residence Zoning Districts to the DC Downtown Primary Commercial Zoning District", was passed for publication. (10-0-1. Absent: Liccardo.)

(b) Rezoning the Real Property Located on the East Side of Monterey Road and East Alma Avenue.

Consideration of an ordinance rezoning the real property located on the east side of Monterey Road, approximately 300 feet of East Alma Avenue (1578 Monterey Road) from the CG(PD) Planned Development Zoning District to the CG(PD) Planned Development Zoning District to modify drive-through development standards within an existing shopping center on a 19.7-gross acre site (Sun Garden Packing Co. et-al, Owner). Planning Commission recommends approval (4-0-2) (Ballard and Bit-Badal absent). CEQA: Determination of Consistency with the Sun Garden Redevelopment Project Final EIR, (Resolution No. 75929 adopted June 21, 2011). (Planning, Building and Code Enforcement)

PDC15-037 – District 7

(c) Rezoning the Real Property Located at the Northeast Corner of Roehampton Avenue and Story Road.

Consideration of an ordinance rezoning the real property located at the northeast corner of Roehampton Avenue and Story Road (14335 Story Road) from unincorporated County to PQP Public/Quasi Public Zoning District on an approximately 0.77 gross acre site (Thien Nguyen, Owner). CEQA: Addendum, Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041 adopted November 1, 2011). (Planning, Building and Code Enforcement)

C15-012 – District 5

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC15-037, dated September 15, 2015. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C15-012, dated September 28, 2015. (3) Memorandum from Planning Commission Secretary Harry Freitas, dated September 28, transmitting the Planning Commission recommendation. (3) Proof of Publication of Notices of Public Hearings executed on September 11, 2015, and September 18, 2015, submitted by the City Clerk.

11.1 Public Hearings on Consent Calendar. (Cont'd.)

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Tam Nguyen and carried unanimously, Ordinance No. 29638, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 19.74 Gross Acres Situated at the East Side of Monterey Road, Approximately 300 Feet South of East Alma Avenue (1420-1600 Monterey Road), from the CG(PD) Planned Development Zoning District to the CG(PD) Planned Development Zoning District"; and Ordinance No. 29639, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.78 Gross Acre Situated on the Northeast Corner of Roehampton Avenue and Story Road from Unincorporated to the PQP Public/Quasi-Public Zoning District", were passed for publication. (10-0-1. Absent: Liccardo.)

- 11.2 (a) **Adopt a resolution adopting the Addendum to the PDC83-034 Greylands Business Park Final Environmental Impact Report (FEIR), Resolution No. 56883, and the related Mitigation Monitoring and Reporting Program; and**
- (b) **Consideration of an ordinance rezoning the real property located on an approximately 24.6 gross acre site located north of East Hamilton Avenue and east of South Bascom Avenue (2055, 2085, 2105, 2125, and 2145 East Hamilton Avenue and 1550 South Bascom Avenue) from A(PD) Planned Development Zoning District to IP(PD) Planned Development Zoning District to allow the construction of an approximately 20,000-square foot assembly building for existing employees at an existing research and development campus (eBay, Inc., Owner).**
- (c) **Consideration of a Planned Development Permit to effectuate Planned Development Zoning PDC15-030 and allow the construction of an approximately 20,000-square foot assembly building, an approximately 3,555-square foot metal space frame with canopy, the removal of seven ordinance-sized trees, and Saturday construction hours. If Council approves the rezoning ordinance in subsection (b), continue the Planned Development Permit for approval on the same date as the final adoption of the rezoning ordinance in accordance with Title 20 of the Municipal Code.**

CEQA: Addendum to the PDC83-034 Greylands Business Park EIR (Resolution No. 56883, adopted August 30, 1983). (Planning, Building and Code Enforcement) PDC15-030 & PD15-026 – District 6

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Councilmember Pierluigi Oliverio, Rocha and Khamis, dated October 16, 2015, approving the staff recommendations. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC15-030 and PD15-026, dated September 28, 2015. (3) Proof of Publication of Notice of Public Hearing executed on October 2, 2015, submitted by the City Clerk. (4) Letters and email correspondence from Michelle Hammond, Patricia Bryant, Frank Kratzer, Julia Erdman, Liz Schuller, June Cooley, Neil A. Love and Helen Visser Davis, expressing concerns regarding the EBay project. (5) Photos of project, provided by Luke Talbert, dated October 20, 2015.

11.2 (Cont'd.)

Vice Mayor Rose Herrera opened the public hearing.

Public Comment: Tom Edwards, representing eBay, offered a presentation on the proposed eBay Main Street facility. Expressing concerns regarding the project, including how it will impact neighboring residences and complaining that inadequate notice was given to residents regarding the public hearing, were Julia Erdman, Lou Calvert, Susan King, Neil Love and Dianna Van Der Werff.

Vice Mayor Rose Herrera closed the public hearing.

Director of Planning, Building and Code Enforcement, Harry Freitas responded to comments and clarified that residents were mailed Notices of the Public Hearing on October 8, 2015.

Motion: Councilmember Pierluigi Oliverio moved approval of staff recommendations, including the memorandum he co-signed with Mayor Sam Liccardo, Vice Mayor Rose Herrera and Councilmembers Rocha and Khamis, dated October 16, 2015, including enforcement of a 10 a.m. construction start time on Saturdays and utilization of a web-based portal to update residents on construction status. Vice Mayor Rose Herrera seconded the motion.

Vice Mayor Rose Herrera requested an amendment to the motion, to direct Staff that the community be allowed use of this venue for gathering purposes at least once per year. Councilmember Pierluigi Oliverio agreed to the amendment.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 77562, entitled: "A Resolution of the Council of the City of San José Adopting an Addendum to the Greylands Business Park Project, Final Environmental Impact Report, for Which an Initial Study was Prepared, all in Accordance with the California Environmental Quality Act, as Amended, and Adopting a Related Mitigation Monitoring and Reporting Program" was adopted, and Ordinance No. 29640, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 24.6 Acres Located North of East Hamilton Avenue and East of South Bascom Avenue (2055, 2085, 2105, 2125 and 2145 East Hamilton Avenue and 1550 South Bascom Avenue) From the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District", was passed for publication, the joint memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Councilmembers Oliverio, Rocha and Khamis, dated October 16, 2015 was approved, including enforcement of a 10 a.m. construction start time on Saturdays and utilization of a web-based portal to update residents on construction status, and including direction to allow the community use of this venue for gathering purposes at least once per year. (10-0-1. Absent: Liccardo.)

- 11.3 Consideration of an ordinance rezoning the real property located at the southeast corner of Meridian Avenue and Fruitdale Avenue (900 Meridian Avenue) from CP Commercial Pedestrian Zoning District to CN Commercial Neighborhood Zoning District to allow a drive-thru carwash and approximately 1,900 square foot convenience store for an existing gasoline service station on a 0.47 gross acre site. CEQA: An Addendum to the Envision San José 2040 General Plan EIR (Resolution No. 7604, adopted November 1, 2011). (Planning, Building and Code Enforcement) C15-034 – District 6**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C15-034, dated October 2, 2015. (2) Proof of Publication of Notice of Public Hearing executed on October 2, 2015, submitted by the City Clerk.

Vice Mayor Rose Herrera opened the public hearing.

Public Comment: Michael Mulcahy offered support to the project.

Vice Mayor Rose Herrera closed the public hearing.

Action: Upon motion by Councilmember Pierluigi Oliverio, seconded by Councilmember Raul Peralez and carried unanimously, Ordinance No. 29641 entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.47 Acre Situated at the Southeast Corner of Meridian Avenue and Fruitdale Avenue from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District”, was passed for publication. (10-0-1. Absent: Liccardo.)

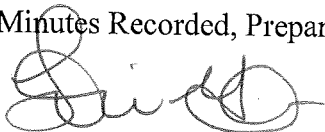
OPEN FORUM

Blair Beekman congratulated Alameda County for their recently enacted polices on national security and suggested that San José take a similar stand.

ADJOURNMENT

The Council of the City of San José was adjourned at 9:16 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC
City Clerk

rmk/10/20/15MIN