



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MAY 12, 2015

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

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

Absent: Councilmembers - Matthews. (Excused)

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 with respect to anticipated litigation in one (1) matter; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation; (1) Friends of the Willow Glen Trestle v. City of San José, et al.; Names of Partie(s) Involved: Friends of the Willow Glen Trestle, an unincorporated association; city; and City Council of the City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-260439;; Amount of Money or Other Relief Sought: Damages According to Proof; (2) 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; (3) IFPTE Local 21 v. City of San José; Names of Partie(s) Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages According to Proof; (4) American Federation of State, County & Municipal Employees, et al. v. City; Names of

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

CLOSED SESSION (Cont'd.)

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; (5) American Federation of State, County & Municipal Employees, et al. v. City; Names of Partie(s) Involved: American Federation of State, County & Municipal Employees, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-972-M; Amount of Money or Other Relief Sought: Damages According to Proof; (6) 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; (7) San José Police Officers' Association v. City, et al; Names of Parties Involved: San José Police Officers' Association, City of San José, Board of Administration for Police and Fire Department Retirement Plan of City of San José and Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225926; Amount of Money or Other Relief Sought: Declaratory and injunctive relief. (8) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (9) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574; Amount of Money or Other Relief Sought: Challenge to Measure B. (12) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B; (C) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Interim Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical

CLOSED SESSION (Cont'd.)

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, Hours, Working Conditions, etc.; Name of Existing Wages Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:45 p.m. and reconvened to Regular Session at 1:30 p.m. in the Council Chambers.

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

Absent: Councilmembers - All Present.

INVOCATION

Reverend York Hayes of Saint Paul Missionary Baptist Church provided the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo, accompanied by students from Yavneh Day School, led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Khamis and carried unanimously, the Orders of the Day and the Amended Agenda were approved with Item 3.7 deferred to June 9, 2015. (11-0.)

CEREMONIAL ITEMS

1.2 Presentation of a proclamation recognizing the month of May 2015 as Jewish American Heritage Month in the City of San José. (Herrera)

Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized the month of May 2015 as Jewish American Heritage Month in the City of San José.

1.5 Presentation of a commendation to the Sikh Coalition in honor of the Vaisakhi celebration. (Kalra)

Mayor Sam Liccardo and Councilmember Ash Kalra offered a commendation to the Sikh Coalition in honor of the Vaisakhi celebration.

1.6 Presentation of a commendation to Reverend Paul G. Sheridan for his leadership and for the successful transformation of Bellarmine Preparatory School. (Oliverio)

Mayor Sam Liccardo and Councilmember Pierluigi Oliverio commended Reverend Paul G. Sheridan for his leadership and for the successful transformation of Bellarmine Preparatory School.

CONSENT CALENDAR

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

2.1 Approval of Minutes.

None provided.

2.2 Final adoption of ordinances

- (a) **ORD. NO. 29558** – Amending Title 23 of the San José Municipal Code as follows: to amend Section 23.02.010 of Chapter 23.02 to clarify relationship between definitions in Title 23 and Title 20 of the code; to add Sections 23.02.232, 23.02.465 and 23.02.517 to Chapter 23.02 to define freeway frontage, riparian corridor, and special sign zone; to amend Section 23.02.860 of Chapter 23.02 to add a description of the north San José signage area; to amend Section 23.04.010 of Chapter 23.04 to add the north San José signage area to the zones governed by Part 1 of Chapter 23.04; to amend Section 23.04.035 of Chapter 23.04 to authorize permits to be issued for freeway signs in the north San José signage area and to add regulations for freeway signs in the north San José signage area; to amend the Title of Part 4 of Chapter 23.04 and amend Section 23.04.300 to revise the list of zones governed by part 4 of chapter 23.04; to amend Section 23.04.320 of Chapter 23.04 to increase the maximum allowable height of free-standing signs on residential parcels in the north San José signage area; and to make other nonsubstantive, ministerial, technical, or typographical changes to Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

CEQA: Final Program Environmental Impact Report entitled, “North San José Area Development Policies Update Final Environmental Impact Report (SCH# 2004102067)” and Addendum thereto, File No. PP15-007. (Planning, Building and Code Enforcement)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29558 executed on May 1, 2015, submitted by the City Clerk.

Action: Ordinance No. 29558 was adopted. (11-0.)

2.3 Approval of Council Committee Reports.

- (a) **Rules and Open Government Committee Report of April 22, 2015. (Mayor)**
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Documents Filed: Rules and Open Government Committee Report dated April 22, 2015.

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

2.4 Mayor and Council Excused Absence Requests.

- (a) **Request for an excused absence for Vice Mayor Rose Herrera from the Regular Meeting of the Rules and Open Government Committee on April 29, 2015 due to Authorized City Business: California League of Cities Legislative Action Day. (Herrera)**
- (b) **Request for an excused absence for Mayor Sam Liccardo from the Closed Session and Regular Meeting of the City Council on April 28, 2015 due to Authorized Business: Meeting with Governor Jerry Brown. (Mayor)**

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

2.4 (Cont'd.)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated April 27, 2015, requesting an excused absence due to Authorized City Business. (2) Memorandum from Vice Mayor Rose Herrera, dated April 29, 2015, requesting an excused absence due to Authorized City Business.

Action: The absences were excused.

2.5 City Council Travel Reports.

Documents Filed: Memorandum from Councilmember Raul Peralez, dated May 11, 2015, summarizing his May 4-5, 2015 Portland Study Tour.

Councilmember Raul Peralez reported on a study tour of Portland, Oregon he attended, engaging in the process of neighborhood change and the role local businesses play in stimulating place-making. Mayor Sam Liccardo reported on a meeting he attended in Sacramento with other Mayors to discuss with the Governor the mounting water crisis the state of California is facing.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Approve appointments to the Youth Commission. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated April 29, 2015, outlining changes to the City Council approved changes to the nomination process for Commissions, including the Youth Commission. (2) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated May 8, 2015, transmitting Councilmember nominations for the Youth Commission.

Action: The nomination process and appointments to the Youth Commission were approved. (11-0.)

2.8 As recommended by the Rules and Open Government Committee on April 29, 2015:

- (a) Approve the Day in the Park 2015 festival scheduled on October 3, 2015 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

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

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated April 30, 2015, transmitting the recommendations of the Rules and Open Government Committee.

2.8 (Cont'd.)

Action: District 8's Day in the Park 2015 as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.9 As recommended by the Rules and Open Government Committee on April 29, 2015:**
- (a) Approve the Puerto Rican Flag Raising as a City Council sponsored Special Event and approve the expenditure of funds; and**
 - (b) Approve and accept donations from various individuals, businesses or community groups to support the event.**

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

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated April 30, 2015, transmitting the recommendations of the Rules and Open Government Committee.

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

- 2.10 Increase contingency funds for the Traffic Signal Modification at Miller Avenue and Rainbow Drive Project with Bear Electrical Solutions, Inc. from \$19,962 to \$24,832. CEQA: Exempt, File No. PP12-066. Council District 1. (Public Works)**

Documents Filed: City Council Action Request from Director of Public Works Barry Ng, dated May 12, 2015, recommending increased contingency funds.

Action: Increased contingency funds for the Traffic Signal Modification at Miller Avenue and Rainbow Drive Project with Bear Electrical Solutions, Inc. from \$19,962 to \$24,832, were approved. (11-0.)

- 2.11 As recommended by the Rules and Open Government Committee on May 6, 2015, approve a support position for SB 377(Beall) Sale of State Low Income Housing Tax Credits. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Housing)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 8, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: A support position for SB 377(Beall) Sale of State Low Income Housing Tax Credits, was approved. (11-0.)

- 2.12 As recommended by the Rules and Open Government Committee on May 6, 2015, approve a support position for AB 702 (Maienschein) CALWORKs: Temporary Housing Assistance. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Housing)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 8, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: A support position for AB 702 (Maienschein) CALWORKs: Temporary Housing Assistance, was approved. (11-0.)

- 2.13 As recommended by the Rules and Open Government Committee on May 6, 2015, approve a support position for AB 35 (Chiu and Atkins) Low Income Housing Tax Credit. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Housing)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 8, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: A support position for AB 35 (Chiu and Atkins) Low Income Housing Tax Credit, was approved. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

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

City Manager Norberto Dueñas reported on his attendance at the Annual Silicon Valley Business Journal event, where honorees for this year's "100 Most Influential Women in Silicon Valley" included Environmental Services Director Kerrie Romanow, Library Director Jill Bourne and Senior Executive Analyst for the Office of Economic Development Tina Kapoor.

- 3.3 Accept the staff report, approve proposed Council Priority Setting Process, and set the next Council Priority Setting Session for June 16, 2015. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Manager)**

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Councilmembers Kalra, Oliverio and Jones, dated May 8, 2015, accepting the staff recommendations with modifications. (2) Memorandum from Assistant City Manager Dave Sykes, dated April 24, 2015, recommending approval of proposed Council Priority Setting Process and setting the next session date.

City Manager Norberto Dueñas introduced the 2015 Council Prioritization process revisions. Assistant City Manager Dave Sykes provided a presentation, and Assistant to the City Manager, Teri Killgore continued with the proposed process.

3.3 (Cont'd.)

Motion: Vice Mayor Rose Herrera moved approval of the memorandum she coauthored with Mayor Sam Liccardo and Councilmembers Kalra, Oliverio and Jones, dated May 8, 2015, with a requirement for two signatures being removed from the staffs' recommendations as outlined below in "Action". Councilmember Charles "Chappie" Jones seconded the motion.

Action: On a call for the question, the motion carried unanimously, and the proposed Council Priority Setting Process was approved, with modifications as outlined in the May 8, 2015 memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Councilmembers Kalra, Oliverio and Jones; additionally, the Council Priority Setting Process to include an Early Consideration process which provides quick feedback from staff on whether a new idea needs to go to the Semiannual Council Priority Setting Process may be submitted by Council throughout the year with *a single signature* on a memorandum to The Rules and Open Government Committee. (11-0.)

3.4 **As recommended by the Public Safety, Finance, and Strategic Support Committee on April 16, 2015, accept the audit on Employee Hiring. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Auditor) [Public Safety, Finance, and Strategic Support Committee referral 4/16/15 – Item D(4)]**

Documents Filed: Memorandum from City Clerk Toni Taber, dated April 30, 2015, transmitting the recommendations of the Public Safety, Finance and Strategic Support Committee.

City Auditor Sharon Erickson provided a presentation and indicated a need for additional temporary staffing in the Human Relation's department. Senior Deputy City Manager Jennifer Maguire responded to questions from Council.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Tam Nguyen and carried unanimously, the audit on Employee Hiring was approved. (11-0.)

3.5 **Implementation of Changes to Retiree Healthcare Funding for the Bargaining Units Representing Employees in the Federated City Employees' Retirement System and Modifications for Employees in Unit 99, to Adopt a resolution to provide as follows:**

- (a) **Approve the terms of agreements with the bargaining units listed below that would modify retiree healthcare funding effective June 21, 2015, by extending the current retiree healthcare contribution rates through December 20, 2015, and authorize the City Manager to execute said agreements, pending ratification by their memberships:**
- (1) **Association of Building, Mechanical and Electrical Inspectors (ABMEI);**
 - (2) **Association of Engineers and Architects, IFPTE Local 21 (AEA Units 41/42 and 43);**
 - (3) **Association of Legal Professionals (ALP);**

3.5 (Cont'd.)

- (a) (4) **Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP);**
- (5) **City Association of Management Personnel, IFPTE Local 21 (CAMP);**
- (6) **Confidential Employees' Organization, AFSCME Local 101 (CEO);**
- (7) **International Brotherhood of Electrical Workers, Local No. 332 (IBEW);**
- (8) **Municipal Employees' Federation, AFSCME Local 101 (MEF); and**
- (9) **International Union of Operating Engineers, Local 3 (OE#3).**
- (b) **Approve modifications to the retiree healthcare funding phase-in for Executive Management and Professional Employees (Unit 99) effective June 21, 2015, to extend the current retiree healthcare contribution rates through December 20, 2015.**

CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)

Documents Filed: Memorandum from City Manager Norberto Dueñas, dated May 1, 2015, recommending implementation of changes to the Retiree Healthcare Funding.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Nguyen and carried unanimously, Resolution No. 77338, entitled: "A Resolution of the Council of the City of San José Implementing Changes to the Retiree Healthcare Funding Phase-In for the Bargaining Units Representing Employees in the 1975 Federated Employees Retirement Plan and Modifications for Employees in Unit 99, Effective June 21, 2015", was adopted. (11-0.)

3.6 **Conduct a Public Hearing on the City's Proposed Operating and Capital Budgets for the Fiscal Year 2015-2016, the Proposed Five-Year Capital Improvement Program for 2016-2020, and the Proposed Fees and Charges Report for the Fiscal Year 2015-2016. CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager)**

Mayor Sam Liccardo opened the public hearing.

Public Comment: Jaime Alvarado, representing Sacred Heart Community Service, spoke to the Operating Budget and need for the City to make preparations to serve benefit recipients in Santa Clara County.

Mayor Sam Liccardo closed the public hearing.

Mayor Sam Liccardo indicated that the June Budget Message and Public Hearings would be continued to June 8, 2015, and no action would be required during this meeting.

- 3.7 As recommended by the Public Safety, Finance, and Strategic Support Committee on April 16, 2015, accept the semi-annual report on the status of City-wide technology projects and future information technology investment strategies. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Information Technology)**

Action: Deferred to June 9, 2015 per Orders of the Day.

TRANSPORTATION & AVIATION SERVICES

- 6.1 Adopt a resolution to repeal Resolution No. 76347 and set forth speed limits in the City of San José in compliance with State law to:**
- (a) Re-establish speed limits with changes to four roadways; including portions of First Street, Second Street, St. John Street, and San Salvador Street;**
 - (b) Establish a 15 mph school zone speed limit on Hadley Avenue;**
 - (c) Adopt the speed limit established by the County of Santa Clara for Thornton Way for the segment within the jurisdiction of San José; and**
 - (d) Make an administrative correction to the speed limit resolution as described in this memorandum.**

CEQA: Exempt, File No. PP10-113. Council Districts 3 and 6. (Transportation)

Documents Filed: Memorandum from Director of Transportation Hans Larsen, dated April 20, 2015, recommending adoption of a resolution.

Public Comment: Pete Cruz and Andrew Boone complained of cross-through traffic in residential areas, additionally stressing the need for pedestrian-friendly thoroughfares.

Director of Transportation Hans Larsen and Deputy Director, Department of Transportation, Laura Wells responded to questions from Council.

Action: Upon motion by Councilmember Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77339, entitled: “A Resolution of the Council of the City of San José (1) Reestablishing Speed Limits with Changes on Four Roadway Segments; (2) Establishing a 15 MPH Speed Limit During School Hours, When Children are Present, on Hadley Avenue; (3) Adopting the Speed Limit Established by the County of Santa Clara for the Portion of Thornton Way Within the City of San José; (4) Making Technical Corrections; and (5) Repealing Resolution No. 76346”, was adopted. (11-0.)

- 6.2 As recommended by the Transportation and Environment Committee on May 4, 2015, accept the report and presentation on various transportation system safety perspectives programs and projects, and refocusing of the City’s traffic safety program as *Vision Zero San José*. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Transportation/Police)
[Transportation and Environment Committee referral 5/4/15 – Item D(1)]**

6.2 (Cont'd.)

Documents Filed: (1) Memorandum from Councilmember Pierluigi Oliverio, dated May 8, 2015, recommending adoption of Vision Zero practices. (2) Memorandum from City Clerk Toni Taber, dated May 8, 2015, transmitting the recommendations of the Transportation and Environment Committee.

Public Comment: Perry Mistry offered that there should be incentives for employees who choose alternate modes of transportation to work. Katie Cooney and Andrew Boone offered suggestions and comments regarding traffic safety and existing congestion; Jaime Ferer (California Walks) and Michael Tsai offered support of Vision Zero and expanding the City's trail system.

Director of Transportation Hans Larsen provided the annual transportation safety report.

Motion: Council Member Oliverio moved approval of the Staff recommendations with the inclusion of his memorandum dated May 8, 2015, with the elimination of Line 5 regarding conducting public meetings in all council districts. Vice Mayor Rose Herrera seconded the motion.

Vice Mayor Rose Herrera requested that Item 6.2 be bifurcated, suggesting that contracting with other agencies as outlined in Item (2) from Councilmember Pierluigi Oliverio's memorandum of May 8, 2015 should be considered separately. The Items were bifurcated into (A) and (B) as indicated below.

Item 6.2 was bifurcated into two separate motions as follows:

Action (A): On a call for the question, the motion carried unanimously, with recommendations as outlined in Councilmember Pierluigi Oliverio's memorandum, Items 1, 3 and 4, dated May 8, 2015, accepted as follows: (1) Fix the identified, highest risk locations where people are being injured on City streets by delivering on-the-ground improvements (example: chokers, roundabouts, speed bumps, edge lines, radar speed signs, associated traffic studies, etc.). Implement a pilot/trial of red light running cameras at the highest crash prone intersections based on safety, not revenue. (Source of funding: Essential Services Reserve); (3) Participate in education programs for road users, with a focus on schools, by lowering the speed limit to 15 mph at ALL schools (where allowed by state law AB321). Educational outreach to include bus drivers, crossing guards, and the dangers of jaywalking, among other topics; and (4) Partner with the City of San Francisco in their effort to change state law allowing cities the autonomy to lower the speed limits where/when needed from 25 mph to 20 mph. Petition the California legislature to allow automated speed cameras (now legal in 15 other states. Additionally, include a recommendation to give priority to schools participating in the "Walk n' Roll San José" program. (11-0).

Action (B): On a call for the question, the motion to contract with a qualified law enforcement agency such as the CHP and/or Santa Clara County Sheriff to issue traffic citations in San Jose through 2020, failed. (3-8. Noes: Carrasco, Herrera, Jones, Kalra, Matthews, Peralez, Rocha; Liccardo.)

ENVIRONMENTAL & UTILITY SERVICES

7.1 Adopt a resolution to amend the current Recycle Plus rate resolution effective July 1, 2015, as follows:

- (a) Increase rates for single-family households by three percent;**
- (b) Increase rates for multi-family households by five percent;**
- (c) Increase the rates for large item collection services by 1.35 percent;**
- (d) Increase the rates for subscription yard trimmings cart services by 1.49 percent.**

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

Action: Deferred to May 19, 2015 per the Rules and Open Government Committee.

OPEN FORUM

- (1) Juana Gomez representing San José Christ Fellowship announced a prayer event to be held 8/22/15 at Cesar Chavez Plaza and invited all to attend.
- (2) Ray J. Perez, CEO of La Recontra Oferta Newspaper (LRON of San José) asked the City leaders to acknowledge the work of Cityteam International.
- (3) Blair Beekman provided observations on the drone use program.
- (4) Perry Mistry provided the “Drought 2015 Monthly Status Report” from the Santa Clara Valley Water District and asked for more involvement from the City leaders.
- (5) Andrew Boone urged an increase to the City’s minimum wage.

Documents Filed: “Drought 2015 Monthly Status Report” from the Santa Clara Valley Water District.

ADJOURNMENT

The Council of the City of San José adjourned the afternoon session at 5:19 p.m.

RECESS/RECONVENE

The City Council recessed at 5:19 p.m. from the afternoon Council Session and reconvened at 7:01 p.m. in the Council Chambers, City Hall.

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

Absent: Council Members - All Present.

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

CEREMONIAL ITEMS

1.1 Administer Oath of Office to Youth Commissioners. (City Clerk)

City Clerk Toni Taber administered the Oath of Office to Youth Commissioners.

1.3 Presentation of a commendation to Andrew Hill High School Robotics Team. (Nguyen)

Mayor Sam Liccardo and Councilmember Nguyen commended Andrew Hill High School Robotics Team, FRC Team 5027 Event Horizon, for their exemplary achievements at the FIRST Robotics World Championship.

1.4 Presentation of a commendation to Ricardo Barajas for raising \$14,000 for the family of Francisco Hernandez Juarez, an East San José street vendor killed in a fatal hit and run accident. (Carrasco)

Mayor Sam Liccardo and Councilmember Carrasco commended Ricardo Barajas for raising \$14,000 for the family of Francisco Hernandez Juarez, an East San José street vendor killed in a fatal hit and run accident.

PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 (a) (1) Adopt a resolution adopting the Negative Declaration for the Oakland Road & Faulstich Court Rezoning Project;

- (2) Consider an ordinance rezoning the real property located at the northeast corner of Faulstich Court & Oakland Road (1332 Oakland Road) from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District on an approximately 0.27 gross acre site.

CEQA: Negative Declaration to be adopted. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

C14-062 – District 3

(b) (1) Adopt a resolution adopting the Negative Declaration for the 2828 Monterey Road Conforming Rezoning Project;

- (2) Consider an ordinance rezoning the real property located on the easterly side of Monterey Road, approximately 969 feet northeasterly of Lewis Road from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District, to allow industrial and supporting commercial uses, on a two parcel site with 2.93 gross acres (John and Jane Sun, Owners).

CEQA: Negative Declaration to be adopted. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

C14-063 – District 7

11.1 (Cont'd.)

- (c) (1) **Adopt a resolution adopting the Negative Declaration for the 1610 Meridian Avenue Conforming Rezoning Project;**
(2) **Consider an ordinance rezoning the real property located at 1610 Meridian Avenue from the A(PD) Planned Development Zoning District to the CN Commercial Neighborhood Zoning District on an approximately 0.50 gross acre site (A.U. Energy LLC, Owner).**
CEQA: Negative Declaration to be adopted. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) C14-067 – District 6
- (d) (1) **Adopt a resolution adopting the Negative Declaration for the 1299 Story Road Conforming Rezoning Project;**
(2) **Consider an ordinance rezoning real property located on the northwest corner of Story Road and Olinder Court at 1299 Story Road from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District on a 0.47 gross acre site.**
CEQA: Negative Declaration to be adopted for File No. C14-069. (Planning, Building and Code Enforcement) C14-069 – District 7
- (e) **Consideration of an ordinance rezoning the real property located on the northwest corner of Parrot Street and Senter Road at 2201 Senter Road from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District and a Planned Development Permit to construct a 1,569 square foot addition to an existing gasoline service station as part of a large format commercial establishment (Costco) on a 14.42 gross acre site (Price Company, Owner). CEQA: Determination of Consistency with a Negative Declaration adopted for Project File No. PDC98-004. Ordinance No. 25700. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement) PDC14-059/PD14-050 – District 7**

Documents Filed: (1) Reports of the Staff of the Department of Planning, Building and Code Enforcement on Project File Numbers C14-062, C14-063, C14-067 and C14-069, each dated April 20, 2015. (2) Four Proof of Publication of Notices of Public Hearings each executed on April 24, 2015, submitted by the City Clerk. (3) Memorandum from Planning Commission Secretary Harry Freitas, dated April 20, 2014, transmitting the Planning Commission recommendation for File Numbers PDC14-059 and PD14-050. (4) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File Numbers PDC14-059 and PD14-050, dated March 30, 2015. (5) Proof of Publication of Notice of Public Hearing executed on March 20, 2015, submitted by the City Clerk.

11.1 (Cont'd.)

Action: Upon motion by Councilmember Raul Peralez, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77340, entitled: “A Resolution of the Council of the City of San José Adopting the Oakland Road & Faulstich Court Conforming Rezoning Project Negative Declaration, for which an Initial Study was Prepared, all in Accordance with the California Environmental Quality Act, as Amended”; Resolution No. 77341, entitled: “A Resolution of the Council of the City of San José Adopting the 2828 Monterey Road Conforming Rezoning Project Negative Declaration, for which an Initial Study was Prepared, all in Accordance with the California Environmental Quality Act as Amended; Resolution No. 77342, entitled: “A Resolution of the Council of the City of San José Adopting the 1610 Meridian Avenue Conforming Rezoning Project Negative Declaration, for which an Initial Study was Prepared, all in Accordance with the California Environmental Quality Act as Amended; Resolution No. 77343, entitled: “A Resolution of the Council of the City of San José Adopting the 1299 Story Road Conforming Rezoning Project Negative Declaration, for which an Initial Study was Prepared, all in Accordance with the California Environmental Quality Act as Amended;” were adopted, and Ordinance No. 29563, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.27 Acre Situated at the Northeast Corner of Faulstich Court and Oakland Road (1332 Oakland Rod), from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District”; Ordinance No. 29564, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2.93 Acres Situated at the Easterly Side of Monterey Road Approximately 1,000 Feet North of Lewis Road (2828 Monterey Road), from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District”; Ordinance No. 29565, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.5 Acre Situated at the Southeast Corner of Hamilton Avenue and Meridian Avenue (1610 Meridian Avenue) from the A(PD) Planned Development Zoning District to the CN Commercial Neighborhood Zoning District”; Ordinance No. 29566, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.47 Acre Situated at the Northwest Corner of Olinder Court and Story Road (1299 Story Road) from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District; and Ordinance No. 29567, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 14.42 Gross Acres Situated on the Northwest Corner of Parrot Street and Senter Road (2201 Senter Road), from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District”, were passed for publication. (11-0.)

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1** As recommended by the Community and Economic Development Committee on April 27, 2015, accept the report on General Plan and Urban Village Implementation and discuss the proposed approach to the Four-Year Review of the General Plan. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Planning, Building and Code Enforcement)

Note: Heard jointly with item 11.2 in the evening. See Item 11.2 for action.

PUBLIC HEARINGS

- 11.2** Accept the staff presentation on the history of employment land conversions to residential uses in San José, the fiscal impact of different land uses, and an overview of the purpose and process for the General Plan Annual Review and Four-Year Major Review. CEQA: Not a Project. (Economic Development/Planning, Building and Code Enforcement) (Continued from 4/14/15 - Item 11.3)

Note: Item 11.2 was heard jointly with Item 4.1. This item was continued from the Council Meeting of April 14, 2015, and a motion was made as indicated below.

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo and Councilmember Charles “Chappie” Jones and Councilmember Magdalena Carrasco, dated April 10, 2015, offering approval of the staff recommendation with direction to staff. (2) Joint memorandum from Councilmember Donald Rocha and Councilmember Raul Peralez dated April 10, 2015, requesting staff to provide the Council with additional feedback. (3) Memorandum from Councilmember Donald Rocha dated May 11, 2015, asking that Council include Recommendation #1 from his memorandum dated April 10, 2015.

Deputy City Manager/Director of Economic Development Kim Walesh provided a presentation, and Director of Planning, Building and Code Enforcement, Harry Freitas reviewed the 4-year General Plan.

Public Comment: Offering recommendations and support regarding land conversions, urban villages and development in the City of San José were: Pat Sausedo, BIA Bay Area; Michele Beasley, Greenbelt Alliance; and Kevin Zwick, Housing Trust. Ed Rast recommended that the City first catch up with services needed for residents.

Motion from the Council Meeting of April 14, 2015:

Motion: Councilmember Charles “Chappie” Jones moved approval of the Land Use and General Plan Annual Review and Urban Village Implementation, including direction as outlined in the memorandum he coauthored with Mayor Sam Liccardo and Councilmember Magdalena Carrasco dated April 10, 2015, and including items 2-8 from the joint memorandum from Councilmembers Donald Rocha and Raul Peralez, dated April 10, 2015. Councilmember Carrasco seconded the motion.

11.2 (Cont'd.)

Councilmember Donald Rocha stressed the importance of having staff review the Urban Village phasing program as part of the General Plan Major Review; and that the staff, as well as the General Plan Task Force, provide feedback on whether the phasing structure should be adjusted and have an informal conversation on the issue.

Action: On a call for the question, the motion carried, and the Land Use and General Plan Annual Review and Urban Village Implementation was accepted, with recommendations as outlined in the joint memorandum from Mayor Sam Liccardo and Councilmembers Jones and Carrasco dated April 10, 2015, to: (1) Return to City Council in December 2015 with the 4-year Major Review of the Envision San José 2040 General Plan; (2) Include findings for consideration by the City Council of a limited review conducted by staff and the General Plan Task Force, subject to the following constraints: (a) No proposed revisions to GP 2040 that would require a new Environmental Impact Report: The 4-year Major Review is not intended to undertake any major revisions to the General Plan that would require environmental clearance, such as with any expansion of the Urban Growth Boundary, or with development in the Urban Reserves. (b) Ground-truthing goals: San Jose's jobs/housing imbalance indisputably has caused the City to provide services at less than satisfactory levels for many years. The Jobs First goal of the GP 2040 attempts to course correct and reflects a bold and aspirational goal of 1.3:1 J/ER ratio, albeit at a baseline that is low compared to other cities in the Silicon Valley. While we retain that jobs-first principle, in the near term 10-year period through 2025, we should set a more achievable goal that will focus our policies on cognizable, measurable steps to dramatically improve our current 0.7:1 J/ER; (c) Preservation of commercial and industrial lands: The preservation of employment lands must continue to be a priority if we intend to be serious about the restoration of City services, continued discipline against the many pleas from lobbyists and developers for conversions of those job-creating sites to housing; (d) City-initiated General Plan amendments and re-zonings for retail uses: there continues to be a significant sales tax revenue leakage out of San Jose. We should identify prime retail sites in retail-starved areas of the city, such as North San Jose, and proactively offer appropriate zoning-based incentives to property owners to support the re-designation of land uses; (e) Identify Urban Villages that are best timed to proceed based on current or imminent infrastructure investments: In the near-term, the City should focus its efforts on identifying and positioning prime sites for development along public transportation corridors where funding for transit improvements such as BART, BRT or LRT services are imminent, or where adequate transportation infrastructure already exists. Prioritizing those sites for mixed-use development can direct developers to those locations where development is appropriately congruous with the community's reasonable expectations. Merely allowing development "where the market drives us" is not planning; it's acquiescing; (f) Allowing flexibility, with explicit limits, in pursuit of larger goals: While staff and Council must continue to hold the line against employment land conversions that will undermine the City's fiscal condition, very limited and explicitly constrained exceptions would allow for critical public policy goals to be achieved, for example: (1) Transit-oriented development in Urban Villages: For those high-priority Urban Villages, above, staff should analyze the feasibility of maintaining a

11.2 (Cont'd.)

minimum FAR for employment uses (e.g., in the range of .35 - .4 of commercial and office development) for proposed conversion of industrial lands to commercial use or mixed use with residential, along transit corridors, in the near term; (2) Undesirable uses in neighborhoods: In many neighborhoods, existing and long-standing commercial uses, such as liquor stores and massage parlors, may tend to disrupt the quality of life of the people that live in and around them. Staff might consider development proposals that offer up to a .35 - .4 minimum FAR of mixed use with residential for approval; (3) Temporary housing for the homeless: The rehabilitation of vacant hotels/motels in certain commercial corridors of the city, for the sole purpose of temporary housing, has been presented as a solution for the homeless crisis we face. Other solutions, such as micro-housing on sites constrained by a five-year permit, are also worth exploration. Explicit and enforceable constraints must be imposed to ensure that these are merely temporary uses, not to be perceived as opportunities to convert employment lands to residential purposes in the future; (4) Commercial land inventory: Staff should evaluate lands that are not economically viable for commercial use, and present potential development opportunities.

And including items 2-8 in the joint memorandum from Councilmember Rocha and Peralez dated April 10, 2015, recommending:

(2) Consider whether adjustments should be made to the jobs and housing capacities contained in the plan, whether in the form of a change to the overall growth capacity contained in the plan or of a redistribution of capacity between different growth areas, to ensure that the City is planning for somewhat realistic growth scenarios and is not unduly burdened by planning for growth that cannot reasonably be expected to occur within the planning period; (3) Consider whether there may be additional General Plan mechanisms the City could use to facilitate production of affordable housing; (4) Consider whether it may be possible to move from using Level of Service (LOS) analysis to evaluate CEQA transportation impacts to using Vehicle Miles Traveled (VMT) analysis, consistent with revised CEQA guidelines as may be adopted by the State of California, and without losing the City's ability to require transportation mitigations of new development; (5) Assess the City's Urban Village outreach efforts to date for the purpose of determining whether there may be opportunities to change or improve our outreach procedure, whether additional resources may be needed to facilitate timely outreach, and whether the target of completing Urban Village plans in nine months, set out in General Plan policy IP-5.2 is a realistic goal; (6) Bring forward a mechanism for funding public amenities through new development, such as the mechanism that may be included in the Urban Village financing plans, along with any amendments to the General Plan that may be necessary to implement the proposal; (7) Consider whether General Plan amendments may be necessary to support any changes that may be made to the Mobile Home Conversion Ordinance, pursuant to the review of that ordinance directed by the City Council at the last priority setting session; (8) Explore the requirements for signature projects and the residential pool policy in order to determine their feasibility as it relates to the market and its potential for development. (10-1. Noes: Rocha.)

- 11.3 Denial of a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Light Industrial to Mixed Use Neighborhood on an approximately 1.6 gross acre site, located on the north side of Campbell Avenue, approximately 830 feet west of Newhall Street (1150 Campbell Avenue) (Campbell Avenue Associates Inc, Owner). In the alternative, refer to staff to complete CEQA review and include the proposed amendments for consideration as part of the annual General Plan Amendment cycle for 2015. CEQA: Categorical Exemption, CEQA Guidelines section 15270 (Projects which are disapproved). Planning Commission recommends (6-0-1) that the City Council direct staff to continue processing the subject General Plan Amendment, including CEQA review, for consideration during the annual General Plan hearing for privately-initiated General Plan amendments. (Planning, Building and Code Enforcement)
GP15-007 – District 3**

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

Action: Dropped per Administration.

- 11.4 Denial of a General Plan Amendment to change the Land Use/Transportation Diagram Land Use designation from Combined Industrial/Commercial to Transit Residential on an approximately 4.10 gross acre site located on the south side of West San Carlos Street between Race Street and Lincoln Avenue (Stanley A Cotton Trustee and Jim and Bill McDonald, Owners). In the alternative, refer to staff to complete CEQA review and include the proposed amendments for consideration as part of the annual General Plan Amendment cycle for 2015. CEQA: Categorical Exemption, CEQA Guidelines section 15270 (Projects which are disapproved). Planning Commission recommends (6-0-1) that the City Council direct staff to continue processing the subject General Plan Amendment, including CEQA review, for consideration during the annual General Plan hearing for privately-initiated General Plan amendments. (Planning, Building and Code Enforcement)
GP15-008 – District 6**

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo and Councilmembers Oliverio, Carrasco and Jones, dated May 8, 2015, recommending a denial of the proposed General Plan Amendment. (2) Memorandum from Councilmember Donald Rocha, dated May 8, 2015, offering recommendations regarding the General Plan. (3) Supplemental memorandum from Deputy City Manager/Director of Economic Development Kim Welsh, dated May 8, 2015, providing additional economic analysis. (4) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP15-008, dated April 8, 2015. (5) Memorandum from Planning Commission Secretary Harry Freitas, dated May 5, 2015, transmitting the Planning Commission recommendation. (6) Proof of Publication of Notice of Public Hearing executed on April 10, 2015, submitted by the City Clerk.

Director of Planning, Building and Code Enforcement, Harry Freitas provided an overview, offering that the environmental clearance has not been completed for this project.

11.4 (Cont'd.)

Mayor Sam Liccardo opened the public hearing.

Public Comment: Michael Van Every, representing the applicant, voiced merits of the project, and Steve Zehring and Jim McDonald, offered additional support. Expressing criticism of the project were Larry Ames, Deborah Arant, Ed Rast, Michael Tsai, James Rincon and John Leyba.

Mayor Sam Liccardo closed the public hearing.

Motion: Councilmember Pierluigi Oliverio moved approval of the letter he coauthored with Mayor Sam Liccardo and Councilmembers Carrasco and Jones, dated May 8, 2015, denying the proposed General Plan Amendment. Vice Mayor Rose Herrera seconded the motion.

Councilmember Raul Peralez expressed that each site and conversion warrants individual review and consideration, and would not support the denial in this case.

Action: On a call for the question, the motion carried, and the Proposed General Plan Amendment was denied, in support of the staff recommendation for denial through the Early Consideration process provided for in the Envision San José 2040 General Plan, and with considerations as offered in the May 8, 2015 joint memorandum from Mayor Sam Liccardo and Councilmembers Oliverio, Carrasco and Jones. (9-2. Noes: Peralez, Rocha.)

- 11.5 (a) **Adopt a resolution adopting the Negative Declaration for the Rotten Robbie #2 Replacement Project;**
- (b) **Consider an ordinance rezoning the real property located at the southwest corner of Saratoga Avenue and Williams Road (1005 Saratoga Avenue) from the CP-Commercial Pedestrian Zoning district to the CP(PD) Planned Development Zoning District to allow for a gas station and convenience store use; and a Planned Development Permit, to allow the demolition of an existing gas station, including the removal and replacement of existing underground gas tanks, and the construction of a new gas station with a 3,200 square foot convenience store with the off-sale of alcohol; and a determination of a Public Convenience or Necessity on a 0.64 gross acre site (Robinson Oil Corporation, Owner).**

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

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

11.5 (Cont'd.)

Public Comment: Tom Robinson, the applicant, spoke to merits of the project and expressed his concerns.

Mayor Sam Liccardo opened the public hearing.

Motion: Councilmember Charles “Chappie” Jones moved to continue this item to a future meeting of the City Council. Councilmember Donald Rocha seconded the motion.

Action: On a call for the question, the motion carried unanimously, and this item was continued to a future meeting of City Council. (11-0.)

11.6 Consider a Planned Development Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol at an existing 107,338 square foot retail store (Walmart) on an approximately 9.15 gross acre site, located on the southeasterly corner of Monterey Road and Blossom Hill Road (5502 Monterey Road) (Pan Pacific Realty Corporation, Owner). CEQA: Exempt. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement) PD14-033/ABC14-007 - District 2

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PD14-033 and ABC14-007, dated March 16, 2015. (2) Memorandum from Planning Commission Secretary Harry Freitas, dated April 20, 2015, transmitting the Planning Commission recommendation. (3) Proof of Publication of Notice of Public Hearing executed on March 6, 2015, submitted by the City Clerk. (4) Email correspondence from Rose Combs, dated May 12, 2015, urging support for the permit.

Mayor Sam Liccardo opened the public hearing.

Public Comment: Offering support to the Planned Development Permit were Peter Kuo (Fraternal Order of Police), Servando Sandoval (Hispanic Chamber of Commerce), Jon Padilla (Silicon Valley Chamber of Commerce), Ed Rast and John Williams.

Mayor Sam Liccardo closed the public hearing.

Motion: Councilmember Ash Kalra moved for a denial of the Planned Development Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol at the existing Walmart store. The motion was seconded by Councilmember Margie Matthews.

Substitute motion: Councilmember Johnny Khamis moved for an acceptance of the application. Councilmember Charles “Chappie” Jones seconded the motion.

11.6 (Cont'd.)

Motion: On a call for the question, the substitute motion passed, and Resolution No. 77344, entitled: “A Resolution of the Council of the City of San José Approving, Subject to Conditions, a Planned Development Permit and Granting a Determination of Public Convenience or Necessity to Allow the Sale of Alcoholic Beverages for Off-Site Consumption at an Existing 107,338 Square Foot Retail Store (Walmart) on a 9.15 Gross Acre Site Located at the Southeasterly Corner of Monterey Road and Blossom Hill Road (5502 Monterey Road)”, was adopted. (7-4. Noes: Kalra, Matthews, Peralez, Rocha.)

- 11.7 (a) Adopt a resolution adopting the Mitigated Negative Declaration for the 1821 Almaden Road Residential Project;**
- (b) Consider an ordinance rezoning the real property located on the west side of Almaden Road, approximately 660 feet south of Willow Glen Way (1807, 1821, 1833, 1849, 1863, and 1873 Almaden Road) from the R-1-5 Single Family Residence Zoning District to the RM(PD) Planned Development Zoning District to allow development of up to 96 residential units in a 5-story building on an approximately 1.73 gross acre site (1821 Almaden LLC, Owner).**

CEQA: Mitigated Negative Declaration to be adopted. Planning Commission recommends approval (4-0-1-2). (Planning, Building and Code Enforcement)
PDC13-034 – District 6

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC13-034, dated March 3, 2015. (2) Memorandum from Planning Commission Secretary Harry Freitas, dated April 20, 2015, transmitting the Planning Commission recommendation. (3) Proof of Publication of Notices of Public Hearings executed on February 20, 2015 and April 24, 2015, submitted by the City Clerk. (4) Email correspondence from Don Beukers, received May 1, 2015, offering opposition to the re-zoning.

Mayor Liccardo opened the public hearing.

Public Comment: Eric Schoennauer, representing the applicant, provided a presentation and urged maximizing use of the residential land. Zoe Mullendore, representing the Silicon Valley Leadership Group, offered support to the project. Expressing opposition to the project, citing a detrimental impact to the existing neighborhood, were Peter Riffel, Brian Dunlap, Amy Morley, Bill Schworep and Rick LeBlanc.

Mayor Liccardo closed the public hearing.

Action: Upon motion by Councilmember Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77345, entitled: “A Resolution of the Council of the City of San José Adopting the 1821 Almaden Road Residential Project Mitigated Negative Declaration, for which an Initial Study was Prepared, all in

11.7 (Cont'd.)

Accordance with the California Environmental Quality Act, as Amended, and Adopting a Related Mitigation Monitoring and Reporting Program”, was adopted; and Ordinance No. 29568, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.73 Acres Situated on the Westerly Side of Almaden Road, Approximately 660 Feet South of Willow Glen Way, (1807, 1821, 1833, 1849, 1863, and 1873 Almaden Road) from the R-1-5 Single-Family Residence to the RM(PD) Planned Development Zoning District”, was passed for publication. (11-0.)

OPEN FORUM

Ed Rast spoke to an SAP Arena issue to be agendized for the Council meeting on May 19, 2015, asking that the accompanying studies and documents for this item be posted in sufficient time for public review.

ADJOURNMENT

The Council of the City of San José adjourned at 11:49 p.m. in memory of Eloy Campos, a community leader, activist and father of former Councilmembers Xavier Campos and Nora Campos. (Mayor)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

rmk/5-12-15MIN