



CITY COUNCIL AGENDA

JANUARY 14, 2014

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:04 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 1)**
Council Member Constant provided the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance accompanied by third-grade students from Payne Elementary School. (District 1)
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 5.1 renumbered To 2.16 and Item 7.1 renumbered To 2.17.

- Closed Session Report
None provided.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

- 2.1 Approval of Minutes.
None provided.

- 2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29356 – Rezoning certain real property situated on the west side of Lincoln Avenue approximately 320 feet north of the corner of Auzerais Avenue on a 0.5647 gross-acre site (351 Lincoln Avenue) from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District.
Ordinance No. 29356 adopted.
- (b) ORD. NO. 29357 - Rezoning certain real property situated between Race Street and Grand Avenue, approximately 300 feet southerly of Park Avenue, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.
Ordinance No. 29357 adopted.

- 2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules In-Lieu Report of November 26, 2013. (City Clerk)
(b) Rules and Open Government Committee Report of December 4, 2013. (Mayor)
(c) Public Safety, Finance, and Strategic Support Committee Report of December 19, 2013. (Constant)
(d) Neighborhood Services and Education Committee Report of December 12, 2013. (Nguyen)

Approved.

2. CONSENT CALENDAR

2.4 Mayor and Council Excused Absence Requests.
None provided.

2.5 City Council Travel Reports.
Council Member Campos reported on his participation in the National Association of Latino Elected and Appointed Officials (NALEO's) National Policy Institute on Emergency Response and Management training and the California League of Cities Latino Caucus conference. Council Member Herrera reported on her attendance at the National League of Cities Conference in Seattle and tour of a pilot project featuring the integrated smart light pole.

2.6 Report from the Council Liaison to the Retirement Boards.
None provided.

2.7 Housing and Community Development Commission Appointments.

Recommendation: Approve appointments to the Housing and Community Development Commission. (City Clerk)
Deferred to 1/28/14 per Administration.

2.8 Sale of City-Owned Property at San Fernando Street and Jackson Avenue.

Recommendation: Adopt a resolution:

- (a) Declaring 10,800 square feet of vacated street at San Fernando Street and Jackson Avenue, APN: 484-41-163, surplus to the needs of the City;
- (b) Approving an agreement between the City and Rocketship Education (Rocketship), for sale of the property in the amount of \$121,000; and
- (c) Authorizing the City Manager or their designee to execute the sale agreement, the deed and all other documents necessary to complete the transaction.

CEQA: Mitigated Negative Declaration, File No. CP13-085, Resolution No. 76879.
Council District 5. (Economic Development)

Resolution No. 76894 adopted.

2.9 Actions Related to the Contract for Public Art Project Management on Behalf of Mel Chin Studios.

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (a) Increase the estimate for Other Revenue by \$20,000; and
- (b) Increase the Cultural Affairs Special Projects appropriation to the Office of Economic Development in the amount of \$20,000.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Economic Development/City Manager's Office)

Ordinance No. 29360 adopted.

Resolution No. 76895 adopted.

2. CONSENT CALENDAR

2.10 Actions Related to the Grant Awarded to the Office of Economic Development from the National Endowment for the Arts.

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (a) Increase the estimate for Revenue from the Federal Government in the amount of \$75,000; and
- (b) Increase the Cultural Affairs Special Projects appropriation to the Office of Economic Development in the amount of \$75,000.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. Council District 3. (Economic Development/City Manager's Office)

Ordinance No. 29361 adopted.

Resolution No. 76896 adopted.

2.11 Actions Related to the Extension of Naming Rights and Sponsorship for San José Civic Auditorium and Center for Performing Arts.

Recommendation: Adopt a resolution authorizing the City Manager to execute the First Amendment to the Agreement with City National Bank for naming rights at the San José Civic Auditorium and sponsorship rights at the Center for the Performing Arts, to extend the term of the Agreement one additional year to May 14, 2019. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts. Council District 3. (Economic Development)

Resolution No. 76897 adopted.

2.12 Agreement with Pacific Gas and Electric Company for the Silicon Valley Energy Watch Program.

Recommendation: Adopt a resolution authorizing the City Manager to execute Change Order No. 2 to the Master Service Agreement with Pacific Gas & Electric Company for the Silicon Valley Energy Watch (SVEW) program, to conform the City reimbursement rates established in the Agreement to the adopted SVEW budget. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)

Resolution No. 76898 adopted.

2. CONSENT CALENDAR

2.13 Actions Related to the Amendment to Purchase Order 48886 with Environmental Logistics Inc., for Hazardous Waste Services and Supplies.

Recommendation: Authorize the City Manager to:

- (a) Amend Purchase Order 48886 with Environmental Logistics, Inc. (Hayward, CA) for hazardous waste pickup/disposal and related services and supplies, to increase compensation by \$230,000, for a revised total amount not-to-exceed \$500,000, for the current term ending on June 30, 2014;
- (b) Approve a contingency of \$50,000 in the event that usage exceeds estimates for the remainder of the current term ending on June 30, 2014; and
- (c) Exercise the remaining one year option to extend the term through June 30, 2015, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)
Authorized.

2.14 Actions Related to the Agreements for Administrative Hearing Officer Services for Rental Rights and Referrals Program.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute amendments to the Agreements for Administrative Hearing Officer Services to augment the total compensation of the individual Agreements in a combined increase amount not to exceed \$195,000 for the implementation of the City's Rental Rights and Referrals Program;

Resolution No. 76899 adopted.

- (b) Adopt the following Appropriation Ordinance amendments in the Multi-Source Housing Fund:
 - (1) Decrease the Rental Rights and Referrals Reserve by \$62,744;
 - (2) Decrease the Unrestricted Ending Fund Balance by \$132,256; and
 - (3) Increase the appropriation to the Housing Department for Non-Personal/Equipment by \$195,000.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Housing/City Manager's Office)

Ordinance No. 29362 adopted.

2.15 Agreement with San José State University for the Martin Luther King, Jr. Library.

Recommendation: Approve a Continuation Agreement to exercise the First Renewal Term to the Cost Share Agreement between the City of San José and San José State University for the operation of the joint Martin Luther King, Jr. Library. CEQA: Not a Project, File No. PP10-066, Services that involve no physical changes to the environment. (Library)

Deferred to 1/28/14 per Administration

2. CONSENT CALENDAR

2.16 History San José Grant Application for Steven's Fruit Barn Restoration.

Recommendation: Adopt a resolution approving History San José's application to the County of Santa Clara's Historical Grant program for the restoration of Steven's Fruit Barn. CEQA: Exempt, File No. PP14-005. Council District 7. (Parks, Recreation and Neighborhood Services)

Renumbered from 5.1

Resolution No. 76900 adopted.

2.17 Clean Waterways, Healthy City: Long-Term Trash Load Reduction Plan.

Recommendation: Authorize submittal of the City's Long-Term Trash Load Reduction Plan to the San Francisco Bay Regional Water Quality Control Board in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (Stormwater Permit) requirement, pursuant to the Federal Clean Water Act. CEQA: Not a Project, File No. PP10-069(a), Staff Report. (Environmental Services)

[Transportation and Environment Committee referral 12/2/13 – Item D(4)]

Renumbered from 7.1

Authorized.

2.18 District 4 Heroes Community Recognition Event.

Recommendation: As recommended by the Rules and Open Government Committee on January 8, 2014:

- (a) Approve the District 4 Heroes Community Recognition Event as a City Council sponsored Special Event and approve the expenditure of city funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Chu)

[Rules Committee referral 1/8/14 – Item G(2)]

Approved.

2.19 July 4th Fun Festival.

Recommendation: As recommended by the Rules and Open Government Committee on January 8, 2014 and outlined in the attached memo previously submitted by the Rules and Open Government Committee:

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

CEQA: Not a Project. (Khamis)

[Rules Committee referral 1/8/14 – Item G(3)]

Approved.

3. STRATEGIC SUPPORT SERVICES

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

City Manager, Edward Shikada provided accolades to the City's Staff that were on-call/on-duty throughout the holidays, and he brought attention to the Neighborhood Leader's Budget Priority Setting Session to be held 1/18/14 with the availability of a new component which will allow San José residents to participate on-line.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.
None provided.

3.3 2014 Legislative Guiding Principles, Priorities and Advocacy Issues.

Recommendation: As recommended by Rules and Open Government Committee on December 11, 2013, accept the 2014 Legislative Guiding Principles as edited by the Council Committees, and the Legislative Priorities and Advocacy Issues for the second year of the two-year Legislative Session in Sacramento and the 113th Congress. CEQA: Not a Project, File No. PP10-069(a), staff reports. (City Manager's Office)
[Rules Committee referral 12/11/13 – Item G(2)]
(Deferred from 12/17/13 – Item 3.5)

Accepted, with staff to come up with additional guiding principles on the management of medical marijuana collectives, expanding on Section VII, Item 11, "Urge Federal Drug Enforcement, and the Food and Drug Administrations to remove marijuana from Schedule 1 of the Controlled Substances Act of 1970".

3.4 Ordinance Related to Electronic Campaign Disclosure.

Recommendation: Approve an ordinance:

- (a) Making legislative findings that the online or electronic filing system for the filing of campaign statements will operate securely and effectively and would not unduly burden filers;
- (b) Prescribing that the format for campaign statements filed electronically shall be the standardized filings developed and approved by the Secretary of State, as amended from time to time; and
- (c) Establishing a sixty (60) day grace period to commence from the effective date of this ordinance to allow for information to be disseminated and in order to ensure filers and City staff have sufficient training to transition to paperless filing.

CEQA: Not a Project, File No. PP10-068 (c), code or policy that involves no physical changes in the environment. (City Clerk)

Ordinance No. 29363 passed for publication.

3.5 2013 Service Efforts and Accomplishments Report.

Recommendation: Accept the 2013 Service Efforts and Accomplishments Report.
CEQA: Not a Project, File No. PP1-069(a), staff reports. (City Auditor)
Accepted.

3. STRATEGIC SUPPORT SERVICES

3.6 Audit of Code Enforcement.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on November 21, 2013, accept the Audit of Code Enforcement. CEQA: Not a Project, File No. PP1-069(a), staff reports. (City Auditor)
[Public Safety, Finance, and Strategic Support Committee referral 11/21/13 – Item D(5)]
Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Rezoning of a Real Property Located on the South Side of West Hedding Street, Approximately 330 Feet Easterly of Spring Street.

Recommendation: Consideration of an ordinance conforming rezoning of a real property located on the south side of West Hedding Street, approximately 330 feet easterly of Spring Street (360 W. Hedding Street) from the CO Commercial Office Zoning District to the LI Light Industrial Zoning District on a 0.24 gross acre site (Orlando Nunes, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR, Resolution No. 76041. (Planning, Building and Code Enforcement)
C13-040 – District 3
[Deferred from 11/19/13 – Item 11.1(c)]
Deferred to 1/28/14 per Administration

4.2 Amendment to Title 20 of the San José Municipal Code (the Zoning Ordinance).

Recommendation: Consideration of an ordinance amending Title 20 of the San José Municipal Code (the Zoning Ordinance) as follows:

- (a) Amending Chapter 20.10 (Zoning Districts Established) to add the PQP Public/Quasi-Public Zoning District to Table 20-10;
- (b) Amending Chapter 20.20 (Open Space & Agricultural Zoning Districts) to change the requirement from a Conditional to a Special Use Permit for exceedance of decibel levels in Table 20-45;
- (c) Amending Chapter 20.40 (Commercial Zoning Districts) to add land uses applicable to Urban Villages to the purposes of the CP Commercial Pedestrian Zoning District, to establish the PQP Public/Quasi-Public Zoning District and enumerate allowed uses, and to add enumerated uses applicable to the Commercial Zoning Districts including:
 - (1) Adding Permit Requirements for Conditional Uses requiring City Council approval as the initial decision-making body,
 - (2) Adding Aquaculture/Aquaponics as a Special Use,

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Amendment to Title 20 of the San José Municipal Code (the Zoning Ordinance) (Cont'd.)

- (c) (3) Adding “auction” and “stadiums” as Conditional Uses,
- (4) Adding Neighborhood Agriculture and “fuel cells” as Permitted Uses,

- (5) Adding Plant Nursery as a Permitted Use in the CO Commercial Office and PQP Public/Quasi-Public Zoning Districts;
- (6) Allowing animal grooming and animal boarding as Permitted Uses incidental to Neighborhood Agriculture in the CO Commercial Office and in the PQP Public/Quasi-Public Zoning Districts.
- (7) Changing Bail Bond Establishment from a Permitted Use to a Special Use in the CP Commercial Pedestrian Zoning District where located within an Urban Village;
- (8) Adding construction/corporation yard and Utility Facilities including corporation yards as Conditional Uses in the PQP Public/Quasi-Public Zoning District;
- (9) Adding Common Carrier as a Conditional Use and Common Carrier Depot as a Special Use in the PQP Public/Quasi-Public Zoning District;
- (10) Changing Mixed Use residential/commercial from a Conditional Use to a Special Use in the CP Commercial Pedestrian Zoning District where located within an Urban Village;
- (11) Changing Payday Lending Establishment from a Restricted Use to a Prohibited Use in the CP Commercial Pedestrian Zoning District where located within an Urban Village;
- (12) Changing accessory installation, sale or lease of commercial vehicles, and tires, batteries, oil change and smog check servicing from Prohibited Uses to Conditional Uses in the CP Commercial Pedestrian Zoning District,
- (13) Changing sale of vehicle parts from a Conditional Use to a Special Use in the CP Commercial Pedestrian Zoning District,
- (c) (14) Amending Section 20.40.120 to allow outdoor animal care as an incidental use to Neighborhood Agriculture;
- (d) Amending Section 20.40.200 (Development Standards) to establish development standards for the PQP Public/Quasi-Public Zoning District and to modify development standards in the CP Commercial Pedestrian Zoning District where located within an Urban Village;
- (e) Amending Section 20.40.250 (Front Setback – Exception, Streets with Residence Districts) to exempt Lots in the CP Commercial Pedestrian Zoning District and PQP Public/Quasi-Public Zoning District from the provisions of this Section, amending Section 20.40.400 (Setback Regulations) to clarify that allowances for minor projections into Setback areas of up to twenty (20) percent of Building length apply independently and not cumulatively to Subsections B and D of this Section and to add provisions for Short-term Bicycle Parking Facilities in Setback Areas;

(Item Continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Amendment to Title 20 of the San José Municipal Code (the Zoning Ordinance). (Cont'd.)

Recommendation:

- (f) Amending Section 20.40.600 (Performance Standards) to change the requirement from a Conditional to a Special Use Permit for exceedance of decibel levels in Table 20-135 and to add performance standards for the PQP Public/Quasi-Public Zoning District,
- (g) Amending Section 20.40.520 (Outdoor Uses Within 150 Feet of Residentially Zoned Property) to add a provision for exempting Neighborhood Agriculture from the requirements of this Section;
- (h) Amending Chapter 20.80 Specific Use Regulations, Part 18 Temporary Trailers to allow temporary antennae while permitted alterations of existing Wireless Communication Antennae are being constructed, to change the requirement from a Conditional Use Permit to a Special Use Permit when Administrative Permit requirements cannot be met, and to lengthen the allowable duration of the Temporary Antenna Trailer operation;
- (i) Amending Section 20.100.220 of Chapter 20.100 to add provisions for the Planning Commission as the Initial Decision Making Body and Council as the Appeal Decision Making Body for Conditional Use Permits for school, church/religious assembly, and privately-operated museum, library, park, playground and community center uses in the PQP Public/Quasi-Public Zoning District;
- (j) Amending Chapter 20.120 to amend Section 20.120.110 to add the PQP Public/Quasi-Public Zoning District to Table 20-170 and identify the PQP Zoning District as the conforming zoning district for the Public/Quasi-Public land use designation in the General Plan;
- (k) Amending Chapter 20.200 Definitions, to add definitions for “Fuel Cell” and “Signature Project” and to amend definitions of “Business Support,” “Co-generation Facility,” “Downtown Core Area,” and “Solar Photovoltaic Power System”; and
- (l) Make other technical, non-substantive, or formatting changes within those sections of Title 20.

CEQA: Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, EIR Resolution No. 76041 and addenda thereto (File No. PP13-101). Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Envision San José 2040 General Plan Program approved previously. The Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan entitled, “Envision San José 2040 General Plan,” for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, adequately describes the activity for the purposes of CEQA. The project does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San José may take action on the project as being within the scope of the Final EIR, File No. PP13-101. (Planning, Building and Code Enforcement)
(Deferred from 12/3/13 – Item 4.7)

Ordinance No. 29364 passed for publication.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Housing Related Parks Program for Parkland Development.

Recommendation: Adopt a resolution:

- (a) Authorizing the Director of Housing, or designee, to submit grant applications in an aggregate amount up to \$3,500,000 to the California Department of Housing and Community Development under the Housing-Related Parks Program (HRPP) for the development of parkland in the Tamien area and to acquire the Alum Rock and 31st Street property;
- (b) Authorizing the Director of Housing, or designee, to accept HRPP grant awards and conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary in connection with these grants, provided that the Director is not authorized to expend funds on these projects prior to receiving specific California Environmental Quality Act (CEQA) approval for each project.

CEQA: Not a Project, File No. PP10-068(a), Grant application. Council District 3. (Housing/Parks, Recreation and Neighborhood Services)

Resolution No. 76901 adopted, with staff offering a correction to the boundary properties on Exhibit A-2.

4.4 Actions Related to the Modification of the Urban Service Area Boundary for Evergreen 202.

Recommendation: Adopt a resolution to authorize staff to submit an application to and work with County Local Agency Formation Commission to modify the City's Urban Service Area to include approximately 0.28 gross acres of County land on a 2.84 gross acre site on the east side of Quimby Road approximately 440 feet east of Murillo Road. CEQA: Final EIR, Envision San José 2040. Council District 8. (Planning, Building and Code Enforcement)

Resolution No. 76902 adopted.

4.5 Public Hearing on the Reorganization/Annexation of Moorpark No. 22.

Recommendation: Conduct a Public Hearing and consider the adoption of a resolution ordering the reorganization of territory designated as Moorpark No. 22 which involves the annexation to the City of San José of approximately 1.137 gross acres of land generally located 260 feet north of Maywood Avenue, and the detachment of the same from the appropriate special districts including West Valley Sanitation, County Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: The environmental impacts of this project were addressed by a Mitigated Negative Declaration (MND) prepared by the City of San José in conformance with CEQA for the annexation of the subject territory and the related rezoning and General Plan Amendment (File Nos. GP13-006, CP13-061 and Annexation Moorpark 22), and adopted by Resolution No. 76856 on November 19, 2013 by the City Council. Council District 6. (Planning, Building and Code Enforcement)

Public hearing held.

Resolution No. 76903 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 Actions Related to the Three Creeks Trail Pedestrian Bridge Project.

Recommendation:

- (a) Adopt a resolution approving the Three Creeks Trail Pedestrian Bridge Project Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan.
Resolution No. 76904 adopted.
Noes: Campos, Rocha.

- (b) Adopt a resolution authorizing the Director of Public Works to:
 - (1) Award the construction contract for the Three Creeks Trail Pedestrian Bridge Project to the lowest responsive bidder in an amount not to exceed \$1,650,000 and approve a ten percent construction contingency;
 - (2) Hear and decide any timely bid protest(s), to make the City's final determination as to the lowest responsive bidder that is responsible, or to reject all bids and re-bid the project; and
 - (3) Execute change orders in excess of \$100,000 within the contingency amount.**Resolution No. 76905 adopted.**
Noes: Campos, Rocha.

- (c) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
 - (1) Decrease the Reserve: Future PDO / PIO Projects by \$385,000; and
 - (2) Increase the Trail: Three Creeks Interim Improvements & Trestle Bridge appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$385,000.

CEQA: Mitigated Negative Declaration, File No. PP13-085. Council District 6. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 29365 adopted.

Noes: Campos, Rocha.

4.7 Actions Related to the 2014-2015 Hazardous Vegetation Commencement Report for the Removal of Weeds or Refuse.

Recommendation: Conduct a Public Hearing and adopt a resolution:

- (a) Overruling any and all objections to the 2014-2015 Hazardous Vegetation Commencement Report; and
- (b) Directing the Santa Clara County Department of Agriculture and Environmental Management to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, File No. PP13-097. (Planning, Building and Code Enforcement)
(Rules Committee referral 1/8/14)

Public hearing held.

Resolution No. 76906 adopted.

5. NEIGHBORHOOD SERVICES

5.1 History San José Grant Application for Steven's Fruit Barn Restoration.

Recommendation: Adopt a resolution approving History San José's application to the County of Santa Clara's Historical Grant program for the restoration of Steven's Fruit Barn. CEQA: Exempt, File No. PP14-005. Council District 7. (Parks, Recreation and Neighborhood Services)

Renumbered to 2.16

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Clean Waterways, Healthy City: Long-Term Trash Load Reduction Plan.

Recommendation: Authorize submittal of the City's Long-Term Trash Load Reduction Plan to the San Francisco Bay Regional Water Quality Control Board in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (Stormwater Permit) requirement, pursuant to the Federal Clean Water Act. CEQA: Not a Project, File No. PP10-069(a), Staff Report. (Environmental Services)

[Transportation and Environment Committee referral 12/2/13 – Item D(4)]

Renumbered to 2.17

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Review and Discussion of the Long-Range Property Management Plan.

Recommendation: Review and discuss the Long-Range Property Management Plan. (Successor Agency)

Deferred to 1/28/14 per Administration

Notice of City Engineer's Pending Decision on Final Maps

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9960	Southeast corner of Hostetter Road and Sierra Creek Way	4	Twin Creeks Berryessa LLC	6 Lots	SFD	Dropped
10199	Northerly of the intersection of Springbrook Avenue and Canyon Ridge Drive	8	TL Properties, LP	13 Lots / 12 Units	SFD	Approval

- **Open Forum**
 - (1) **Ross Signorino espoused the importance of open government.**
 - (2) **William Stewart expressed opposition to the City's involvement in employees' lawsuits when they are being sued in their private capacity.**
- **Adjournment**

The Council of the City of San José adjourned at 5:18 p.m. in memory of Martha Solis Mendoza, who passed on August 14th, 2013. She dedicated her life to her community and family. (Campos)