

## MINUTES OF THE CITY COUNCIL

**SAN JOSE, CALIFORNIA**

**TUESDAY, JANUARY 14, 2014**

The Council of the City of San José convened in Regular Session at 9:04 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu, Herrera, Kalra, Constant, Khamis, Liccardo, Nguyen, Oliverio, Rocha; Reed.

Absent: Council Members - All Present.

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

There was no report.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:05 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code subsection (c) of Section 54956.9 with respect to initiation of anticipated litigation in one (1) matter. (B) to confer with Legal Counsel pursuant to Government Code subsection (b) of Section 54956.9 with respect to anticipated litigation (Claim Not Filed) in two (2) matters. (C) to confer with Legal Counsel pursuant to Government Code subsection (b) of Section 54956.9 with respect to anticipated litigation (Claim Filed): (1) In re: Claim of San José Retired Employees Association, et al.; City Department: OER; (2) In re: Claim of SJ Alley, LLC; City Department: Fire; (3) In re: Claim of PG&E; City Department: DOT; (D) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) In re: Claim of Landeros; Amount of Money or Other Relief Sought: Administrative Appeal. (2) In re: Claim of Powell; Amount of Money or Other Relief Sought: Administrative Appeal; (3) 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 CA Public Employment Relations Board; Case No.: SF-CE-924-M; Amount of Money

## CLOSED SESSION (Cont'd.)

or Other Relief Sought: Damages According to Proof; (4) OE#3 v. City of San José; Court: State of California Public Employee Relations Board; Case No. SF-CE-900-M; (5) San José Police Officers' Association v. City, et al.; Names of Partie(s) Involved: San José Police Officers' Association, city, Board of Administration for Police and Fire Department Retirement Plan of City and Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225926; Amount of Money or Other Relief Sought: Declaratory and injunctive relief; (6) San José Retired Employees Association, et al. v. City, et al.; Names of Partie(s) 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 through 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate; (7) Sapien, et al. v. City of San José, et al.; Names of Partie(s) Involved: Robert Sapien, Mary Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1 through 15, the Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B; (8) Harris, et al. v. City of San José, et al.; Names of Partie(s) Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her capacity as City Manager of the city, Debra Figone in her capacity as City Manager of the City of San José, the Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1 through 15; Amount of Money or Other Relief Sought: Challenge to Measure B; (9) Mukhar, et al. v. City of San José, et al.; Names of Partie(s) Involved: John Mukhar, Dale Kapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1 through 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-226574; Amount of Money or Other Relief Sought: Challenge to Measure B; (10) AFSCME, et al. v. City, et al.; Names of Partie(s) Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members; City of San José; Debra Figone in her official capacity as City Manager of the City of San José; the Board of Administration for the Federated City Employees 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; Wages/Salaries, Hours, Working Conditions, etc.

By unanimous consent, Council recessed from the Closed Session at 11:15 a.m. and reconvened to Regular Session at 1:31 p.m. in the Council Chambers.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Khamis, Liccardo, Nguyen, Oliverio (1:50 p.m.), Rocha; Reed.

Absent: Council Members - All Present.

## INVOCATION

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

Upon motion by Council Member Constant, seconded by Council Member Khamis and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 5.1 renumbered to 2.16 and Item 7.1 renumbered fo 2.17. (10-0-1. Absent: Oliverio.)

## CEREMONIAL ITEMS

None provided.

## CONSENT CALENDAR

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

### 2.1 Approval of Minutes.

None provided.

### 2.2 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.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29356 executed on December 20, 2013, submitted by the City Clerk.

Action: Ordinance No. 29356 was adopted. (10-0-1. Absent: Oliverio.)

## 2.2 (Cont'd.)

- (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.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29357 executed on December 20, 2013, submitted by the City Clerk.

Action: Ordinance No. 29357 was adopted. (10-0-1. Absent: Oliverio.)

## 2.3 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)**

Documents Filed: (1) The Rules In-Lieu Report dated November 26, 2013. (2) The Rules and Open Government Committee Reports dated December 4, 2013. (3) The Public Safety, Finance, and Strategic Support Committee Report dated December 19, 2013. (4) The Neighborhood Services and Education Committee Report dated December 12, 2013

Action: The Council Committee Reports were approved. (10-0-1. Absent: Oliverio.)

## 2.4 Mayor and Council Excused Absence Requests.

There were none.

## 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 Approve appointments to the Housing and Community Development Commission. (City Clerk)**

Action: Deferred to January 28, 2014 per Administration.

**2.8 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)**

Documents Filed: (1) Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, dated December 20, 2013, recommending adoption of a resolution. (2) Statement and Declaration of Conflict of Interest Form from Council Member Liccardo, dated December 20, 2013, disclosing he shares living expenses with a Rocketship employee (spouse).

Council Member Liccardo recused himself from participating in the Council discussion and/or voting due to a conflict of interest.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera, and carried, Resolution No. 76894, entitled: “A Resolution of the Council of the City of San José Declaring 10,800 Square Feet of Vacated Street at San Fernando Street and Jackson Avenue, APN: 484-41-163 as Surplus to the Needs of the City, Approving an Agreement Between the City and Rocketship Education for Sale of the Property in the Amount of \$121,000 and Authorizing the City manager or the City Manager’s Designee to Execute the Sale Agreement, the Deed and All Other Documents Necessary to Complete the Transaction”, was adopted. (9-0-1-1. Absent: Oliverio. Abstain: Liccardo.)

**2.9 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)**

Documents Filed: Joint memorandum from Director of Economic Development/Chief Strategist Kim Walesh and Budget Director Jennifer Maguire, dated December 9, 2013, recommending adoption of an appropriation ordinance and funding sources resolution amendments.

**2.9 (Cont'd.)**

Action: Ordinance No. 29360, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the General Fund: City-Wide Community and Economic Development for the Cultural Affairs Special Projects; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; and Resolution No. 76895, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76677 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2013-2014 to Adjust Revenues in the General Fund”, were adopted. (10-0-1. Absent: Oliverio.)

**2.10 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)**

Documents Filed: Joint memorandum from Director of Economic Development/Chief Strategist Kim Walesh and Budget Director Jennifer Maguire, dated December 9, 2013, recommending adoption of an appropriation ordinance and funding sources resolution amendments.

Action: Ordinance No. 29361 entitled: “An Ordinance of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the General Fund: City-Wide Community and Economic Development for the Cultural Affairs Special Projects; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; and Resolution No. 76896, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76677 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2013-2014 to Adjust Revenues in the General Fund”, were adopted. (10-0-1. Absent: Oliverio.)

**2.11 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)**

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, dated December 9, 2013, recommending adoption of a resolution.

## 2.11 (Cont'd.)

Action: Resolution No. 76897, entitled: “A Resolution of the Council of the City of San José 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 for One Additional Year to May 14, 2019”, was adopted. (10-0-1. Absent: Oliverio.)

## 2.12 **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)**

Documents Filed: Memorandum from Environmental Services Director Kerrie Romanow, dated December 23, 2013, recommending adoption of a resolution.

Action: Resolution No. 76898, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute Change Order No. 2 to the Master Service Agreement with Pacific Gas and Electric Company for the Silicon Valley Energy Watch Program to Conform the City Reimbursement Rates Established in the Agreement to the Adopted Silicon Valley Energy Watch Budget”, was adopted. (10-0-1. Absent: Oliverio.)

## 2.13 **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)**

Documents Filed: City Council Action Request dated January 14, 2014, from Director of Finance Julia H. Cooper, authorizing the City Manager to Amend Purchase Order 48886 with Environmental Logistics, Inc.

Action: The City Manager was authorized to 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, with related contingency and options. (10-0-1. Absent: Oliverio.)

- 2.14 (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;**
- (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)**

Documents Filed: Joint memorandum from Director of Housing Leslye Corsiglia and Budget Director Jennifer Maguire, dated December 9, 2013, recommending adoption of a resolution and appropriation ordinance amendments.

Action: Resolution No. 76899, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Amendments to the Agreements for Administrative Hearing Officer Services”, and Ordinance No. 29362, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the Multi-Source Housing Fund for Non-Personal/Equipment; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (10-0-1. Absent: Oliverio.)

- 2.15 **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)**

Action: Deferred to January 28, 2014 per Administration

- 2.16 **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)**

*Note: Renumbered from 5.1.*

Documents Filed: City Council Action Request dated January 14, 2014, from Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, regarding support for History San José’s grant application.

Action: Resolution No. 76900, entitled: “A Resolution of the Council of the City of San José to Approve History San José’s Grant Application for Steven’s Fruit Barn Restoration”, was approved. (10-0-1. Absent: Oliverio.)



- 2.17 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)**

*Renumbered from 7.1.*

Documents Filed: (1) Memorandum from City Clerk Toni Taber, dated December 19, 2013, transmitting the recommendations of the Transportation and Environment Committee meeting of December 2, 2013. (2) Supplemental memorandum from Environmental Services Director Kerrie Romanow, dated January 6, 2014, providing the final updated draft of the Long-Term Trash Load Reduction Plan.

Action: 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, was authorized. (10-0-1. Absent: Oliverio.)

- 2.18 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;**
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.**

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

Documents Filed: Memorandum from City Clerk Toni Taber, dated January 9, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 4 Heroes Community Recognition Event as a City Council Sponsored Special Event, and expenditure of City funds were approved and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-0-1. Absent: Oliverio.)

- 2.19 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 4<sup>th</sup> 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)**

## 2.19 (Cont'd.)

Documents Filed: Memorandum from City Clerk Toni Taber, dated January 9, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The July 4 Fun Festival as a City Council Sponsored Special Event, and expenditure of City funds were approved and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-0-1. Absent: Oliverio.)

### END OF CONSENT CALENDAR

## 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 January 18, 2014 with the availability of a new component which will allow San José residents to participate on-line.

### 3.3 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 113<sup>th</sup> Congress. CEQA: Not a Project, File No. PP10-069(a), staff reports. (City Manager's Office)

Documents Filed: Memorandum from City Clerk Toni Taber, dated December 11, 2013, transmitting the recommendations of the Rules and Open Government Committee.

Director, Intergovernmental Relations Betsy Shotwell and Legislative Research Specialist Roxanne Miller provided a review of 2014 Legislative Guiding Principles and advocacy issues.

Council Member Oliverio arrived at 1:50 p.m.

Motion: Council Member Rocha moved approval of the 2014 Legislative Guiding Principles, with modifications as outlined below in "Action". Council Member Liccardo seconded the motion.

Action: On a call for the question, the motion carried unanimously, and 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 113<sup>th</sup> Congress, was accepted, with staff directed 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". (11-0.)

**3.4 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)**

Documents Filed: Memorandum from City Clerk Toni Taber, dated January 14, 2014, recommending approval of an ordinance.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera, and carried unanimously, Ordinance No. 29363, entitled: “An Ordinance of the City of San José Making Certain Findings Pursuant to Government Code Section 84615 Relating to the Implementation of Section 12.06.915 of Chapter 12.06 of Title 12 of the San José Municipal Code”, was passed for publication. (11-0.)

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

Documents Filed: Memorandum from City Auditor Sharon Erickson, dated December 12, 2014, presenting the sixth annual Service Efforts and Accomplishments (SEA) Report for the City of San José.

City Auditor Sharon Erickson presented the report, and she, Assistant Director of Housing Jacky Morales-Ferrand and Director of Transportation Hans Larsen responded to questions from Council.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Herrera and carried unanimously, the 2013 Service Efforts and Accomplishments Report, was accepted. (9-0-2. Absent: Constant, Khamis.)

**3.6 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)]**

### 3.6 (Cont'd.)

Documents Filed: (1) Joint memorandum from Mayor Reed and Council Members Campos and Rocha, dated January 20, 2014, recommending approval of the report with further direction. (2) Memorandum from Acting City Clerk Toni Taber, dated December 19, 2013, transmitting the recommendations of the Public Safety, Finance and Strategic Support Committee.

Motion: Council Member Campos moved acceptance of the Audit of Code Enforcement, with direction as outlined in the memorandum of January 10, 2014 he co-authored with Mayor Reed and Council Member Rocha as described below in "Action". Council Member Rocha seconded the motion.

Public Comments: Ross Signorino stressed the importance of safety vests for bicyclists and the need for it to be codified.

City Auditor Sharon Erickson and Staff presented the report and responded to questions from Council. Deputy City Manager Joseph Horwedel responded to questions.

Action: On a call for the question, the motion carried unanimously, and the City's Audit of Code Enforcement was approved, with the following: (1) Accept and approve the City Auditor's report, with direction to Staff to: (A) Implement Recommendations #6 and #14 regarding the enforcement of re-inspection fees for General and Multiple Housing cases as a high priority workplan action; (B) Implement Recommendation #11, to enforce a Multiple Housing Program risk-based inspection process as a priority workplan action; (C) Develop a strategy to implement Recommendation #5, to amend the Muni Code to allow the issuance of misdemeanor citations by code enforcement inspectors to address compliance in extreme cases; and (2) Return to the Public Safety, Finance and Strategic Support Committee with quarterly updates of workplan actions and to City Council in October 2014 with a progress report on implementing the City Auditor's recommendations. (11-0.)

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.1 **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)]**

Documents Filed: Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C13-040, dated October 23, 2013.

Action: Deferred to January 28, 2014 per Administration.

**4.2 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,**
  - (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,**
  - (14) Amending Section 20.40.120 to allow outdoor animal care as an incidental use to Neighborhood Agriculture;**

4.2 (Cont'd.)

- (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;
- (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**

## 4.2 (Cont'd.)

**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)**

Documents Filed: (1) Memorandum from Planning Commission Secretary Joseph Horwedel, dated December 11, 2013, transmitting the Planning Commission recommendation of approval. (2) Letters from Advance America’s Vice President of Government Affairs, Natasha Fooman, and “Check into Cash” Director of Government Affairs, Vanessa Lugo, both dated January 14, 2014, regarding zoning pertaining to payday lending in the City of San José.

Public Comment: Martha O’Connell offered support to funding additional hearing officers.

Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti offered a presentation.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera, and carried unanimously, the recommendation of the Planning Director was approved, and Ordinance No. 29364, entitled: “An Ordinance of the City of San José Amending Title 20 of the San José Municipal Code (The Zoning Ordinance) to Amend Section 20.10.060 Of Chapter 20.10 (General Provisions And Zoning Districts) to Add The PQP Public/Quasi-Public Zoning District to Table 20-10; to Amend Section 20.20.300 of Chapter 20.20 (Open Space & Agricultural Zoning Districts) to Change the Permit Requirement From a Conditional Use Permit to a Special Use Permit For Exceedence of Decibel Levels in Table 20-45; to Amend the Title of Chapter 20.40 to Read “Commercial Zoning Districts And Public/Quasi-Public Zoning District”; to Amend Part 1 (General) and Part 2 (Uses Allowed) of Chapter 20.40 to Add Land Uses Applicable to Urban Villages to the Description of Purpose of the CP Commercial Pedestrian Zoning District, to Establish The PQP Public/Quasi-Public Zoning District and Enumerate Uses Allowed Therein, and to Add or Change Enumerated Uses Allowed in the Commercial Zoning Districts More Generally and in Specific Commercial Zoning Districts, Including Adding Aquaculture/Aquaponics as a Special Use, Adding Auction as a Conditional Use in the CG And PQP Zoning Districts, Adding Stadiums (2,000 Seats Or Fewer) as a Conditional Use and Stadiums (More Than 2,000 Seats) as a Conditional Use Requiring City Council Approval in the PQP and All Commercial Zoning Districts Except the CO Zoning District, Adding Neighborhood Agriculture and Fuel Cells as Permitted Uses, Adding Plant Nursery as a Permitted Use in the CO and PQP Zoning Districts, Making Animal Grooming And Indoor Animal Boarding a Permitted Use as Incidental to Neighborhood Agriculture in the Co and PQP Zoning Districts, Changing Bail Bond

## 4.2 (Cont'd.)

Establishment From a Permitted Use to a Special Use in the CP Zoning District Where Located Within an Urban Village, Changing Mixed Use Residential/Commercial From a Conditional Use to a Special Use in The CP Zoning District Where Located Within an Urban Village, Changing Ancillary 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 Zoning District, Changing Sale of Vehicle Parts From a Conditional Use to a Special Use in the CP Zoning District, and Adding Utility Facilities Including Corporation Yards as a Conditional Use in the PQP Zoning District; to Amend Section 20.40.120 to Allow Outdoor Animal Care as an Incidental Use to Neighborhood Agriculture; to Amend Section 20.40.200 to Establish Development Standards for the PQP Zoning District and to Modify Development Standards in the CP Zoning District Where Located Within an Urban Village; to Amend Section 20.40.250 to Exempt Lots in the CP and PQP Zoning Districts From the Front Setback Provisions of this Section; to Amend Section 20.40.400 To Clarify Applicable Allowances For Minor Projections Into Setback Areas; to Amend Section 20.40.600 to Require a Special Use Permit For Exceedence of Applicable Decibel Levels and to Apply the Performance Standards to the PQP Zoning District; to Amend Section 20.40.520 to Exempt Neighborhood Agriculture From the Limits On Outdoor Uses Within 150 Feet Of Residentially Zoned Property; to Amend Sections 20.80.1700, 20.80.1750 and 20.80.1760 Of Chapter 20.80, Part 18 (Specific Use Regulations – Temporary Trailers) to Change Regulations and Permit Requirements For Temporary Antennae; to Amend Section 20.100.220 Of Chapter 20.100 (Administration And Permits) to Designate The Director Of Planning as the Initial Decision Making Body and the City Council as the Appeal Decision Making Body For Special Use Permits For School, Church/Religious Assembly, and Privately-Operated Museum, Library, Park, Playground and Community Center Uses, and Incidental Commercial Uses In the PQP Zoning District; to Amend Section 20.120.110 Of Chapter 20.120 (Zoning Changes And Amendments) to Add the PQP General Plan Designation And the PQP Zoning District As the Corresponding Conforming Zoning District to Table 20-270; And to Amend Chapter 20.200 (Definitions) to Add New Sections Defining “Fuel Cell” and “Signature Project” and to Amend Definitions Of “Business Support”, “Co-Generation Facility”, “Downtown Core Area” and “Solar Photovoltaic Power System”; All to Further and Implement the Urban Agriculture, Economic Development, Urban Village, Public-Quasi-Public, And Zoning Goals And Policies Set Forth Within the Envision San Jose 2040 General Plan, and to Make Other Technical, Non-Substantive, Or Formatting Changes Within those Sections Of Title 20”, was passed for publication. (9-0-2. Absent: Constant, Kalra.)

## 4.3 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 31<sup>st</sup> Street property;**



#### 4.3 (Cont'd.)

- (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)**

Documents Filed: Memorandum from Council Member Campos, dated January 13, 2014, offering support to the staff recommendation. (2) Joint memorandum from Director of Housing Leslye Corsiglia and Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated December 13, 2013, recommending adoption of a resolution.

Parks, Recreation and Neighborhood Services Division Manager Matt Cano offered a correction to the boundary properties shown in Exhibit A-2.

Action: Upon motion by Council Member Campos, seconded by Council Member Oliverio and carried unanimously, Resolution No. 76901, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Housing to Submit Grant Applications to the California Department of Housing and Community Development Under the Housing-Related Parks Program and to Accept the Grant Awards", was adopted, with staff offering a correction to the boundary properties on Exhibit A-2. (10-0-1. Absent: Constant.)

- 4.4 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)**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated March 21, 2013, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File Evergreen 202. (2) Proof of Publication of Notice of Public Hearing, executed on December 13, 2013 submitted by the City Clerk.

Public Comment: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

#### 4.4 (Cont'd.)

Action: Upon motion by Council Member Herrera, seconded by Vice Mayor Nguyen and carried unanimously, the recommendation of the Planning Director was approved, and Resolution No. 76902, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Planning To Submit An Application And Coordinate With The County Local Agency Formation Commission (LAFCO) To Modify The City Of San José Urban Service Area (USA) Boundary to Coincide With the 15% Slope Line as Determined by Light Detection and Ranging Technology (LIDAR) and the Greenline/the Urban Growth Boundary, and to Thereby Include Within the City’s Urban Service Area Approximately 0.28 Gross Acres Comprising a Portion of a 2.84 Gross Acre Site Designated as “Evergreen No. 202” Located in the Unincorporated County on the East Side of Quimby Road Approximately 440 Feet East of Murillo Road (APN 659-25-001 AND 659-25-002)”, was adopted. (10-0-1. Absent: Constant.)

#### 4.5 **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)**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated December 10, 2013, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File Moorpark No. 22. (2) Proof of Publication of Notice of Public Hearing, executed on December 13, 2013 submitted by the City Clerk.

Mayor Reed opened the public hearing.

Public Comments: Eugene Van Duyn voiced his opinion that the project is being pushed along too quickly.

Mayor Reed closed the public hearing.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Herrera, and carried unanimously, the recommendation of the Planning Director was approved, and Resolution No. 76903, entitled: “A Resolution of the Council of the City of San José Ordering the Reorganization of Certain Un-inhabited Territory Designated as Moorpark No. 22, Subject to Liability for General Indebtedness of the City”, was adopted. (9-0-2. Absent: Constant, Herrera.)

- 4.6 (a) **Adopt a resolution approving the Three Creeks Trail Pedestrian Bridge Project Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan.**
- (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.**
- (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)**

Documents Filed: (1) Joint memorandum from Director of Public Works David Sykes, Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares and Budget Director Jennifer Maguire, dated December 16, 2013, recommending actions related to the Three Creeks Trail Pedestrian Bridge Project. (2) Supplemental memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated January 10, 2014, responding to community input. (3) Letter from Susan Brandt-Hawley, Brandt-Hawley Law Group, dated January 14, 2014, representing the Friends of the Willow Glen Trestle. (4) Letter from Bruce Tichinin, Attorney at Law, regarding submissions by Susan Brandt-Hawley. (5) Email from Erik Fong (Willow Glen Neighborhood Association) and Carlos Babcock, both received January 13, 2014, offering support to the City's plan to update the Willow Glen structure.

Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares provided opening remarks, and Parks, Recreation and Neighborhood Services Division Manager Matt Cano followed with input received from the community. Director of Public Works David Sykes provided an update on the project status, and Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti discussed the environmental process.

City Attorney Richard Doyle clarified California Environmental Quality Act (CEQA) requirements.

Motion: Council Member Oliverio moved approval of the staff's recommendations, with the inclusion of Director of Planning, Building and Code Enforcement Joseph Horwedel's supplemental memorandum of January 10, 2014. Vice Mayor Nguyen seconded the motion.

#### 4.6 (Cont'd.)

Public Comment: Bruce Tishinin and Richard Zappelli (Willow Glen Neighborhood Association) offered support to the Staff recommendations. Larry Ames and Scott Lane recommended refurbishing the bridge and placing it on the historical registry. Richard Nieset also offered opposition to its demolition, adding that a full Environmental Impact Report (EIR) should be required.

The Council engaged in a lengthy discussion.

Council Member Campos and Rocha expressed that due to the historical significance of the trestle, they would not be supporting the motion.

Action: On a call for the question, the motion carried, and Resolution No. 76904, entitled: “A Resolution of the Council of the City of San José Adopting the Three Creeks Trail Pedestrian Bridge Project Mitigated Negative Declaration, for which an Initial Study was Prepared, all in Accordance with the California Environmental Quality Act, and Adopting a Related Mitigation Monitoring and Reporting Program”; Resolution No. 76905, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Award the Construction Contract for the Three Creeks Pedestrian Bridge Project to the Lowest Bidder in an Amount Not to Exceed \$1,650,000 and to Execute Change Orders in Excess of \$100,000 Within the Contingency Amount”; and Ordinance No. 29365, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the Subdivision Park Trust Fund for the Trail: Three Creeks Interim Improvements and Trestle Bridge Project: and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (9-2. Noes: Campos, Rocha.)

#### 4.7 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)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated January 8, 2014, recommending conducting a public hearing and adoption of a resolution.

Mayor Reed opened the public hearing.

Public Comment: Jean Dresden expressed concern for safety of the burrowing owls and recommended flexibility regarding the length of the grass in their habitat.

#### 4.7 (Cont'd.)

Council Member Liccardo responded to Jean Dresden's comments, posing her questions to Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti, who agreed to follow up with the Audubon Society regarding this issue.

Mayor Reed closed the public hearing.

Action: Upon motion by Council Member Constant, seconded by Council Member Oliverio and carried unanimously, Resolution No. 76906, entitled: "A Resolution of the Council of the City of San José Overruling Objections to the 2014-2015 Hazardous Vegetation Commencement Report and 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 Weed Abatement Agreement between the City of San José and the County of Santa Clara", was adopted. (11-0.)

### NEIGHBORHOOD SERVICES

- 5.1 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)**

*See Item 2.16 for action.*

### ENVIRONMENTAL & UTILITY SERVICES

- 7.1 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)**

*Item 7.1 was renumbered to 2.17. See Item 2.17 for action.*

## REDEVELOPMENT – SUCCESSOR AGENCY

### 9.1 Review and discuss the Long-Range Property Management Plan. (Successor Agency)

Action: Deferred to January 28, 2014 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

Documents Filed: “Petitioner’s Request for Judicial Notice – Prima Facie Proof of Public Funds Used by Public Officials for Private Purposes”, dated January 10, 2014, provided by William Stewart.

- (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)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk

rmk/01-14-14MIN