

## MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MARCH 18, 2014

The Council of the City of San José convened in Regular Session at 9:38 a.m. in the Council Chambers at City Hall.

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

Absent: Council Members - None.

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

Public Comments: Jon Max Reger offered his perspective on the role of an Environmental Inspector.

Action: No report was given.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:40 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9, Subsection (d)(1) with respect to existing litigation; (1) Rodriguez, Lori v. City of San José; Names of Partie(s) Involved: Lori Rodriguez, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-241669; Amount of Money or Other Relief Sought: Damages according to proof. (2) 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 or Other Relief Sought: Damages According to Proof; (3) 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 CA Public Employment Relations Board; Case No.: SF-CE-900-M; Amount of Money or Other Relief Sought: Damages According to Proof; (4) IAFF Local

## CLOSED SESSION (Cont'd.)

230 v. City; Names of Partie(s) Involved: International Association of Firefighters Local 230, City of San José; Court: State of CA Public Employment Relations Board; Case No.: SF-CE-941-M; Amount of Money or Other Relief Sought: Damages According to Proof; (5) 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 CA Public Employment Relations Board; Case No.: SF-CE-969-M; Amount of Money or Other Relief Sought: Damages According to Proof; (6) 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 CA Public Employment Relations Board; Case No.: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages According to Proof; (B) to confer with Real Property Designated Representatives pursuant to Government Code Section 54956.8: Property Street Address: 200 E. Santa Clara Street, San José; U.S. Patent & Trade Office; Negotiating Parties: Kim Welsh for the City of San José and Lisle Hannah for the U.S. Government; Under Negotiation: the direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values; (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors 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: City of San José – Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary; (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Benefit & Compensation Summary - City of San José and City Association of Management Personnel Agreement; (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'

## **CLOSED SESSION (Cont'd.)**

Association (SJPOA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing 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/?mid=186>; Telephone for Employee Relations: 408-535-8150.

(D) To confer with Legal Counsel pertaining to the Successor Agency to the Redevelopment Agency of the City of San José pursuant to Government Code Section 54956.9, Subsection (c) with respect to anticipated litigation in one (1) matter.

By unanimous consent, Council recessed from the Closed Session at 11:20 a.m. and reconvened to Regular Session at 1:30 p.m. in the Council Chambers.

Present: Council Members - Campos, Chu (1:35 p.m.), Constant, Herrera, Kalra, Khamis, Liccardo, Nguyen, Oliverio, Rocha; Reed.

Absent: Council Members - All Present.

## **INVOCATION**

Lindsay Sporleder and Zendrez Llado of SPOTLITE Stage Company performed a musical duet from a Michael White production.

## **PLEDGE OF ALLEGIANCE**

Mayor Reed led the Pledge of Allegiance accompanied by third-grade students from De Vargas Elementary.

Venerable Shi Yong Xin, Abbot of China Songshan Shaolin Temple was introduced while visiting the Bay Area to celebrate the 10th Anniversary Shaolin Temple Day in California.

## **ORDERS OF THE DAY**

Upon motion by Council Member Herrera, seconded by Council Member Khamis and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 1.4 heard in the evening. (11-0.)

## CEREMONIAL ITEMS

### 1.1 Presentation of a commendation to Fiesta Educativa for their services and dedication to empowering families of persons with disabilities. (Chu/Campos)

Mayor Reed and Council Members Chu and Campos offered a commendation to the members of Fiesta Educativa for their services and dedication to empowering families of persons with disabilities.

## CONSENT CALENDAR

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

### 2.1 Approval of Minutes.

None provided.

### 2.2 Final adoption of ordinances.

- (a) **ORD. NO. 29381** – Rezoning certain real property of approximately 1.57 gross acres situated on the east side of San Felipe Road, approximately 550 feet northerly of Scenic Meadow Lane (5674 San Felipe Road), from County of Santa Clara to R-1-5 Single-Family Residence Zoning District.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29381 executed on March 7, 2014, submitted by the City Clerk.

Action: Ordinance No. 29381 was adopted. (11-0.)

- (b) **ORD. NO. 29382** - Rezoning certain real property situated on the east corner of the intersection of Samaritan Place and Samaritan Drive (2360 Samaritan Place), from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29382 executed on March 7, 2014, submitted by the City Clerk.

Action: Ordinance No. 29382 was adopted. (11-0.)

2.2 (Cont'd.)

- (c) **ORD. NO. 29384 - Rezoning certain real property situated on the south side of Park Avenue between Sonoma Avenue and Delmas Avenue on a 1.72 gross-acre site (248 Sonoma street) from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29384 executed on March 7, 2014, submitted by the City Clerk.

Action: Ordinance No. 29384 was adopted. (11-0.)

- (d) **ORD. NO. 29385 - Rezoning certain real property situated on the northeast corner of the intersection of North Fourth Street and Archer Street on a 1.9 gross-acre site (1610 North Fourth Street) to the CIC Combined Industrial/Commercial Zoning District.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29385 executed on March 7, 2014, submitted by the City Clerk.

Action: Ordinance No. 29385 was adopted. (11-0.)

- (e) **ORD. NO. 29386 - Rezoning certain real property situated at the southwest corner of North First Street and Century Center Court (1733 North First Street) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29386 executed on March 7, 2014, submitted by the City Clerk.

Action: Ordinance No. 29386 was adopted. (11-0.)

- (f) **ORD. NO. 29387 - Amending Part 7 of Chapter 25.08 of Title 25 of the San José Municipal Code to eliminate permit requirements for ground transportation providers that only drop off passengers at the Norman Y. Mineta San José International Airport, to eliminate airport access permit requirements for on-demand taxi and shuttle services at the airport and to implement a dispatch management system for on-demand taxi and shuttle services at the airport.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29387 executed on March 7, 2014, submitted by the City Clerk.

Action: Ordinance No. 29387 was adopted. (11-0.)

**2.3 Approval of Council Committee Reports.**

- (a) Rules and Open Government Committee Report of February 26, 2014.  
(Mayor)**

Action: Deferred to March 25, 2014 per City Clerk.

**2.4 Mayor and Council Excused Absence Requests.**

None provided.

**2.5 City Council Travel Reports.**

None provided.

**2.6 Report from the Council Liaison to the Retirement Boards.**

None provided.

- 2.7 Approve travel by the City Auditor, Sharon Erickson, to Tampa, FL on May 5 – 6, 2014 to attend the Association of Local Government Auditors 26<sup>th</sup> Annual Conference. Source of Funds: City Auditor’s Non Personal Appropriation and Professional Development Funds. (City Auditor)  
CEQA: Not a Project, File No. PP10-069, Administrative Activities.**

Documents Filed: Memorandum from City Auditor Sharon Erickson, dated March 4, 2014, requesting authorization to travel.

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

**2.8 As recommended by the Rules and Open Government Committee on March 5, 2014:**

- (a) Approve the Cesar Chavez Day Flag Raising as a City Council sponsored Special Event; and  
(b) Approve expending funds and accepting donations from various individuals, businesses or community groups to support the event.  
CEQA: Not a Project. (Campos)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 6, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Cesar Chavez Day 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.)

- 2.9 Approve the Master Agreements with the following firms for environmental consulting services for various City projects:**
- (a) Cornerstone Earth Group from the date of execution through December 31, 2016 in an amount not to exceed \$350,000;**
  - (b) URS Corporation from the date of execution through December 31, 2016 in an amount not to exceed \$350,000;**
  - (c) Haley & Aldrich from the date of execution through December 31, 2016 in an amount not to exceed \$250,000; and**
  - (d) ERM-West, Inc. from the date of execution through December 31, 2016 in an amount not to exceed \$250,000.**

**CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Environmental Services)**

Documents Filed: Memorandum from Environmental Services Director Kerrie Romanow, dated February 24, 2014, recommending approval of Master Service Agreements.

Action: Master Agreements with the following firms for environmental consulting services for various City projects: (a) Cornerstone Earth Group from the date of execution through December 31, 2016 in an amount not to exceed \$350,000; (b) URS Corporation from the date of execution through December 31, 2016 in an amount not to exceed \$350,000; (c) Haley & Aldrich from the date of execution through December 31, 2016 in an amount not to exceed \$250,000; and (d) ERM-West, Inc. from the date of execution through December 31, 2016 in an amount not to exceed \$250,000; were approved. (11-0.)

- 2.10 Adopt a resolution authorizing the City Manager to submit an application to CalRecycle for redesignation of the City of San José as a Recycling Market Development Zone. CEQA: Negative Declaration, File No. PP03-12-373. (Environmental Services)**

Documents Filed: City Council Action Request from Environmental Services Director Kerrie Romanow, dated March 18, 2014, recommending adoption of a resolution.

Action: Resolution No. 76939, entitled: “A Resolution of the Council of the City of San José Supporting the Redesignation of the San José Recycling Market Development Zone and Authorizing the City Manager to Submit an Application to CalRecycle”, was adopted. (11-0.)

- 2.11 (a) Amend the City of San José Pay Plan effective March 18, 2014, to create the following classification:**
- (1) Enterprise Technology Manager (1373)**
- (b) Amend the City of San José Pay Plan effective March 18, 2014, to delete the following obsolete classifications:**
- (1) Senior Latent Fingerprint Examiner (2243)**
  - (2) Latent Fingerprint Examiner Supervisor (2245)**

**CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)**

**2.11 (Cont'd.)**

Documents Filed: Memorandum from Deputy City Manager Alex Gurza, recommending adoption of a resolution.

Action: Resolution No. 76940, entitled: "A Resolution of the Council of the City of San José Amending the City of San José Pay Plan for Various Job Classifications", was adopted. (11-0.)

- 2.12 (a) Approve travel by Councilmember Kalra to Washington, D.C. on March 25 – 27, 2014 to participate in the Silicon Valley Leadership Group Washington, D.C. Advocacy Trip. Source of Funds: Valley Transportation Authority. (Kalra)**
- (b) Request for an excused absence for Councilmember Kalra from the Regular Meeting of the City Council on March 25, 2014 due to Authorized City Business: Silicon Valley Leadership Group Washington, D.C. Advocacy Trip. (Kalra)**

Documents Filed: Memorandum from Council Member Kalra, dated March 3, 2014, requesting authorization to travel and excused absences due to authorized City business.

Action: The travel and excused absences were approved. (11-0.)

**2.13 As recommended by the Rules and Open Government Committee on March 5, 2014:**

- (a) Approve SJPD Southern Division ID Symposium as a City Council sponsored Special Event; and**
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event and approve expending City funds.**
- CEQA: Not a Project. (Kalra/Rocha/Khamis)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 6, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Council Member Khamis pulled Item 2.13 to note the date of the Symposium has been changed to June 21, 2014.

Action: Upon motion by Council Member Khamis, seconded by Council Member Herrera, and carried unanimously, the SJPD Southern Division ID Symposium as a City Council Sponsored Special Event was approved, and expenditure of City funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)



- 2.14 (a) **Approve travel by Councilmember Khamis to Washington, D.C. on March 25 – 27, 2014 to participate in the Silicon Valley Leadership Group Washington, D.C. Advocacy Trip. Source of Funds: District 10 Office Fund. (Khamis)**
- (b) **Request for an excused absence for Councilmember Khamis from the Regular Meeting of the City Council on March 25, 2014 due to Authorized City Business: Silicon Valley Leadership Group Washington, D.C. Advocacy Trip. (Khamis)**

Documents Filed: Memorandum from Council Member Khamis, dated February 19, 2014, requesting authorization to travel and excused absences due to authorized City business.

Action: The travel and excused absences were approved. (11-0.)

- 2.15 **As recommended by the Rules and Open Government Committee on March 5, 2014:**
- (a) **Approve Assyrian New Year (Assyrian Flag Raising) as a City Council sponsored Special Events and allow expenditure of City funds; and**
- (b) **Approve and accept donation from various individuals, business or community groups to support the event.**
- CEQA: Not a Project. (Khamis)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 6, 2014, transmitting the recommendations of the Rules and Open Government Committee.

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

- 2.16 **As recommended by the Rules and Open Government Committee on March 5, 2014:**
- (a) **Approve Tartan Day (Scottish Flag Raising) as a City Council sponsored Special Event and allow the expenditure of City Funds; and**
- (b) **Approve the accept donations from various individuals, businesses or community groups to support the event.**
- CEQA: Not a Project. (Khamis)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 6, 2014, transmitting the recommendations of the Rules and Open Government Committee.

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

- 2.17 Adopt a resolution to initiate proceedings with the Santa Clara County Local Agency Formation Commission for the reorganization of territory designated as Evergreen 202, which involves the annexation of approximately 2.84 gross acres of Santa Clara County land into the City of San José, generally located on the east side of Quimby Road approximately 440 feet east of Murillo Road, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: Mitigated Negative Declaration for the Huang/Quimby Road Project, Resolution No. 76134 adopted on January 24, 2012. Council District 8. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated February 25, 2014, recommending adoption of a resolution.

Action: Resolution No. 76941, entitled: “A Resolution of the Council of the City of San José to Initiate Reorganization Proceedings with the Local Agency Formation Commission for the Annexation and Detachment of Certain Uninhabited Territory Designated as Evergreen 202, Described More Particularly Herein”, was adopted. (11-0.)

- 2.18 (a) Adopt a resolution adopting findings for purposes of and pursuant to the California Environmental Quality Act in connection with the approval of discretionary actions necessary for the construction of the Lower Silver Creek Watershed Project – 1983 Recommended Plan as modified by the 1998 Plan Update;**
- (b) Approve an ordinance amending Ordinance No. 25499 establishing the Story Road Underground Utility District to allow for the temporary installation of utility poles and overhead wires on Story Road at Lower Silver Creek by PG&E within the existing Story Road Phase II Rule 20A Underground District for Santa Clara Valley Water District’s Lower Silver Creek Flood Protection and Creek Restoration Project.**

**CEQA: Resolution to be considered for adoption. Council District 5. (Public Works)**

Documents Filed: City Council Action Request from Director of Public Works David Sykes, dated March 18, 2014, recommending adoption of a resolution and approval of an ordinance.

Action: Resolution No. 76942, entitled: “A Resolution of the Council of the City of San José Adopting Findings for Purposes of and Pursuant to the Provisions of the California Environmental Quality Act of 1970 in Connection with the Approval of Discretionary Actions by the City Necessary for the Construction of the Lower Silver Creek Watershed Project – 1983 Recommended Plan, as Modified by the 1998 Plan Update”, was adopted, and Ordinance No. 29388, entitled: “An Ordinance of the City of San José Amending Ordinance No. 25499 to Allow for the Temporary Installation of Utility Poles and Overhead Wires Within the Story Road Phase II Underground Utility District”, was passed for publication. (11-0.)

- 2.19 Accept the Willow Glen Community Benefit and Improvement District Financial Report for FY 2012-2013, which provides information to the public and the property owners in the District regarding the use of the assessments and the management and operations of the District. CEQA: Exempt, File No. PP13-057. Council District 1. (Public Works)**

Documents Filed: City Council Action Request from Director of Public Works David Sykes, dated March 18, 2014, recommending acceptance of the Willow Glen Community Benefit and Improvement District Financial Report for FY 2012-2013.

Action: The Willow Glen Community Benefit and Improvement District Financial Report for FY 2012-2013, was accepted. (11-0.)

- 2.20 As recommended by the Rules and Open Government Committee on March 12, 2014, approve a position in support for SB 1014 (Jackson) – Pharmaceutical Waste: Home Generated. (Environmental Services)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 12, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Council Member Khamis pulled Item 2.20 to express a “no” vote, reasoning that he does not have a strong understanding of the issue.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera, and carried, a position of support was adopted for SB 1014 (Jackson) - Pharmaceutical Waste: Home Generated. (10-1. Noes: Khamis.)

## **END OF CONSENT CALENDAR**

### **STRATEGIC SUPPORT SERVICES**

- 3.3 Approval of the FY 2014-2015 Mayor’s March Budget Message.**

Documents Filed: (1) Memorandum from Mayor Reed, dated March 6, 2014, recommending approval of the FY 2014-2015 Mayor’s March Budget Message. (2) Letter from David Cortese, County Supervisor, Third District, regarding Fire Station #37.

Mayor Reed provided a presentation of his March Budget Message, and provided a change to Item “J”, “SAP Center Renegotiation” as indicated below in “Action”.

Motion: Vice Mayor Nguyen moved approval of the Mayor’s March Budget Message, including modifications to the SAP Center Renegotiation, and Council Member Constant seconded the motion.

Council discussion followed, and Budget Director Jennifer Maguire and City Manager, Edward K. Shikada responded to questions.

### 3.3 (Cont'd.)

Council Member Kalra offered that he cannot support portions of the draft budget message, maintaining that some of the efforts to try to boost public safety are insufficient or misguided.

Action: On a call for the question, the motion carried, and Mayor the FY 2014-2015 Mayor's March Budget Message, dated March 6, 2014 was accepted, with one modification, Item "J", "SAP Center Renegotiation" as follows: "A recent tour of the SAP Center identified a substantial number of major capital facilities that need to be replaced now or within the next 10 years because they have reached or exceeded their expected life. The cost of the work, and a schedule to accomplish it, must be prepared. In addition to the direction already provided on the SAP Center in the Message, the City Manager is also directed to work with the Sharks to develop a scope of work, and alternatives for funding the work, out of revenues from the operations of the Center". (10-1. Noes: Kalra.)

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.1 **Accept the Calendar Year 2013 Annual Progress Report on the Implementation of the San José 2007-14 Housing Element. CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Planning, Building and Code Enforcement/Housing)**

Documents Filed: Joint memorandum from Director of Public Works David Sykes and Director of Housing Leslye Corsiglia, dated February 24, 2014, recommending acceptance of the annual progress report.

Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti provided clarifications of the report to Council, and Council discussion continued.

Council Member Khamis expressed opposition to having another agency supervise the City.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried, the Calendar Year 2013 Annual Progress Report on the Implementation of the San José 2007-14 Housing Element was accepted. (10-1. Noes: Khamis.)

### 4.2 **As recommended by the Community and Economic Development Committee on February 24, 2014, consider approval of the one of two alternative community special events ordinances that would add Chapter 13.14, repeal Chapters 13.12, 13.16 and 13.22, and amend Chapter 13.44 of Title 13 of the San José Municipal Code in order to establish a comprehensive permit process for outdoor special events on or at City streets, parks, paseos and plazas. CEQA: Not a Project, File No. PP10-068(c), Municipal Code amendments involving no changes to the physical environment. (City Attorney)**

Action: Deferred to April 8, 2014 per Administration.

- 4.4 Adopt a resolution establishing a new City Council Policy: Greenhouse Gas Reduction Strategy Implementation. The proposed policy will further implement the Greenhouse Gas Reduction Strategy, which was adopted with the Envision San José 2040 General Plan, for new private sector development projects. This policy would establish a procedure to determine whether new private development is consistent with the City's adopted Greenhouse Gas Reduction Strategy by requiring applicants to identify measures, which will help to reduce greenhouse gas emissions, in the application and design of projects. CEQA: Final Program Environmental Impact Report for Envision San José 2040 General Plan, EIR Resolution No. 76041. Planning Commission recommends approval (6-1). (Planning, Building and Code Enforcement)**  
**(Deferred from 3/11/14 – Item 4.3)**

Documents Filed: (1) Memorandum from Mayor Reed, dated March 17, 2014, recommending deferral of the item with direction to Staff. (2) Memorandum from Interim Director, Planning, Building and Code Enforcement David Sykes, dated February 19, 2014, transmitting the staff report on the Greenhouse Gas Reduction Strategy for Council review. (3) Memorandum from Interim Planning Commission Secretary David Sykes, dated February 28, 2014, transmitting the Planning Commission recommendations of approval. (4) Supplemental memorandum from Interim Director, Planning, Building and Code Enforcement, David Sykes, dated March 13, 2014, providing additional comments on the proposed City Council Policy. (5) Proof of Publication of Notice of Public Hearing, executed on February 7, 2014 submitted by the City Clerk. (6) Email correspondence from Myron Crawford, Berg & Berg Developers, Inc., in support of Mayor Reed's memorandum of March 17, 2014. (7) Two letters from Patricia Sausedo, one representing Government Affairs, Building Industry Association of the Bay Area, and one representing NAIOP Silicon Valley, both dated March 18, 2014, offering support to Mayor Reed's memorandum of March 17, 2014.

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

Motion: Vice Mayor Nguyen moved approval of Mayor Reed's memorandum of March 17, 2014, recommending deferral of final action. The motion was seconded by Council Member Khamis.

Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti responded to questions regarding a realistic timeline for this item to return to the full Council, and she confirmed that staff will continue to do outreach and hire an economist to perform a cost analysis. April 29, 2014, was confirmed as a reasonable date to return, with staff to return to the Rules and Open Government Committee with an alternate date if necessary.

#### 4.4 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, with this item deferred to April 29, 2014 per Mayor Reed's memorandum of March 17, 2014, with direction to staff, to: (a) Prepare a report on how other Silicon Valley cities are implementing Green House Gas Reduction Strategies and how the cost of their requirements compare to the cost of our proposed requirements; (b) Provide a comparative analysis of the City's proposed Project Implementation Illustrative Checklist to Cal Green, LEED or Build it Green requirements; and (c) Undertake a thorough outreach effort to the development community and other stakeholders prior to returning to Council. (11-0.)

### TRANSPORTATION & AVIATION SERVICES

- 6.1 As recommended by the Rules and Open Government Committee on March 12, 2014, adopt a resolution authorizing the City Manager to negotiate and execute a parking agreement with California News Partnership, conditioned on a long-term lease of Downtown office space, to provide for the relocation of the Bay Area News Group and the San José Mercury News operations to the Downtown. (Mayor)  
[Rules Committee referral 3/12/14 – Item G(4)]**

Documents Filed: (1) Joint memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Herrera, Liccardo and Rocha, dated March 14, 2014, recommending approval of the resolution. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated March 13, 2014, transmitting the recommendations of the Rules and Open Government Committee. (3) Supplemental joint memorandum from Director of Transportation Hans Larsen and Director of Economic Development/Chief Strategist Kim Walesh, dated March 14, 2014, providing the Council with further staff analysis.

Council Member Liccardo offered appreciation to the Staff for their efforts.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera, and carried unanimously, Resolution No. 76943, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Parking Agreement with California News Partnership to Provide Parking Incentives Conditioned on a Long-Term Lease of Downtown Office Space", was adopted. (11-0.)

### ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) Adopt an urgency ordinance amending Title 21 of the San José Municipal Code to align the City's environmental clearance process with the requirements of the California Environmental Quality Act (CEQA) Public Resources Code Section 21000 et seq and the State CEQA Guidelines, making technical changes, and setting forth the facts constituting such urgency; and**

7.1 (Cont'd.)

- (b) **Approve a regular ordinance amending Title 21 of the San José Municipal Code to align the City's environmental clearance process with the requirements of the California Environmental Quality Act (CEQA) Public Resources Code Section 21000 et seq and the State CEQA Guidelines, and making technical changes.**

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

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated March 13, 2014, recommending adoption of ordinances. (2) Email correspondence from Terri Balandra, District 6, dated March 17, 2014, providing questions and comments.

City Attorney Richard Doyle offered clarification regarding the environmental clearance process.

Action: Upon motion by Council Member Khamis, seconded by Council Member Herrera and carried unanimously, Ordinance No. 29389, entitled: “An Urgency Ordinance of the City of San José Amending Chapters 21.04 and 21.07 of Title 21 of the San José Municipal Code to Amend Sections 21.04.140 and 21.07.020 through 21.07.070, and to add a New Section 21.07.080 to Align the City’s Environmental Clearance Process for Environmental Impact Reports with the Requirements of the California Environmental Quality Act, Public Resources Code Section 21000 ET SEQ and the State CEQA Guidelines, Making Technical Changes and Setting Forth the Facts Constituting Such Urgency”; and Ordinance No. 29390, entitled: “An Ordinance of the City of San José Amending Chapters 21.04 and 21.07 of Title 21 of the San José Municipal Code to Amend Sections 21.04.140 and 21.07.020 through 21.07.070, and to add a New Section 21.07.080 to Align the City’s Environmental Clearance Process for Environmental Impact Reports with the Requirements of the California Environmental Quality Act, Public Resources Code Section 21000 ET SEQ and the State CEQA Guidelines, and Making Technical Changes”, were passed for publication. (11-0.)

- 7.2 (a) **Conduct a Public Hearing on the application of Citywide Fibers, Inc., for a Commercial Solid Waste and Recyclables Collection Franchise for the nonexclusive collection and transport of residential clean-out material and construction and demolition debris;**
- (b) **Approve the ordinance granting the franchise to Citywide Fibers, Inc.;**
- (c) **Approve the Commercial Solid Waste and Recyclables Collection Franchise Agreement with Citywide Fibers, Inc., for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris for a term from May 15, 2014 to June 30, 2015, with the option of up to three one-year extensions.**

**CEQA: Exempt, File No. PP08-228. (Environmental Services)**

## 7.2 (Cont'.d)

Documents Filed: (1) Memorandum from Environmental Services Director Kerrie Romanow, dated February 24, 2014, recommending conducting a public hearing and approval of an ordinance and franchise agreement. (2) Proof of Publication of Notice of Public Hearing, executed on February 18, 2014, 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.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Ordinance No. 29391, entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Citywide Fibers, Inc.", was adopted. (11-0.)

## 7.3 Adopt a resolution to authorize the City Manager to:

- (a) **Negotiate and execute a right of entry agreement with JUM Global, LLC and Zero Waste Energy, LLC to construct and operate a small scale demonstration unit that will test gasification of local biosolids and wood waste from the residential yard trimmings collection program at the San José-Santa Clara Regional Wastewater Facility for a term beginning April 1, 2014, through June 30, 2015, at a cost not to exceed \$1,586,689, subject to the appropriation of funds; and**
- (b) **Negotiate and execute an amendment to the Grant Agreement between the City and the California Energy Commission to change the technology provider from Harvest Power, Inc. to JUM Global, LLC and Zero Waste Energy, LLC.**

**CEQA: Exempt, File No. PP14-022. (Environmental Services)**

Documents Filed: (1) Memorandum from Environmental Services Director Kerrie Romanow, dated February 26, 2014, recommending adoption of a resolution. (2) Supplemental memorandum from Environmental Services Director Kerrie Romanow, dated March 10, 2014, providing additional information on the Energy Technology Demonstration Project. (3) Letter from Chairperson Chuck Reed, the Treatment Plant Advisory Committee, dated March 14, 2014, providing recommendations for San José City Council action.

Deputy Director Environmental Services, Jo Zientek, responded to questions from Council.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Resolution No. 76944, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Right of Entry Agreement with Jum Global, LLC and Zero Waste Energy, LLC, Subject to the Appropriation of Funds, and to Negotiate and Execute an Amendment to the Grant Agreement Between the City of San José and the California Energy Commission, for the Demonstration of a Biomass-to-Energy Technology Facility at the San José – Santa Clara Regional Wastewater Facility", was adopted. (11-0.)



**7.4 Approve the 2013 Green Vision Annual Report and 2014 Work Plan priorities and implementation framework. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Environmental Services)**

Documents Filed: Memorandum from Environmental Services Director Kerrie Romanow, dated February 24, 2014, recommending approval of the Green Vision Annual Report and Work Plan priorities.

Assistant Director of the Environmental Services Ashwini Kantak and Sustainability and Compliance Manager, Rene Eyerly presented the Green Vision Report and progress made to date.

Assistant Director of Planning and Code Enforcement Laurel Prevetti and Director of Public Works David Sykes offered further clarification on Green Vision goal setting.

Mayor Reed providing recommendations to Green Vision Goal #7 and modifications to the 2014 Priority Area Work Plan as indicated below in “Action”.

Motion: Council Member Liccardo moved approval of the 2013 Green Vision Annual Report and 2014 Work Plan priorities and implementation framework with Mayor Reed’s recommendations as outlined below in “Action”. Council Member Herrera seconded the motion.

Action: On a call for the question, the motion carried unanimously, the Staff’s recommendations were accepted, with adjustments to Green Vision Goal #7 for requirements noted regarding the transportation mode shift percentage. Staff was further directed to modify Goal #9 on the 2014 Priority Area Work Plan, to not limit conversion of streetlights to 2000. (11-0.)

**OPEN FORUM**

- (1) Jeff Bedolla provided comments regarding the nomination process.
- (2) Judy Bender expressed concerns regarding misplaced paperwork for her healthcare benefits and was directed to City Manager Staff for assistance.

**ADJOURNMENT**

The Council of the City of San José adjourned the afternoon session at 4:25 p.m.

## **RECESS/RECONVENE**

The City Council recessed at 4:25 p.m. from the afternoon Council Session and reconvened at 7:01 p.m. in the Council Chambers, City Hall.

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

Absent: Council Members - All Present.

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

## **CEREMONIAL ITEMS**

**1.2 Presentation of commendations to community members for their support and collaboration in offering video surveillance, suspect descriptions and neighborhood watch support in the identification and capture of the Downtown serial arsonist. (Liccardo)**

Mayor Reed and Council Member Liccardo honored community members for their outstanding collaboration in the identification and capture of the Downtown serial arsonist.

**1.3 Presentation of a commendation to the Veterans Housing Facility and CEO Irvin Goodwin for their work in providing shelter, administrative assistance, and training for homeless veterans throughout San José. (Campos)**

The Veterans Housing Facility and CEO Irvin Goodwin were recognized by the Mayor and Council Members Campos and Herrera for their service for homeless veterans throughout San José.

**1.4 Presentation of a commendation to Polina Edmunds for her outstanding work representing San José and the United States at the 2014 Winter Olympics in Sochi, Russia. (Constant)**

Mayor Reed and Council Members Constant and Herrera offered a commendation to Polina Edmunds for her outstanding accomplishment representing San José and the United States at the 2014 Winter Olympics in Sochi, Russia.

## COMMUNITY & ECONOMIC DEVELOPMENT

**4.3 As referred by the Community and Economic Development Committee on February 24, 2014, direct staff to:**

- (a) Develop a pilot master-leasing program for motels/hotels for the homeless; and**
- (b) Return to City Council with necessary changes to the Municipal Code to implement such a program.**

**CEQA: Not a Project, File No. PP10-068, General Procedure and Policymaking. (Housing)**

**[Community and Economic Development Committee referral 2/24/14 – Item D(5)]  
(Deferred from 3/11/14 – Item 4.2)**

Documents Filed: (1) Joint memorandum from Vice Mayor Nguyen and Council Members Liccardo, Herrera and Campos, dated March 14, 2014, recommending acceptance of the staff report with additional action. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated February 26, 2014, transmitting the recommendations of the Community and Economic Development Committee. (3) Supplemental memorandum from Director of Housing Leslye Corsiglia, dated March 13, 2014, clarifying staff recommendations.

Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares provided an introduction to the pilot master-leasing program, and Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti responded to questions from Council.

Motion: Council Member Liccardo moved approval of the memorandum he coauthored with Vice Mayor Nguyen and Council Members Herrera and Campos, dated March 14, 2014, with an amendment to paragraph #1, changing the length of time from four to *five* years, with an option to renew, and with Staff to return with a status report 18 months after the program is initiated. Council Member Herrera seconded the motion.

Council Member Herrera requested an amendment to the motion, asking that Item 2 (c) from the memorandum “Exempting the lease of motels in the manner contemplated here from the employment lands conversion prohibition in the General Plan” be omitted. Council Member Liccardo accepted the amendment to the motion.

Public Comments: Expressing skepticism and concerns regarding the program were Martha O’Connell and Richard McCoy. Offering support and ideas for transitioning were John Beltran, Homes of a Loving Father; Vivian Wan, Abode Services; Jenny Niklaus and Kirk Heinrichs, HomeFirst; Sandra Murillo, Housing Trust Silicon Valley; Dave Truslow, D3 CLC; Isabella Karabed, Downtown Streets Team; Katherine Mason, Catholic Charities; Jennifer Loving, Destination Home; Dr. Charles Preston, VHHP; and Paul Alvarado.

#### 4.3 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, the staff report was accepted with direction to the City Manager and City Attorney as indicated in the memorandum co-signed by Vice Mayor Nguyen and Council Members Liccardo, Herrera and Campos, dated March 14 2014, with changes as follows: (1) Issue an Request for Proposal (RFP) for the pilot master-leasing program for motels/hotels for the homeless by June, 2014 and that modifies the length of time to ~~four~~ *five* years, with an option to renew, and (2) Return with draft changes to the Municipal Code within 60 days for review and action, where the ordinance: (A) Clarifies that multiple non-profit organizations can serve as a contracting party for purposes of management of the units; (B) Enables the City to have the flexibility to engage in lease of more than 49% of the motel units after the issuance of a CUP, such as by, e.g.: (a) deeming that temporary leases of this type do not change the fundamental commercial use of the property; (b) deeming that a stay in excess of 29 days in a room under terms of this proposal does not change the commercial use of the property; ~~(c) exempting the lease of motels in the manner contemplated here from the employment lands conversion prohibition in the General Plan.~~ Additionally, with staff to return to Council with a status report 18 months after the program is initiated. (11-0.)

#### 4.5 **Discuss the proposed nomination of the Century 21 Theatre (3161 Olsen Drive) for listing on the National Register of Historic Places, and provide direction to staff on recommendations and comments to be submitted to the State of California regarding the proposed nomination. CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making. Council District 1. (Planning, Building and Code Enforcement)**

Documents Filed: (1) Joint memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Constant and Herrera, dated March 14, 2014, approving the letter proposed by Staff. (2) Memorandum from Director of Public Works David Sykes, dated March 12, 2014, recommending discussion of placing the Century 21 Theatre for listing on the National Register of Historic Places. (3) Memorandum from Secretary, Historic Landmarks Commission, David Sykes, dated March 13, 2014, providing comments from the Commission regarding nomination of the Century 21 Theater for listing on the National Register of Historic Places. (4) Three Email, each received March 18, 2014, from Dan Mart, Brian Darby and Christopher Lion, and 'talking points' provided by speakers, and one email from Heather Lerner, received March 19, 2014, urging preservation of Century "dome" Theatre. (5) Email from Ginny Baird, received March 20, 2014, opposing preservation of the structures.

Assistant Director of Planning and Code Enforcement Laurel Prevetti outlined the proposed nomination, and Mayor Reed offered the proposal as outlined in the memorandum he coauthored with Vice Mayor Nguyen and Council Members Constant and Herrera.

#### 4.5 (Cont'd.)

Public Comments: Offering support to preserving the Century 21 Theatre and nominating for listing on the National Register of Historic Places, were: Joyce Raney, Mark Juarez, Jean Thomssen, Heather David, Aidan Herbert, Daphna Woolfe, Linda Montgomery, Bill Cope, Kathryn Hedges, Chris Giangreco, Noah Lerner, Brian Darby, Roxanne Kohlin, Heather Lerner, Richard McCoy, Chris Killingsworth, Matthew Sulton, Rich Mintz, Brian Grayson, Sally Notthoff, Jack Nadeau, Dr. Alison Breeze, Jessica Tomechak, David Canavese, Michael Malliargs and Julie Engelbrecht. Jeff Bedolla offered the opinion that the structure should be demolished.

Motion: Council Member Constant moved approval of Mayor Reed's response to the State Historic Preservation Officer as submitted by the memorandum dated March 14, 2014 from Mayor Reed, Vice Mayor Nguyen and Council Members Constant and Herrera. Vice Mayor Nguyen seconded the motion.

Council Members Campos, Chu, Kalra, Liccardo and Rocha expressed reservations with the letter, suggesting it appears too subjective, advocating no preservation of the site, and discussion was held with recommendations and comments to be submitted to the State of California Office of Historic Preservation.

Council Member Herrera requested amendments to the motion as discussed by Council, outlining modifications as indicated below in "Action". The amendments to the motion were accepted.

Action: On a call for the question, per the memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Constant and Herrera, dated March 14, 2014, the letter to be submitted to the State of California Office of Historic Preservation was accepted with modifications made specifying that is the *owners'* opinion that the theaters are considered to be "obsolete and practically unusable as theaters or as adaptive re-use space for office, residential or commercial purposes"; additionally, removing references to the Century Theatre's nomination being inconsistent with the City's Urban Village Plan implementation. The letter will further request that the State Historic Resources Commission take no action on this matter until such time as the City Landmark process has been completed. (7-4. Noes: Campos, Chu, Kalra, Rocha.)

Further discussion followed regarding the City's historical landmark process, and staff responded to questions.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Rocha, and carried, Staff was directed to proceed with the local City Historical Landmark process and to reflect this action in the letter submitted to the State of California Office of Historic Preservation. (9-2. Noes: Constant, Oliverio.)

## PUBLIC HEARINGS

- 11.2 (a) **Adopt a resolution adopting the Mitigated Negative Declaration for the 5000 Pearl Avenue Project and a related Mitigation Monitoring and Reporting Program; and**
- (b) **Consideration of an ordinance rezoning the real property located at the southeast corner of Pearl Avenue and Adamo Drive (5000 Pearl Avenue) from R-1-8 Single-Family Residence Zoning District to the A(PD) Planned Development Zoning District to allow up to 13 single family residences on an approximately 1.25 gross acre site (Special, Joseph D and Angelina L Et Al, Owner).**

**CEQA: Mitigated Negative Declaration Resolution to be considered for adoption. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)**

### **PDC13-020 – District 9**

Documents Filed: (1) Memorandum from Council Member Rocha, dated March 17, 2014, recommending approval of staff recommendations with amendments. (2) Memorandum from Planning Commission Secretary David Sykes, dated March 5, 2014, transmitting the Planning Commission recommendation of approval. (3) Supplemental memorandum from Department of Planning, Building and Code Enforcement Interim Director, David Sykes, dated March 13, 2014, further clarifying language regarding preservation of Tree #143. (4) Letter from Mark Lazzarini, Managing Principal, DAL Properties LLC, dated March 18, 2014, supporting staff recommendations. (5) Proof of Publication of Notice of Public Hearing, executed on February 7, 2014, 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.

Motion: Council Member Rocha moved approval of the staff recommendations with amendments as outlined in his memorandum of March 17, 2014. Council Member Liccardo seconded the motion.

Action: On a call for the question, the motion carried unanimously, Resolution No. 76945, entitled: “A Resolution of the Council of the City of San José Adopting the Mitigated Negative Declaration for the 5000 Pearl Avenue Project, for which an Initial Study was Prepared in Accordance with the California Environmental Quality Act, and Adopting a Related Mitigation Monitoring and Reporting Program”, was adopted; and Ordinance No. 29392, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the Southeast Corner of Pearl Avenue and Adamo Drive (5000 Pearl Avenue) to A(PD) Planned Development Zoning District”, was passed for publication, with amendments as noted in Council Member Rocha’s memorandum of March 17, 2014, to (1) Remove the requirement to preserve Valley Oak Tree #143 from the development standards; and (2) to retain Staff’s proposed mitigations for removal of Tree #143.  
(11-0.)

- 11.3 Consideration of an ordinance rezoning the real property located on the south side of Balbach Street, 100 feet east of Almaden Avenue (110, 120, 150, 158, 160, 166, 172, 180 Balbach Street) from the A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow a mixed-use development with 101 unit multifamily residential units, a 1405 square foot retail space, and an underground parking facility on an approximately 1.5 gross acre site (Balbach Street Properties LLC, Owner). CEQA: Addendum to the Downtown Strategy 2000 EIR, Resolution No. 72767, adopted June 21, 2005. (Planning, Building and Code Enforcement) PDC13-027 – District 3**

Action: Deferred to April 15, 2014 per Administration

- 11.4 Consideration of an ordinance rezoning the real property located on the east side of Monterey Road, approximately 300 feet south of East Alma Avenue (1418 Monterey Road) from CG(PD) Planned Development Zoning District to CG(PD) Planned Development Zoning District to allow an additional drive through use on Pad 2 and a 24-hour use of Pad 3 to an existing Planned Development Zoning on an approx 19.75 gross acre site (Sun Garden Center 1 LLC, Owner). CEQA: Sun Garden Redevelopment Project EIR, Resolution No. 75929, adopted June 21, 2011 This rezoning was found to be consistent with this EIR. Planning Commission recommends approval (6-1-0). (Planning, Building and Code Enforcement) PDC13-051 – District 7**

Documents Filed: (1) Memorandum from Vice Mayor Nguyen, dated March 12, 2014, recommending approval. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC13-051, dated February 14, 2014. (3) Memorandum from Planning Commission Secretary David Sykes, dated February 26, 2014, transmitting the Planning Commission recommendation. (4) Proof of Publication of Notice of Public Hearing executed on February 7, 2014, submitted by the City Clerk.

Mayor Reed opened the public hearing.

Public Comment: Aurelia Sanchez questioned the safety of a 24-hour business in a blighted area and suggested security be required.

Mayor Reed closed the public hearing.

Motion: Vice Mayor Nguyen moved approval of the staff recommendations with accommodations as included in her memorandum of March 12, 2014. Council Member Rocha seconded the motion.

Action: On a call for the question, the motion carried unanimously, Ordinance No. 29393, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the East Side of Monterey Road Approximately 500 Feet Southerly of East Alma Avenue (1420-1600 Monterey Road) to CG(PD) Planned Development”, was passed for publication with recommendations per Vice Mayor Nguyen’s memorandum of March 12, 2014 to grant a zoning change to allow 24-hour use and appropriate changes to accommodate a drive-thru and new business development. (11-0.)

- 11.5 Consideration of an ordinance rezoning the real property located on the west side Monterey Road, north and south of Esfahan Drive (10024 Tract) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to amend the development standard of a prior Planned Development Rezoning approval, to allow horizontal mixed-use, and to modify setback requirements and parking rations on an approximately 2.05 gross acre site (Montecito Vista Urban Village LLC, Owner). CEQA: Goble Lane Mixed Use EIR, File Number PDC08-032, Resolution No. 72877, adopted August 30, 2005.  
PDC14-002 – District 7**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC14-002, dated February 14, 2014. (2) Memorandum from Planning Commission Secretary David Sykes, dated March 3, 2014, transmitting the Planning Commission recommendation. (3) Proof of Publication of Notice of Public Hearing executed on February 7, 2014, 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.

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

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Rocha and carried unanimously, Ordinance No. 29394, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the West Side Monterey Road, North and South of Esfahan Drive (10024 Tract) to A(PD) Planned Development Zoning District”, was passed for publication. (11-0.)

- 11.6 Consideration of an ordinance rezoning the real property located on the north side of Blossom Hill Road, approximately 1000 feet easterly of Snell Avenue (393-397 Blossom Hill Road), from the A(PD) Planned Development Zoning District to the CN Commercial Neighborhood Zoning District on a 0.45 gross acre site (Santa Teresa Physicians Med Bldg Ltd and The Health Trust, Owner). CEQA: Final Program Environmental Impact Report for Envision San José 2040 General Plan, EIR Resolution No. 76041, adopted November 1, 2011. (Planning, Building and Code Enforcement)  
C13-054 – District 2**

Council Member Oliverio recommended a two-week deferral to allow further community outreach.

Action: Deferred to the evening meeting of April 15, 2014 pending further outreach to the Community.



**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>
10152	W/S North First St., 450 S/O Rio Robles	4	Irvine Company	6 Lots/ 718 units	MFA	Approve

**ADJOURNMENT**

The Council of the City of San José adjourned at 10:47 p.m. in memory of Edgar “Zancudo” Sanchez, who passed away on January 9, 2014. He was an educator and community activist who brought theater into the lives of children. He is survived by his wife Barbara and son Claudio who continue his legacy. (Campos)  
William McWard, Father of Jennifer Maguire, Budget Director. (City Manager’s Office)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk

rmk/3-18-14MIN