

# CITY COUNCIL AGENDA

**APRIL 8, 2014**

## SYNOPSIS

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

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

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

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

- **Call to Order and Roll Call**  
9:32 a.m. - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: All Present.**  
  
1:34 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: All Present.**
- **Invocation (District 4)**  
Piedmont Hills High School Treblemakers sang "Butterfly" for the Invocation.
- **Pledge of Allegiance**  
Mayor Reed, accompanied by Second Graders, Holy Spirit School, led the Pledge of Allegiance.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved, with Item 3.6 heard following Item 3.1.
- **Closed Session Report**  
No Report.

# 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a proclamation declaring the month of April 2014 as “National Volunteer Month” in the City of San José. (Herrera)  
**Mayor Reed and Council Member Herrera recognized the month of April 2014 as “National Volunteer Month” in San José.**
- 1.2 Presentation of a proclamation declaring April 6, 2014 through April 12, 2014 as “National Crime Victims’ Rights Week” in the City of San José. (Mayor)  
**Mayor Reed recognized the week of April 6, 2014 through April 12, 2014 as “National Crime Victims’ Rights Week” in San José.**
- 1.3 Presentation of a proclamation declaring the month of April 2014 as “Young Child Awareness Month” in the City of San José. (Oliverio)  
**Mayor Reed recognized the month of April 2014 as “Young Child Awareness Month” in San José. Council Member Oliverio was not present.**

# 2. CONSENT CALENDAR

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- 2.1 **Approval of Minutes.**  
**There were none.**
- 2.2 **Final Adoption of Ordinances.**

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29388 – 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.  
**Ordinance No. 29388 adopted.**
- (b) ORD. NO. 29390 - 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 (CEQA), Public Resources Code Section 21000 et seq and the State CEQA guidelines, and making technical changes.  
**Ordinance No. 29390 adopted.**
- (c) ORD. NO. 29391 - An ordinance of the City of San José granting a commercial solid waste and recyclables collection franchise to Citywide Fibers, Inc.  
**Ordinance No. 29391 adopted.**

## 2. CONSENT CALENDAR

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### 2.2 Final Adoption of Ordinances. (Cont'd.)

- (d) ORD. NO. 29392 - 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.

**Ordinance No. 29392 adopted.**

- (e) ORD. NO. 29393 - 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.

**Ordinance No. 29393 adopted.**

- (f) ORD. NO. 29394 - 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.

**Ordinance No. 29394 adopted.**

### 2.3 Approval of Council Committee Reports.

**Recommendation:** Approval of Council Committee Reports.

- (a) Committee on Economic Competitiveness Ad Hoc Report of March 3, 2014. (Mayor)
- (b) Rules and Open Government Committee Report of March 12, 2014. (Mayor)
- (c) Neighborhood Services and Education Committee Report of March 13, 2014. (Nguyen)
- (d) Public Safety, Finance, and Strategic Support Committee Report of March 20, 2014. (Constant)
- (e) Community and Economic Development Committee Report of March 24, 2014. (Herrera)

**Approved.**

### 2.4 Mayor and Council Excused Absence Requests. No Report.

### 2.5 City Council Travel Reports.

**Mayor Reed and Council Members Khamis and Kalra presented highlights of the Silicon Valley Leadership Group's Annual Washington, D.C. trip (March 25 – March 27, 2014) where they met with members of Congress and the Obama Administration.**

**Council Member Constant attended the League of California Cities Public Safety Meeting last week.**

**Council Member Rocha was present at the Income Inequality and Minimum Wage Symposium panel in Seattle, Washington on March 26, 2014 through March 27, 2014, which was funded solely by the Center for Popular Democracy.**

## 2. CONSENT CALENDAR

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### 2.6 Report from the Council Liaison to the Retirement Boards. No Report.

### 2.7 City Attorney's Travel to Denver, Colorado.

**Recommendation:** Authorize travel for City Attorney Richard Doyle to Denver, Colorado on June 6-8, 2014 to attend an International Municipal Lawyers Association (IMLA) Top 50 meeting. Source of Funds: City Attorney's Office Non Personal Services Appropriation. CEQA: Not a Project; File No. PP10-069, Administrative Activities. (City Attorney)

**Approved.**

### 2.8 District 4 Various Community Events.

**Recommendation:** As recommended by the Rules and Open Government Committee on March 26, 2014:

- (a) Approve the various community events sponsored by Council District 4 as City Council sponsored Special Events and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Chu)

[Rules Committee referral 3/26/14 – Item G(6)]

**Approved.**

### 2.9 Ninth Annual West Valley Senior Walk Sponsored by Districts 1 and 6.

**Recommendation:** As recommended by the Rules and Open Government Committee on March 26, 2014:

- (a) Approve the ninth Annual West Valley Senior Walk as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Constant/Oliverio)

[Rules Committee referral 3/26/14 – Item G(2)]

**Approved.**

### 2.10 District 1 Mayoral Forum.

**Recommendation:** As recommended by the Rules and Open Government Committee on March 26, 2014:

- (a) Approve the District 1 Mayoral Forum as a City Council sponsored Special Event scheduled for March 29, 2014 and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Constant)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.11 District 8 Senior Health Fair and Walk.

**Recommendation:** As recommended by Rules and Open Government Committee on March 26, 2014:

- (a) Approve the District 8 Senior Health Fair and Walk scheduled for May 17, 2014, as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Herrera)

**Approved.**

### 2.12 District 8 Israeli Independence Day Flag Raising Ceremony.

**Recommendation:** As recommended by the Rules and Open Government Committee on March 26, 2014:

- (a) Approve the District 8 Israeli Independence Day Flag Raising Ceremony scheduled for May 6, 2014 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Herrera)

[Rules Committee referral 3/26/14 – Item G(4)]

**Dropped.**

### 2.13 Future Roots Cultural Festival.

**Recommendation:** As recommended by the Rules and Open Government Committee on March 26, 2014:

- (a) Approve the Future Roots cultural festival held in Downtown San José celebrating Asian Pacific American Month, as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve expending funds and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Kalra)

[Rules Committee referral 3/26/14 – Item G(5)]

**Approved.**

## 2. CONSENT CALENDAR

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### 2.14 Proposed Formation of Zone C (Innovation Drive) to Maintenance District 19 (River Oaks Area Landscaping).

**Recommendation:** Adopt a resolution:

- (a) Preliminarily approving the Engineer's Report for the Formation of Zone C (Innovation Drive) to Maintenance District 19 (River Oaks Area Landscaping).
- (b) Setting a Public Meeting to be held on May 13, 2014 at 1:30 p.m.
- (c) Setting a Public Hearing and tabulation of property owner ballots for June 17, 2014 at 1:30 p.m.
- (d) Directing the notice of said meeting, hearing and ballots to be mailed to the property owners in district.

CEQA: North San José Development Policy Update EIR, Resolution No. 72768. Council District 4. (Public Works)

**Resolution No. 76949 adopted.**

### 2.15 Council Member Rocha's Travel to Seattle, Washington.

**Recommendation:** Approve travel by Council Member Rocha to Seattle, Washington on March 26 – 27, 2014 to speak on a panel at the Income Inequality and Minimum Wage Symposium. Source of Funds: Center for Popular Democracy. (Rocha)

**Approved.**

### 2.16 Car Share Parking Pilot Program.

**Recommendation:** Adopt a resolution to repeal Resolution No. 76927 and set forth the Master Parking Rate Schedule to adjust enrollment dates for applications for the City's car share parking pilot program. CEQA: Not a Project, File No. PP10-067(a), Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Transportation)

**Resolution No. 76950 adopted.**

### 2.17 Willow Glen History Night: Part Two.

**Recommendation:** As recommended by the Rules and Open Government Committee on April 2, 2014:

- (a) Approve the Willow Glen History Night: Part Two scheduled on April 7, 2014 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Oliverio)

[Rules Committee referral 4/2/14 – Item G(2)]

**Approved.**



## 2. CONSENT CALENDAR

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### 2.18 Family Science Night.

**Recommendation:** As recommended by the Rules and Open Government Committee on April 2, 2014:

- (a) Approve the Family Science Night scheduled on April 10, 2014 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Campos)

[Rules Committee referral 4/2/14 – Item G(3)]

**Approved.**

## 3. STRATEGIC SUPPORT SERVICES

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

Assistant City Manager Edward K. Shikada offered details of the “Pride of San José” Awards.

### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.

**Heard at 9:30 a.m.**

**No Report.**

### 3.3 Revisions to the Guiding Principles for Labor Negotiations.

**Recommendation:** Approve revised Guiding Principles for Labor Negotiations related to compensation. CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy change, Title 3 (Personnel). (City Manager)

**Approved.**

### 3.4 Approval of an Ordinance Related to Sworn Employees Who Do Not Qualify for Disability Retirement.

**Recommendation:** Approve:

- (a) An ordinance adding a new section 3.04.490 of Title 3 of the San José Municipal Code to offer a position to a sworn employee in the Police and Fire Department Retirement Plan who under the revised definition of disability in the City Charter does not qualify for a service connected disability retirement.

**Ordinance No. 29396 passed for publication.**

**Noes: Campos, Chu, Kalra, Rocha.**

*(Action Continued on the Next Page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Approval of an Ordinance Related to Sworn Employees Who Do Not Qualify for Disability Retirement. (Cont'd.)

- (b) Direction to the City Administration to meet and confer with the San José Police Officers' Association and the San José Fire Fighters, Local 230 over an ordinance amending section 3.04.400 of Chapter 3.04 of Title 3 of the San José Municipal Code to pay a Tier 2 employee in the Police and Fire Department Retirement Plan the same salary rate in a new position as his or her previous classification. Once the meet and confer process has been completed, direct the City Administration to bring forward an ordinance with these changes.
- (c) Direction to the City Administration to conduct research on the definition of disability used in other California pension plans for Council review no later than June 17, 2014, to allow for consideration of potential City Charter changes.

CEQA: File No. PP10-068(b), Municipal Code or Policy change, Title 3 (Personnel), and File No. PP10-069(b), Personnel Related Decisions. (City Manager)

**The Staff recommendations 3.4(b)(c) as described above were approved.**

- (1) **Staff was directed to, specifically when looking at the other definitions of disability, to look at all of the different public safety agencies including the large independent agencies and the 1937 Act County Agencies as well as the California Highway Patrol (CHP) Significant Disability Retirement which is defined in the State Statute for seriously injured CHP officers.**
- (2) **Staff was directed to review and consider the memorandum from Council Member Herrera, dated March 27, 2014 (From the Rules and Open Government Committee Meeting, April 02, 2014, Item G.7), related to a proposed charter amendment that would include an option for former San José Police Officers to return to Tier 1 for a defined period and present the language of said amendment in time for Council to decide whether to place it on the ballot in November 2014 (among other requests); the entire item was authorized to be agendaized at future Council Meeting for a full Council discussion.**

Noes: Campos, Chu, Kalra, Rocha.

#### 3.5 Statement of Policy and City Council Questions for the Prospective Director of Planning, Building and Code Enforcement.

**Recommendation:** Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Planning, Building and Code Enforcement as described in the staff memorandum, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)

**The memorandum from Mayor Reed, dated April 4, 2014 was approved and the Statement of Policy and City Council Questions related to the selection of a prospective Director of Planning, Building and Code Enforcement was adopted, including two additional questions:**

- (1) **How would you ensure that the North San José Urban Design Guidelines are interpreted and applied by your Staff and members of the City's Architectural Review Committee, as specified in the Guidelines?**
- (2) **How would you manage interdepartmental coordination to improve customer service for plan checks and inspections?**

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.5 Statement of Policy and City Council Questions for the Prospective Director of Planning, Building and Code Enforcement. (Action Cont'd.)**

The memorandum from Council Member Rocha, dated April 7, 2014, was approved, including the following questions:

- (1) What land use planning strategies do you believe are most important to San José's future?**
- (2) How does affordable housing fit into your urban planning vision?**
- (3) Do you believe that there is *ever* a circumstance in which it may be appropriate for the City to convert job lands to housing? If so, can you provide examples of policy considerations that you believe should be balanced against the policy goal of not converting job lands?**
- (4) It is sometimes asserted that fiscal considerations should be the primary driver of City land use decision making. What is the relationship between land use and the City's fiscal health?**
- (5) As Planning Director how would you balance fiscal considerations against other planning values?**
- (6) Do you believe that urban design is important? If so, how?**
- (7) Please describe your experience directly interacting with community members as part of a public decision making process on a controversial issue. What in your experience are the benefits of community outreach? What techniques do you believe make outreach effective?**

The following additional questions were approved:

- (1) How would you be proactive in maintaining the City's ordinances for Code Enforcement, for example, how would you address the issue of illegal vending?**
- (2) How would you move at the "speed of business" for small businesses similar to the driving industries moving at the "speed of business"?**
- (3) How would you handle and address, for example, homeowners who have made modifications to their plans based on one Code Inspector's feedback, have a second Code Inspector come for the final review and request further modifications. How could you make this process easier?**
- (4) How would you implement a plan for twentieth century technology to make San José competitive with other cities, including electronic plan submission and other types of technology?**
- (5) How do you see the Planning, Building and Code Department's role in facilitating and regulating projects; and how will that be transmitted throughout the organization?**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 Review of Retirement Plans Pension and Postemployment Healthcare Plan Actuarial Valuations Report.

**Recommendation:** Review the following actuarial valuation reports:

- (a) Police and Fire Department Retirement Plan Actuarial Valuation (Pension) as of June 30, 2013.
- (b) Police and Fire Department Retirement Plan Postemployment Healthcare Plan Actuarial Valuation as of June 30, 2013.
- (c) Federated City Employees' Retirement System Actuarial Valuation (Pension) as of June 30, 2013.
- (d) Federated City Employees' Retirement System Postemployment Healthcare Plan Actuarial Valuation as of June 30, 2013.

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

*Heard following Item 3.1.*

**Reports Received. No Council Action.**

#### 3.7 Retirement Board Governance Reform Ballot Measure Workplan.

**Recommendation:** As recommended by the Rules and Open Government Committee on March 19, 2014, accept the Retirement Board Governance Reform Ballot Measure Workplan. (City Manager)

[Rules Committee referral 3/19/14 – Item G(3)]

**The memorandum from Mayor Reed and Council Member Constant, dated April 4, 2014, was approved; the work plan was accepted, with the following direction to Staff:**

- (1) Pursuant to the Cortex recommendations, prepare a Charter Amendment and ordinances as necessary to:
  - (a) Grant the retirement boards autonomy based on a Council Appointee model, with Council oversight and public accountability, as described in the memorandum.
  - (b) Do not require the consolidation of the two boards.
- (2) Codify in the Municipal Code the Cortex recommendations already put into practice or agreed to by the Boards, as soon as feasible.
- (3) Engage with the stakeholders on a schedule to be able to return to Council with ballot measure language and draft ordinances for matters that are not required to be in the Charter, no later than August 5, 2014.
- (4) Correction noted on Page 2 of the memorandum, under Analysis, Item iii. d: Strike the word "Jointly" to read: Appoint independent legal counsel.

**Noes: Campos, Chu, Kalra, Rocha.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.1 Community Special Events Ordinance.**

**Recommendation:** 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)

[Community and Economic Development Committee referral 2/24/14 – Item D(4)]

**Deferred to April 22, 2014 per Administration.**

### **4.2 Update on the Implementation of the North San José Area Development Policy.**

**Recommendation:** As recommended by Community and Economic Development Committee on February 24, 2014, accept the update on the implementation of North San José Area Development Policy. CEQA: North San José Development Policies Update EIR, Resolution No. 72768 and Addenda thereto. Council Districts 3 and 4. (Planning, Building and Code Enforcement/Economic Development/Transportation)

[Community and Economic Development Committee referral 2/24/14 – D(2)]

(Deferred from 3/11/14 – Item 4.5 and 3/25/14 – Item 4.1)

**Accepted.**

**The memorandum from Mayor Reed, dated April 7, 2014, was approved, with the following direction to Staff:**

- (1) To return to the Ad Hoc Committee for Economic Competiveness in August 2014 with the revised North San José Urban Design Guidelines and a protocol to ensure the Guidelines are being applied so they encourage driving industry companies to stay in San José and expand in San José.**
- (2) To include the North San José Neighborhood Task Force into the discussions as part of the public outreach.**
- (3) To correct the typographical error in the Staff memorandum dated February 13, 2014, Page 7, Public Outreach/Interest: the North San José Community Meeting was held on *January 15, 2014*.**

**Noes: Liccardo.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.3 Rezoning the Real Property Located on the Southeast Corner of Almaden Expressway and Chynoweth Avenue.**

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southeast corner of Almaden Expressway and Chynoweth Avenue (Almaden Ranch) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to modify existing development standards to allow building height to be increased from 50 feet to 80 feet within a portion of a previously approved 43.5 gross acre shopping center site (Arcadia Development Company, Owner). CEQA: Almaden Ranch Retail Center Environmental Impact Report, Resolution No. 76116, and Addendum thereto. (Planning, Building and Code Enforcement)  
PDC14-001 – District 9

**Ordinance No. 29397 passed for publication.**

### **4.4 Agreement with Chevron Energy Solutions for Energy Services.**

**Recommendation:** Adopt a resolution clarifying that the previous delegation of authority to the Director of Public Works to negotiate and execute an Energy Services Agreement with Chevron Energy Solutions includes the authority to execute the Energy Services Agreement before the City obtains the necessary financing and appropriation of funds provided the Agreement states that the City has no obligation to pay for any work or services performed by Chevron before the City obtains and appropriates necessary funding for the project. CEQA: Exempt, File Nos. PP13-111, PP13-112, PP13-113, PP13-114, PP13-115, PP13-116, PP13-117, PP14-003, PP14-004. (Public Works)  
**The memorandum from Mayor Reed, dated March 28, 2014, was approved, and accepted the Staff recommendations.**  
**Resolution No. 76951 adopted.**  
**Noes: Oliverio.**

## **5. NEIGHBORHOOD SERVICES**

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## **6. TRANSPORTATION & AVIATION SERVICES**

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## **7. ENVIRONMENTAL & UTILITY SERVICES**

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## **8. PUBLIC SAFETY SERVICES**

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## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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- **Notice of City Engineer’s Pending Decision on Final Maps**

In accordance with Section 19.16.140d of the San José Municipal Code, this is notification that the City Engineer has received the following Final Maps and is reviewing them for final approval

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9932	NW corner of Lucretia Ave and Phelan Ave	7	KB Home South Bay Inc.	21 Lots/ 20 Units	SFD

- **Open Forum**

(1) **Harry Shrader requested more information about the sidewalk ordinance and expressed concern that legal liability is the sole responsibility of the homeowner.**

**Mayor Reed, upon request by Council Member Oliverio, directed the City Attorney to follow up with an information memorandum to Mr. Shrader.**

(2) **Stephen Hazel voiced his own opinions on societal issues.**

- **Adjournment**

**The Council of the City of San José was adjourned at 6:51 p.m. in memory of Harry Salgado who passed away on February 14, 2014. Harry was a beloved teacher and coach for the Berryessa Union School District for 35 years. (Chu)**