



# CITY COUNCIL AGENDA

**SEPTEMBER 30, 2014**

**AMENDED AGENDA**

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. 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**
  - 9:30 a.m. - Closed Session, Call to Order in Council Chambers
  - Open Session, Labor Negotiations Update (See Item 3.2)
  - Adjourn to Closed Session in Council Chambers Conference Room, W133
  - [See Separate Agenda](#)
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall
  - 7:00 p.m. - General Plan Hearings, Council Chambers, City Hall
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 8)**
  - Silver Creek High School Choir

- **Pledge of Allegiance**

- **Orders of the Day**

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- \* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

- Orders of the Day (Cont'd.)

- \* **SEE NEW ITEM 2.17, “District 1 Mayoral Candidate Forum,” REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council’s Rules of Conduct, Resolution No. 77136, Rule 3(d).**

- \* **SEE NEW ITEM 3.3, “Certificate of Sufficiency Initiative Amending Title 6 and Title 20 Regarding Marijuana,” REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council’s Rules of Conduct, Resolution No. 77136, Rule 3(d).**

- \* **ITEM 10.6 TO BE HEARD IMMEDIATELY FOLLOWING ITEM 10.7 - PENDING APPROVAL OF ORDERS OF THE DAY**

- \* ADJOURNMENT: This meeting will be adjourned in memory of former San José Police Chief Joe McNamera, who passed away on September 19, 2014. Chief McNamera served the SJPD from 1976 to 1991. His many reforms revolutionized the way the SJPD fights crime. (Mayor)

- Closed Session Report

## **1. CEREMONIAL ITEMS**

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**1.1** Presentation of a commendation to the members of the Mayor’s Gang Prevention Task Force Tech Team. (Mayor)

**1.2\*** Presentation of a proclamation declaring September 26, 2014 as "Native American Day" in the City of San José. (Herrera)

**1.3\*** Presentation of a proclamation declaring September 28 - October 4 as “Silicon Valley Manufacturing Week” in the City of San José. (Herrera)

## 2. CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

### 2.1 Approval of Minutes.

### 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) [ORD. NO. 29486](#) – Amending Chapter 15.14 of Title 15 of the San José Municipal Code to add a new Section 15.14.248 to define Clean Water Act and amend Section 15.14.755 to allow the transfer of discharge permits in the event of a change of ownership.

### 2.3 Approval of Council Committee Reports.

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

- (a) [Rules and Open Government Committee Report of September 10, 2014](#). (Mayor)

### 2.4 Mayor and Council Excused Absence Requests.

### 2.5 City Council Travel Reports.

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

### 2.7 [Use of the Design-Build Project Delivery Method for the Cogeneration Facility Project at the San José - Santa Clara Regional Wastewater Facility.](#) [Supplemental](#)

**Recommendation:** Adopt a [resolution](#) approving the use of the design-build project delivery method in accordance with California Public Contract Code Section 20193 for the construction of the Cogeneration Facility Project, which is estimated to cost in excess of \$2,500,000. CEQA: Mitigated Negative Declaration, File No. PP14-005. (Public Works/Environmental Services)

(Deferred from 9/23/14 – Item 2.8)

\* **RECOMMEND DEFERRAL TO 10/7/14 PER ADMINISTRATION**

## 2. CONSENT CALENDAR

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### 2.8 [Amendment to the Airport Food and Beverage and Retail Concession Agreements to Adjust the Midterm Refurbishment Dates.](#)

**Recommendation:** Approve a Third Amendment to the AMS-SJC JV Airport Retail Concession Agreement, a Fifth Amendment to the Airport Food and Beverage Concession Agreement with Pacific Gateway Concessions, LLC, a Third Amendment to the Airport Food and Beverage Concession Agreement with Host International, Inc. and a Fourth Amendment to the WDFG North America, LLC Airport Retail Concession Agreement to grant the Director of Aviation authority to adjust the midterm refurbishment dates for each concession and to provide for the transfer of a Starbucks location from the WDFG Airport Retail Concession Agreement to the Host Airport Food and Beverage Concession Agreement. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

\* **DROP**

### 2.9 [Sponsored Travel to China for the California Arts Council Tour.](#)

**Recommendation:**

- (a) Accept invitation from the California Arts Council to attend a cultural tour of China by California municipal and state cultural officers from October 16 - 24, 2014. As arranged by the Chinese Ministry of Culture, the Chinese government will pay the cost for travel, lodging, and meals in China during the tour.
- (b) Approve travel to China for Kerry Adams Hapner, Director of Cultural Affairs and Deputy Director of Economic Development, as the City of San José's official representative on the tour.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Economic Development)

### 2.10 [Agreement with ReliaStar Life Insurance Company for Voluntary Personal Insurance Benefits Plans.](#)

**Recommendation:** Approve the Agreement with ReliaStar Life Insurance Company to provide voluntary insurance benefits including Accident Insurance and Critical Illness Insurance for the City's voluntary insurance benefits program for the period of January 1, 2015 to December 31, 2015, and to exercise up to three one-year options to renew the Agreement through December 31, 2018. CEQA: Not a Project, File No. PP10-068(e), Services that involve no physical changes to the environment. (Human Resources)

\* **RECOMMEND DEFERRAL TO 10/21/14 PER ADMINISTRATION**

## 2. CONSENT CALENDAR

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### 2.11 [Agreement with P&A Group for Flexible Spending Account Benefits.](#)

**Recommendation:**

- (a) Approve an [Agreement](#) with P&A Group to provide compliance management services for the City's medical and childcare flexible spending accounts, including Internal Revenue Code Section 125 plan administration, for the period of January 1, 2015 to December 31, 2015, with two one-year options to renew the Agreement through December 31, 2017, and one twenty-month option to renew the Agreement from January 1, 2018 to August 31, 2019, for pre-funding costs by the City not to exceed \$101,000 for the initial term of the agreement, subject to the appropriation of funds by the City Council;
- (b) Adopt the following 2014-2015 Appropriation Ordinance amendments in the Benefits Fund:
  - (1) Increase the Flexible Spending Accounts appropriation to the Human Resources Department by \$66,000; and
  - (2) Decrease the Ending Fund Balance appropriation by \$66,000.

CEQA: Not a Project, File No. PP10-068(e), Services that involve no physical changes to the environment. (Human Resources/City Manager)

### 2.12 [District 2, 9, and 10's Westfield Oakridge Winter Walk.](#)

**Recommendation:** As recommended by Rules and Open Government Committee on September 17, 2014:

- (a) Approve the Westfield Oakridge Winter Walk scheduled on Friday, February 27, 2015 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Khamis)

[Rules Committee referral 9/17/14 – Item G(5)]

### 2.13 [Amendment to the Administrative Citation Schedule of Fines for Title 6 Related to the Medical Marijuana Regulatory Program.](#)

- \* **Recommendation:** Adopt a [resolution](#) amending the Administrative Citation Schedule of Fines to create escalating fines for violation of Title 6 of the San José Municipal Code related to the Medical Marijuana Regulatory Program approved by the City Council on June 17, 2014, making technical corrections to delete fines for violation of Municipal Code sections that have been repealed, and repealing Resolution No. 76637. CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates and Fares. (Police)

## 2. CONSENT CALENDAR

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### 2.14 [Vacation of Public Use Easement for Light and Air on Grimsby Drive and Weston Drive.](#)

**Recommendation:** Adopt a [resolution](#) summarily vacating the Public Use Easement for Light and Air on the property shown as Lot 1 on the map of Tract No. 2868, recorded on December 1, 1961 in Book 140 of Maps at Page 54 of Official Records, Office of the Recorder, County of Santa Clara. CEQA: Exempt, File No 3-18868. (Public Works)

### 2.15 [Update on the Heritage Tree List Resolution.](#)

**Recommendation:** Adopt a [resolution](#) to update the Heritage Tree List in San José pursuant to Chapter 13.28 and Chapter 13.32 of the San José Municipal Code. CEQA: Not a Project, File No. PP10-068. (Transportation)

### 2.16 [Parking Agreement with Ernst and Young, LLP, for Parking Permits and Facilities.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager, or designee, to execute a [parking agreement](#) with Ernst and Young, LLP, providing for the issuance of up to 100 parking permits for use at various City-owned and/or operated parking facilities for up to five years; and to approve amendments to the parking agreement to increase or decrease the number of parking permits. CEQA: Not a Project, File No. PP10-066(f), Agreement for lease of existing space. Council District 3. (Transportation/Economic Development)

### 2.17 [District 1 Mayoral Candidate Forum.](#)

**Recommendation:**

- (a) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.
- (b) Approve the District 1 Mayoral Candidate Forum as a City Council sponsored Special Event and approve the expenditure of funds; and
- (c) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Constant)

- \* **REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council's Rules of Conduct, Resolution No. 77136, Rule 3(d) (8 votes required).**



### 3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.

**TO BE HEARD AT 9:30 A.M.**

3.3 [Certificate of Sufficiency Initiative Amending Title 6 and Title 20 Regarding Marijuana.](#)

[Attachment A – Letter from the County of Santa Clara Registrar of Voters](#)

[Attachment B – Letter from the Office of the Attorney, City of San Jose](#)

[Attachment B2 – Letter from Sensible San Jose](#)

[Memo from Councilmember Reed](#)

**Recommendation:**

- (a) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.
- (b) Accept the Certificate of Sufficiency issued by the County of Santa Clara Registrar of Voters regarding An Initiative Ordinance Amending Title 6 and Title 20 of the San José Municipal Code to Include Medical Marijuana Collectives as an Allowed Land Use an Agricultural, Commercial Pedestrian, Commercial Neighborhood, Industrial Park, Light Industrial and Heavy Industrial Zoning Districts, and to Establish a Registration Process and Zoning Code Verification Certificate Process; and
- (c) Approve one of the actions as outlined in California Elections Code §9214:
  - (1) Order a report on the effects of the proposed ordinance consistent with California Elections Code Section 9212 to be presented to the Council no later than October 30, 2014; or
  - (2) Adopt the proposed ordinance as submitted no later than October 10, 2014 (or November 7, 2014 if a report pursuant to Election Code §9212 is ordered); or
  - (3) Adopt a resolution no later than October 10, 2014 (or November 7, 2014 if a report pursuant to Election Code §9212 is ordered) calling an election to submit the initiative to the voters at a Special Municipal Election on a date to be decided; or
  - (4) Adopt a resolution no later than October 10, 2014 (or November 7, 2014 if a report pursuant to Election Code §9212 is ordered) calling an election to submit the initiative to the voters at the next General Election on Tuesday, June 7, 2016.

CEQA: Negative Declaration, File Nos. PP11-039, PP11-076, and PP14-030. (City Clerk)

\* **REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council’s Rules of Conduct, Resolution No. 77136, Rule 3(d) (8 votes required).**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 [Actions Related to the Guadalupe River Park Master Plan Amendment to Expand the Children's Discovery Museum.](#)

[Memo from Mayor Reed and Councilmember Liccardo](#)

**Recommendation:** Adopt a [resolution](#) to:

- (a) Approve the Guadalupe River Park Master Plan Amendment to expand the Children's Discovery Museum by approximately 15,200 square feet to allow for expanded outdoor educational programming in the areas of environmental stewardship, water conservation, and sustainable food production, and for expanded capacity for exhibit fabrication and repair;
- (b) Find that a long-term operation and maintenance agreement for the expansion of the Children's Discovery Museum will enhance the designated recreational purposes of the park and will meet the conditions required under San José Charter Section 1700.1 and Council Policy 7-8 on the Long-Term Use of City Parklands; and
- (c) Authorize the City Manager to negotiate and execute the following agreements:
  - (1) An Agreement for construction of expansion improvements at Discovery Meadow in Guadalupe River Park; and
  - (2) An amendment to the Operation and Maintenance Agreement with the Children's Discovery Museum to incorporate the operation and maintenance responsibilities associated with the expansion improvements at Discovery Meadow in Guadalupe River Park.

CEQA: Final Program Environmental Impact Report (EIR) for the San José Downtown Strategy 2000 Plan, EIR Resolution No. 72767, as addended. (Economic Development/Parks, Recreation and Neighborhood Services)

### 4.2 [Initiation of the Annexation/Reorganization of Communications Hill No. 1.](#)

[Conflict of Interest Form for Councilmember Khamis](#)

**Recommendation:** Adopt a [resolution](#) initiating proceedings and setting December 9, 2014 at 1:30 p.m. for Council consideration on the reorganization of the territory designated as Communications Hill No. 1 which involves the annexation to the City of San José of an approximately 310.20 gross-acre portion of County territory consisting of twenty (20) lots and public right-of-way generally located on the south side of the Union Pacific Railroad tracks, west side of Hillsdale Ave., northerly of Adeline Ave. and Altino Blvd., and easterly of Highway 87 at the terminus of Carol Drive; and the detachment of the same area from the appropriate special districts, including Central Fire Protection and Area No. 01 (Library Services) County Service. (Multiple Property Owners). CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. Council Districts 6 and 7. (Planning, Building and Code Enforcement)

\* (Deferred from 9/23/14 – Item 4.1)

## 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 [Agreement with AdEase for Marketing Consultant Services for the Airport.](#)

**Recommendation:**

- (a) Approve a [Master Consultant Agreement](#) with AdEase to provide marketing consultant services for Mineta San José International Airport for a two year term beginning October 1, 2014, through September 30, 2016, in an amount not to exceed \$2,540,000; and
- (b) Adopt a resolution authorizing the City Manager to exercise up to two two-year options to extend the agreement with AdEase to provide marketing consultant services in amounts not to exceed a total of \$1,270,000 per year, for a total six-year contract amount not to exceed \$7,620,000, subject to the annual appropriation of funds by the City Council.

CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design/Study/Research/Inspection. (Airport)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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### 8.1 [Amendment to the Firefighter Breathing Air Replenishing System Ordinance.](#) [Memo from Vice Mayor Nguyen and Councilmembers Constant and Campos](#)

**Recommendation:** Approve an [ordinance](#) amending Part 6 of Chapter 17.12 of Title 17 of the San José Municipal Code to add a new section 17.12.640 establishing Firefighter Breathing Air Replenishing System requirements in any of the following structures: buildings containing floors which are used for human occupancy and located more than 75 feet above the lowest level of the fire department vehicular or personnel access, whichever access is more restrictive as determined by the fire Chief; buildings with two or more stories underground; tunnels over 500 feet in length; and, buildings where the fire apparatus access point is located more than 150 feet from the nearest entrance to the building. CEQA: Exempt, under the provisions of the California Environmental Quality Act of 1970, as amended, 14 California Code of Regulations Section 15061(b)(3) and Title 21 of the San José Municipal Code. (Fire)

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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- **Open Forum**  
*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.*
- **Council will recess until 7:00 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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(To be heard by the City Council at 7:00 p.m.)

### 10.1 Tentative approval of General Plan Consent Calendar items.

No General Plan Public Hearing on Consent Calendar at this time.

### 10.2 [General Plan Text Amendment: Modify a Policy in the Envision San José 2040 General Plan for Pre-Construction Surveys for Migratory Birds.](#) [Supplemental Memo from the Planning Commission](#)

- \* **Recommendation:** Tentative approval of a General Plan Text Amendment request to modify policies in the Environmental Leadership chapter of the Envision San José 2040 General Plan to require that pre-construction surveys for migratory birds be conducted for certain projects that propose to disturb trees. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program EIR for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, and Addenda thereto, that adequately describes the activity for the purposes of CEQA. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)  
[GPT14-002](#) – District: Citywide  
(Deferred from 9/23/14 – Item 10.3)

### 10.3 [General Plan Amendment, Communication Hill Specific Plan Text Amendments and Adoption of Communication Hill Specific Plan Area Development Policy for the Real Property Located on the South Side of Union Pacific Railroad Tracks, West of Hillsdale Avenue, Northerly of Adeline Avenue and Altino Boulevard, and Easterly of Highway 87 at the Terminus of Carol Drive.](#)

[Supplemental Memo from the Director of Planning, Building and Code Enforcement](#)  
[Conflict of Interest Form for Councilmember Khamis](#)

- \* **Recommendation:**
- (a) Certify the Communications Hill 2 Project Final Subsequent Environmental Impact Report, and adopt a [resolution](#) making findings concerning significant environmental impacts, mitigation measures and alternatives, adopting a mitigation monitoring and reporting program, and adopting a statement of overriding considerations, all in accordance with the California Environmental Quality Act.
  - (b) Tentative approval of an amendment to the Envision San José 2040 General Plan Land Use/Transportation Diagram to reduce the number of acres designated Urban Residential (30-95 DU/AC) and Open Space, Parklands & Habitat; add the Mixed Use Neighborhood designation (up to 30 DU/AC) to 109 acres and Mixed Use Commercial to 5 acres; change the location of 55 acres designated Industrial Park; delete the Rural Residential (2 DU/AC) and Neighborhood/Community Commercial designations.
  - (c) Tentative approval of text amendments to the Communications Hill Specific Plan Area Development Policy, with no change to the total amount of development allowed within the Communications Hill Specific Plan area. (To be adopted with item 10.6).

*(Item continued on the next page)*

## 10. GENERAL PLAN PUBLIC HEARINGS

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- 10.3 General Plan Amendment, Communication Hill Specific Plan Text Amendments and Adoption of Communication Hill Specific Plan Area Development Policy for the Real Property Located on the South Side of Union Pacific Railroad Tracks, West of Hillsdale Avenue, Northerly of Adeline Avenue and Altino Boulevard, and Easterly of Highway 87 at the Terminus of Carol Drive. (Cont'd.)**

**Recommendation:**

- (d) Tentative approval of Communications Hill Specific Plan Area Development Policy. (To be adopted with item 10.6).

CEQA: Communications Hill 2 Project Subsequent Environmental Impact Report Resolution to be considered for certification and adoption. Planning Commission recommends approval (5-0-1-1). (Planning, Building and Code Enforcement)  
GP13-002/GPT13-002 – District 7

- 10.4 [General Plan Text Amendment: Add Policies that Strengthen those Relating to the Conversion of Commercially Designated Land for Residential Purposes Ahead of Job Creation in Urban Village Areas.](#)**

[Memo from Mayor Reed](#)

[Memo from Councilmember Rocha](#)

- \* **Recommendation:** Tentative approval of a General Plan Text Amendment to add policies that strengthen those relating to the conversion of commercially designated land for residential purposes ahead of job creation in Urban Village Areas. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program EIR for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, and Addenda thereto, that adequately describes the activity for the purposes of CEQA. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)  
GPT14-004 – District: Citywide

- 10.5 [General Plan Text Amendment: Increase the Cap on the Number of Residential Dwelling Units Per Acre.](#)**

[Memo from Councilmember Liccardo](#)

- \* **Recommendation:** Tentative approval of a General Plan Text Amendment to increase the cap on the number of residential dwelling units per acre (DU/AC) from up to 350 DU/AC to up to 800 DU/AC for the Downtown land use designation. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program EIR for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, and Addenda thereto, that adequately describes the activity for the purposes of CEQA. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)  
GPT14-006 – District: Citywide

## 10. GENERAL PLAN PUBLIC HEARINGS

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- 10.6 **Adopt a Resolution Approving All General Plan Amendment Actions on September 23, 2014 and September 30, 2014, Amendments to the Communications Hill Specific Plan, and Adopting the Communications Hill Specific Plan Area Development Policy.**

[Conflict of Interest Form for Councilmember Khamis](#)

**Recommendation:** Adopt a [resolution](#) approving all of the General Plan amendment actions taken on September 23, 2014 and September 30, 2014. (Planning, Building and Code Enforcement)

- \* **TO BE HEARD IMMEDIATELY FOLLOWING ITEM 10.7 - PENDING APPROVAL OF ORDERS OF THE DAY**

- 10.7 **[General Plan Text Amendment: Authorize City Manager to Submit the Draft Envision San José 2040 General Plan Text Amendment to Incorporate the Draft Housing Element for 2014-2023 to HCD.](#)**

[Memo from Councilmember Rocha](#)

[Memo from Councilmember Rocha](#)

[Supplemental Memo from the Directors of Housing and Planning, Building and Code Enforcement](#)

- \* **Recommendation:** Authorize the City Manager to submit to the California Department of Housing and Community Development for a finding of substantial compliance with the Housing Element Law (Government Code section 65580 *et seq.*) and certification of a draft a General Plan text amendment to revise the Envision San José 2040 General Plan Text to incorporate the draft Housing Element for 2014-2023, which text amendments include but are not limited to: revising Chapter 7 “Implementation”; adding new Appendices including but not limited to Appendix 11 “Housing Element for 2014-2023”; and revising or deleting references to Appendix C “Housing Element Update 2007-2014,” of the San José 2020 General Plan, all to update demographic and housing data, goals, policies, and implementation actions and to make other minor technical, clarifying and clerical revisions, as necessary, to comply with State Housing Element Law (Government Code Section 65580-65589.8). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, and Addenda thereto; Downtown Strategy 2000 EIR, Resolution No. 72767, and Addenda thereto; North San José Development Policies EIR, Resolution No. 72768, and Addenda thereto; and Diridon Station Area Plan EIR, Resolution No. 77096 and Addenda thereto (collectively, the “Final Program EIRs”). Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)

[GPT14-001](#) – District: Citywide

- \* (Deferred from 9/23/14 – Item 10.2)

# 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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(To be heard by the City Council at 7:00 p.m.)

**Notice to the public:** There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

## 11.1 Public Hearings on Consent Calendar.

### **Recommendation:**

- (a) **Prezoning the Real Property Located Southerly of the Terminus of Pullman Way.**

**Recommendation:** Consideration of an ordinance rezoning the real property located southerly of the terminus of Pullman Way from unincorporated County to PQP Public/Quasi-Public Zoning District and IP Industrial Park Zoning District on an approximately 9.6 gross acre site encompassing a portion of existing railroad right of way (Raisch Investment Group Ltd, Union Pacific Railroad, Owners). CEQA: EIR Resolution to be adopted under Item 10.3(a). (Planning, Building and Code Enforcement)

C14-046 – District 7

**DEFERRED TO 10/21/14 PER RULES AND OPEN GOVERNMENT COMMITTEE**

- (b) **Prezoning the Real Property Located East of Canoas Garden Avenue, North and South of Millpond Drive.**

**Recommendation:** Consideration of an ordinance rezoning the real property located east of Canoas Garden Avenue, north and south of Millpond Drive (County of Santa Clara, California Department of Public Transportation, Brandenburg Staedler & Moore- Mill Pond, Owners) from unincorporated County to PQP Public/Quasi-Public Zoning District and OS Open Space Zoning District on an approximately 12.4 gross acre site. CEQA: EIR Resolution to be adopted under Item 10.3(a). (Planning, Building and Code Enforcement)

C14-047 – District 7

**DEFERRED TO 10/21/14 PER RULES AND OPEN GOVERNMENT COMMITTEE**

*(Item continued on the next page)*



# 11. PUBLIC HEARINGS

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## 11.1 Public Hearings on Consent Calendar. (Cont'd.)

### Recommendation:

- (c) **Prezoning the Real Property Located Northeast of Saint Florian Way and Adeline Avenue.**

**Recommendation:** Consideration of an ordinance prezoning the real property located northeast of Saint Florian Way and Adeline Avenue (APN: 455-09-040) from unincorporated County to PQP Public/Quasi-Public Zoning District on a 2.0 gross acre site (Joaquin Bear LLC, Owner). CEQA: EIR Resolution to be adopted under Item 10.3(a). (Planning, Building and Code Enforcement)  
C14-048 – District 7

**DEFERRED TO 10/21/14 PER RULES AND OPEN GOVERNMENT COMMITTEE**

- (d) **Prezoning the Real Property Located South of Batista Drive at the County Communications Facility at the Terminus of Carol Drive.**

**Recommendation:** Consideration of an ordinance prezoning the real property located south of Batista Drive at the County Communications Facility at the terminus of Carol Drive (County of Santa Clara, Owner). CEQA: EIR Resolution to be adopted under Item 10.3(a). (Planning, Building and Code Enforcement)

C14-049 – District 7

**DEFERRED TO 10/21/14 PER RULES AND OPEN GOVERNMENT COMMITTEE**

**END OF THE PUBLIC HEARINGS ON CONSENT CALENDAR**

## 11.2 [Actions Related to Rezoning of the Real Property Located at the Northeast Corner of Park Avenue and Laurel Grove Lane.](#)

[Supplemental Memo from the Director of Planning, Building and Code Enforcement](#)  
[Memo from Councilmember Rocha](#)

### Recommendation:

- (a) Adopt a [resolution](#) adopting the Mitigated Negative Declaration for the Park Avenue Senior and Multi-Family Housing Project and a related Mitigation Monitoring and Reporting Program; and
- (b) Consideration of an [ordinance](#) rezoning the real property located at the northeast corner of Park Avenue and Laurel Grove Lane (777 Park Avenue) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow up to 182 multi-family attached units on 2.14 gross acres site (County of Santa Clara Housing Authority, Owner).

CEQA: Mitigated Negative Declaration to be considered for adoption. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)  
PDC13-012 – District 6

(Deferred from 9/23/14 – Item 11.4)

# 11. PUBLIC HEARINGS

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## 11.3 Rezoning and Prezoning the Real Property Located on the South Side of Union Pacific Railroad Tracks, West of Hillsdale Avenue, Northerly of Adeline Avenue and Altino Boulevard, and Easterly of Highway 87 at the Terminus of Carol Drive.

**Recommendation:** Consideration of an ordinance rezoning and prezoning the real property located on the south side of the Union Pacific Railroad tracks, west of Hillsdale Avenue, northerly of Adeline Avenue and Altino Boulevard, and easterly of Highway 87 at the terminus of Carol Drive (Mta Properties LP Robert Bettencourt, Owner; KB Home South Bay, Inc., Peter Lezak, Developer) from A(PD) Planned Development, A Agriculture and Prezoning from unincorporated County to A(PD) Planned Development Zoning District for the proposed development of up to 2,200 residential units including single family attached and detached and multi-family units; up to 67,500 square feet of retail/commercial space; up to 1.44 million square feet of industrial park uses; parks, trails, a school site and related off-site public infrastructure of an approximately 331.6-acre site. CEQA: Communications Hill 2 Project Subsequent Environmental Impact Report resolution to be considered for certification and adoption. (Planning, Building and Code Enforcement)

PDC13-009 – District 7

**DEFERRED TO 10/21/14 PER RULES AND OPEN GOVERNMENT COMMITTEE**

- **Open Forum**

*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.*

- **Adjournment**

\* This meeting will be adjourned in memory of former San José Police Chief Joe McNamera, who passed away on September 19, 2014. Chief McNamera served the SJPd from 1976 to 1991. His many reforms revolutionized the way the SJPd fights crime. (Mayor)

## **CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.