



CITY COUNCIL AGENDA

NOVEMBER 18, 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. If you wish to speak to the City Council, please refer to the following guidelines:

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

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

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

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

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

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

- **Call to Order and Roll Call**
 - 9:00 a.m.** - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: Chu.

 - 1:30 p.m.** - Regular Session, Council Chambers, City Hall
Absent Councilmembers: None.

 - 7:01 p.m.** - General Plan Hearings, Council Chambers, City Hall
Public Hearings, Council Chambers, City Hall
Absent Councilmembers: None.

- **Invocation (District 10)**
Reverend Dr. Ann Michele Rogers Brigham, Pastor, Congregational Church of Almaden Valley, UCC provided the Invocation.

- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance accompanied by third-grade students from Lynhaven Elementary School.

- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Items 1.5, 10.3 and 11.4 dropped per Administration.

- **Closed Session Report**

City Attorney Doyle disclosed the following Closed Session actions of November 18, 2014:

A. Authority to File Exceptions with the Public Employment Relations Board (PERB) in a Litigation Case:

- 1. Case Name:** IAFF Local 230 v. City of San José
Adverse Party or Parties: International Association of Firefighters Local 230 (IAFF Local 230)
Substance of Litigation: Unfair Labor Practice
Council Vote:
Ayes: Chuck Reed, Pete Constant, Rose Herrera, Johnny Khamis, Sam Liccardo, Madison Nguyen, Pierluigi Oliverio, Donald Rocha
Noes: Ash Kalra; Xavier Campos
Disqualified: None.
Absent: Kansen Chu.
- 2. Case Name:** IFPTE Local 21 v. City of San José
Adverse Party or Parties: International Federation of Professional and Technical Engineers Local 21(IAFF Local 21)
Substance of Litigation: Unfair Labor Practice
Council Vote:
Ayes: Chuck Reed, Pete Constant, Rose Herrera, Johnny Khamis, Sam Liccardo, Madison Nguyen, Pierluigi Oliverio, Donald Rocha
Noes: Ash Kalra; Xavier Campos
Disqualified: None.
Absent: Kansen Chu.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Mary Simon for founding Resource Area for Teaching (RAFT) and her 20-year tenure as executive director. (Chu)
Dropped per Administration
- 1.2 Presentation of a commendation to Barbara B. Kamm for her dedication and commitment to the community and achievement in receiving the “Champion of Change” award from the White House. (Nguyen)
Mayor Reed, Vice Mayor Nguyen and Councilmember Herrera commended Barbara B. Kamm for her dedication and commitment to the community and achievement in receiving the “Champion of Change” award.
- 1.3 Presentation of a commendation to Jeff Bornefeld for 15 years of service to the California Community Partners for Youth. (Nguyen)
Mayor Reed, Vice Mayor Nguyen and Councilmember Herrera commended Jeff Bornefeld for 15 years of service to the California Community Partners for Youth, an organization dedicated to inspiring and supporting at-risk youth.
Heard in the evening.
- 1.4 Presentation of a proclamation recognizing November as “Pancreatic Cancer Awareness Month” in San José. (Constant)
(Rules Committee referral 11/12/14)
Mayor Reed and Councilmember Constant recognized November as “Pancreatic Cancer Awareness Month” in San José.
- 1.5 Presentation of Commendation to Ken Schreiber for years of dedicated hard work developing and implementing the Valley Habitat Plan for the region. (Herrera)
(Rules Committee referral 11/12/14)
Dropped per Orders of the Day
- 1.6 Presentation of a proclamation for “Sikh American Awareness & Appreciation Month” in the City of San José. (Kalra)
(Rules Committee referral 11/12/14)
Mayor Reed and Councilmember Kalra proclaimed “Sikh American Awareness & Appreciation Month” in the City of San José.
Heard in the evening
- 1.7 Presentation of a commendation to the Almaden Valley Women’s Club for their commitment to donate money raised from the Almaden Valley Art & Wine Festival to schools, non-profits, and other groups in San José. (Khamis)
(Rules Committee referral 11/12/14)
Mayor Reed and Councilmember Khamis presented a commendation to the Almaden Valley Women’s Club for their tireless commitment to the community in donating to schools, non-profits, and other groups in San José.

2. CONSENT CALENDAR

2.1 Approval of Minutes. None provided.

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29509 – Amending Part 6 of Chapter 17.12 of Title 17 of the San José Municipal Code to add a new Section 17.12.640 to adopt local amendments to the 2013 California Fire Code Relating to Breathing Air Replenishment Systems.

Ordinance No. 29509 adopted.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Committee on Economic Competitiveness Report of September 8, 2014. (Mayor)
(b) Community and Economic Development Committee Report of October 27, 2014. (Herrera)
(c) Rules and Open Government Committee Report of October 22, 2014. (Mayor)
(d) Rules and Open Government Committee Report of October 29, 2014. (Mayor)

Approved.

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 Agreement with Transportation Security Administration Airport Law Enforcement National Explosive Detection Canine for Airport Canine Teams.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Other Transaction Agreement with the Transportation Security Administration to partially reimburse Airport funded Police Department costs for four explosive detection canine teams for a total amount not-to-exceed \$202,000 per year at the Norman Y. Mineta San José International Airport for a five-year period commencing January 1, 2015, in a total reimbursement amount to the City not to exceed \$1,010,000. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

Resolution No. 77213 adopted.

2. CONSENT CALENDAR

2.8 Settlement in *Ammir Umar v. Craig Storlie*.

Recommendation: Approve a settlement in the amount of \$190,000, inclusive of attorney's fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of *Ammir Umar v. Craig Storlie*. CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney)

Approved.

2.9 Ordinance Regarding State Prevailing Wage Policy.

Recommendation: Approve an ordinance amending Title 14 of the San José Municipal Code to add a new Chapter 14.09 to:

- (a) Provide that City contracts involving public works will follow State prevailing wage law (California Labor Code Sections 1720 – 1815) with certain modifications to allow for City enforcement; and
- (b) Provide that the City's prevailing wage policy set forth in Resolution Nos. 61144, 61716, 71584, 72518, 75848 and 76242 no longer apply to any City contracts involving public works covered by the ordinance.

CEQA: Not a Project, File No. PP10-068(c), ordinance amendment that has no effect on the environment. (City Attorney)

Ordinance No. 29510 passed for publication.

2.10 Approval of an Ordinance to Implement Retirement Benefits for New Fire Employees in Police and Fire Department Retirement Plan.

Recommendation: Approve an ordinance amending various sections of Chapters 3.36 of Title 3 of the San José Municipal Code to implement a Tier 2 pension plan for new Fire employees of the City of San José in the Police and Fire Department Retirement Plan. CEQA: Not a Project, File No. PP10-068(b), Ordinance Amendment to Title 3. (City Attorney)

Ordinance No. 29511 passed for publication.

2.11 Amendment to the Agreement with AmeriNational Community Services for Loan Servicing and Funds-Disbursement Services for the Housing Department's Single Family Loan Portfolio.

Recommendation: Approve a Seventh Amendment to the Agreement with AmeriNational Community Services, increasing the amount of the agreement by \$100,000 from \$425,000 to \$525,000 and extending the term from December 31, 2014, to December 31, 2015.

CEQA: Not a Project, File No. PP10-066(e), Contracts and Agreements for Services. (Housing)

Deferred to 12/2/14 per Administration

2. CONSENT CALENDAR

2.12 Dove Hill Park Grand Re-Opening Ceremony.

Recommendation: As recommended by the Rules and Open Government Committee on November 5, 2014:

- (a) Approve the Dove Hill Park Grand Re-Opening Ceremony 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. (Nguyen) [Rules Committee referral 11/5/14 – Item G(3)]

Approved.

2.13 District 7 Neighborhoods Commission Appreciation Reception.

Recommendation: As recommended by the Rules and Open Government Committee on November 5, 2014:

- (a) Approve the District 7 Neighborhoods Commission Appreciation Reception as a City Council sponsored Special Event;
- (b) Approve and accept donations from various individuals, businesses or community groups to support the District 7 Neighborhoods Commission Appreciation Reception; and
- (c) Approve the expenditure of donations and City funds to provide incentives for participants.

CEQA: Not a Project. (Nguyen) [Rules Committee referral 11/5/14 – Item G(4)]

Approved.

2.14 Actions Related to the Grant Funding from Metropolitan Transportation Commission and Valley Transportation Authority for Urban Village Planning.

Recommendation: Adopt a resolution authorizing the City Manager or designee to accept grant funding from the Metropolitan Transportation Commission and the Valley Transportation Authority for urban village planning for the Stevens Creek, Santana Row/Valley Fair, and Winchester Urban Villages, and negotiate and execute all documents required to accept the grant funds, including the authority to negotiate and execute any local matching funds, subject to the appropriation of such funds. CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. Council Districts 1 and 6. (Planning, Building and Code Enforcement)

Resolution No. 77214 adopted.

2.15 Amendment to the Master Agreement with HDR Engineering Inc. for the Sanitary Sewer Condition Assessment Program.

Recommendation: Approve the Second Amendment to the Master Agreement with HDR Engineering Inc. for the Sanitary Sewer Condition Assessment Program, extending the term of the agreement from December 27, 2014, to June 30, 2015, at no additional cost to the City. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. (Public Works)

Approved.

2. CONSENT CALENDAR

2.16 Master Agreements with Verde Design, Inc., Callander Associates Landscape Architecture, Inc. and PlaceWorks for Landscape Architectural Design Services for Various City Facility Projects.

Recommendation: Approve Master Agreements with Verde Design, Inc., Callander Associates Landscape Architecture, Inc. and PlaceWorks for landscape architectural design services for various City facility projects from the date of execution through December 31, 2017, in an amount not to exceed \$1,000,000 for each agreement. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. (Public Works)

Approved.

2.17 Annual Status Report on the Citywide Capital Improvement Program.

Recommendation: Accept the Annual Status Report on the Citywide Capital Improvement Program. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Public Works)

Accepted.

2.18 Councilmember Khamis' Travel to Washington, D.C.

Recommendation:

- (a) Approve travel by Councilmember Khamis to Washington, D.C. on November 20 – 23, 2014 to speak at the Arab American Institute's Leadership Summit. Source of Funds: The Arab American Leadership Institute for lodging and conference registration and Councilmember Khamis' personal funds for flight and incidentals.
- (b) Accept gift of lodging and conference registration for the Summit in accordance with Subsection I of San José Municipal Code 12.08.030, Gift Ordinance Exceptions.

(Khamis)

(Rules Committee referral 11/12/14)

Approved.

2.19 Mayor's Farewell Celebration.

Recommendation: As recommended by the Rules and Open Government Committee on November 12, 2014:

- (a) Approve the Mayor's Farewell Celebration 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. (Mayor)

[Rules Committee referral 11/12/14 – Item G(4)]

Approved.

2. CONSENT CALENDAR

2.20 Del Monte Park Grand Opening Ceremony.

Recommendation: As recommended by the Rules and Open Government Committee on November 12, 2014:

- (a) Approve the Del Monte Park Grand Opening Ceremony 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. (Oliverio)

[Rules Committee referral 11/12/14 – Item G(5)]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Edward Shikada (Verbal Report). None provided.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
None provided.

4. COMMUNITY & ECONOMIC DEVELOPMENT

Items 4.1 and 4.2 were heard concurrently

4.1 Extension of North San José Development Incentive.

Recommendation: As recommended by the Community and Economic Development Committee on September 22, 2014, adopt a resolution amending the North San José Area Development Policy to:

- (a) Extend the North San José Traffic Impact Fee Incentive deadline for Tier 2 projects (build to suit projects of over one million square feet) to obtain building permits for one year to December 31, 2017; and to receive a certificate of occupancy for one year to December 31, 2017;
- (b) Limit the amount of development capacity in the incentive to a total of four million square feet across both Tiers; and
- (c) Designate the point at which the allocation of the incentive occurs is at the time of payment of the Traffic Impact Fee, or upon execution of an Industrial Project Completion Agreement upon approval of a valid development permit.

(Item Continued on the next page)

4.1 Extension of North San José Development Incentive (Cont'd.)

CEQA: North San José Development Policies Update EIR, Resolution No. 72768 and Addenda thereto. (Economic Development /Planning, Building and Code Enforcement/Transportation)

[Community and Economic Development Committee referral 9/22/14 – Item D(2)(b)]
(Deferred from 10/21/14 – Item 4.2 and 11/4/14 – Item 4.1)

Resolution No. 77215 adopted, with a correction noted in Recommendation (a) submitted by the Office of the City Clerk, in the memorandum dated November 6, 2014 “...to obtain building permits for one year to December 31, 2017 2015; and to receive a certificate of occupancy for one year to December 31, 2017”.

Noes: Chu.

4.2 Amendment to the North San José Design Guidelines.

Recommendation: As recommended by the Committee on Economic Competitiveness on November 3, 2014, adopt a resolution to amend the North San José Design Guidelines to incorporate the changes described in the memorandum to the Committee on Economic Competitiveness dated October 24, 2014. CEQA: North San José Development Policies Update EIR, Resolution No. 72768 and Addenda thereto. (Planning, Building and Code Enforcement/Economic Development)

(Economic Competitiveness referral 11/3/14 – Item C)

Resolution No. 77216 adopted, with direction as outlined in the joint memorandum from Mayor Reed and Councilmembers Herrera and Rocha, dated November 14, 2014, to include a recommendation 5(d) that guidelines be returned to the City Council in June 2016 to: Include an analysis from staff under what conditions we could move forward with additional housing allocations where those developers would pay for some significant amount of the shortfall in transaction fees.

4.3 Downtown High Rise Development Incentives.

Recommendation: As recommended by the Community and Economic Development Committee on September 22, 2014, direct the City Attorney to draft an ordinance amending Chapter 4.46 of Title of the San José Municipal Code and Chapter 4.47 of Title 4 of the San José Municipal Code to add sections to suspend the collection of the building and structure constructions tax for a single commercial high rise development project within two years.

CEQA: Not a Project, File No. PP10-067(a), Adjustments to Fees, Rates, and Fares.

(Economic Development /Planning, Building and Code Enforcement/Parks, Recreation and Neighborhood Services)

[Community and Economic Development Committee referral 9/22/14 – Item D(2)(a)(3)]
(Deferred from 10/21/14 – Item 4.1)

Deferred to 12/2/14 per Administration

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Actions Related to the Downtown High-Rise and Mid-Rise Park Fee Incentive Program.

Recommendation:

- (a) Per Council Direction from June 17, 2014, direct the City Attorney to draft a resolution to establish a new Downtown High-Rise and Mid-Rise Park Fee Incentive program to allow high-rise developers to pay 50% of their parkland in-lieu fees at certificate of occupancy, and to make a payment equivalent to the remaining 50% of the fee over a 5 year period; and allow mid-rise developers to pay 75% of their fee at certificate of occupancy and to make a payment equivalent to the remaining 25% of the fees over a 5 year period, with the latter payments to be set aside in a fund for downtown parks operations and maintenance;
- (b) Provide policy direction to staff for the next step to be taken in the development of a potential downtown parks district.

CEQA: Not a project, File No. PP10-067(a), Adjustments to Fees, Rates, and Fares.
Council District 3. (Parks, Recreation and Neighborhood Services)

Deferred to 12/2/14 per Administration

4.5 Actions Related to the Housing Impact Fee on New Market-Rate Rental Housing Developments.

Recommendation:

- (a) Hold a Public Hearing regarding the establishment of a Housing Impact Fee on new market-rate rental housing developments to address the need for affordable housing associated with such new development;
- (b) Accept the Expenditure Plan prepared by staff and the “Residential Nexus Analysis – San José, California” dated October 2014 and prepared by Keyser Marston Associates, Inc.; and
- (c) Establish a housing impact fee on new market-rate rental housing development, in order to increase the supply of affordable housing consistent with the City’s Housing Impact Fee Expenditure Plan, by either:
 - (1) Adopting a resolution to establish the Housing Impact Fee Program; or
 - (2) Approving an ordinance adding Chapter 14.34 to Title 14 of the San José Municipal Code to establish the Housing Impact Fee Program.

CEQA: Not a Project, File No. PP10-067(a), Adjustments to Fees, Rates, and Fares.
(Housing)

Resolution No. 77218 adopted, approving Staff’s recommendations with modifications as outlined in the joint memorandum from Vice Mayor Nguyen and Councilmember Liccardo dated November 14, 2014, to: (1) Subject all market rate residential rental housing to the Housing Impact Fee, with the exception for 5 years of downtown high-rise residential housing development. After five years from the operative fee date, the exemption for high-rise housing shall sunset; modifications outlined in Councilmember Rocha’s memorandum dated November 14, 2014, to: (1) Authorize staff to do additional research on a potential non-residential development fee as an additional

(Item Continued on the next page)

4.6 Actions Related to the Housing Impact Fee on New Market-Rate Rental Housing Developments (Cont'd.)

source of revenue for affordable housing development; (2) Schedule a review of the Housing Impact Fee to be brought along with the results of the non-residential development fee for a potential fee adjustment, as well as additional research on the following development types: (a) The economic feasibility of the fee on a micro-unit product type, and (b) Any negative impacts of the fee on small-scale infill development; (3) As part of the 2015 Major Update of the 2040 General Plan, conduct a comprehensive review of the current framework for development in Urban Villages, including the distribution of jobs and housing between villages and the Village phasing plan, in order to determine whether we need to adjust our approach in order to ensure successful implementation of the Urban Village model; and three of the changes outlined in Councilmember Herrera's memorandum dated November 17, 2014: (1) Exempt 50% of the Fee for mixed-use developments that have a minimum Floor-Area Ratio (FAR) of 0.5 dedicated for commercial or retail use; (2) Allow City staff to waive the Fee for a development if some percentage of the units were restricted to affordable rent by a recorded covenant enforceable by a government agency other than the City of San José; and (3) For purpose of the Fee, do not include assisted living facilities as residences. (Noes: Khamis, Oliverio; Reed.)

5. NEIGHBORHOOD SERVICES

5.1 Report on "Butt Out of Our Bars" Public Health Initiative.

Recommendation: As referred by the Neighborhood Services and Education Committee on October 9, 2014, accept the report and provide direction to staff. (City Manager) [Neighborhood Services and Education Committee referral 10/9/14 – Item D(3)]
Referred to Priority Setting Session per Rules and Open Government Committee

6. TRANSPORTATION & AVIATION SERVICES

6.1 Downtown Sidewalks Bicycle Riding.

Recommendation: Approve an ordinance amending Chapter 11.72 of Title 11 of the San José Municipal Code to prohibit the riding of bicycles on sidewalks in designated areas of Downtown San José, with exceptions for police officers and persons 12 years of age or under:

- (a) (1) (Option 1) Defining the designated area as:
 - (a) Santa Clara Street between Stockton Avenue and Eleventh Street.
 - (b) San Fernando Street between Cahill Street and Eleventh Street.
 - (c) First Street between St John Street and San Carlos Street.
 - (d) Second Street between St John Street and San Carlos Street.
 - (e) Third Street between St John Street and San Carlos Street.
 - (f) Fourth Street between St John Street and San Carlos Street.

OR

- 6.1** (2) (Option 2) Alternatively, the City Council could define the designated area as, consistent with the Downtown Skateboard Prohibition Zone: beginning at the intersection of Julian Street and Fourth Street and then going west on Julian Street to San Pedro Street, then going south on San Pedro Street to Santa Clara Street, then going west on Santa Clara Street to Route 87, then going south along Route 87 to Woz Way, then going south along Woz Way to Balbach Street, then going east on Balbach Street to Almaden Boulevard, then going north on Almaden Boulevard to Viola Avenue, then going east on Viola Avenue to Market Street, then going south on Market Street to Reed Street, then going east on Reed Street to Second Street, then going north on Second Street to San Carlos Street, then going east on San Carlos Street to Fourth Street, then going north on Fourth Street to Julian Street; and
- (b) (Option 3) Amending Section 1.08.020 of Chapter 1.08 of Title 1 to Designate a Violation of Section 11.72.200 as an Infraction.

CEQA: Exempt, File No. PP14-087. (Transportation)

[Transportation and Environment Committee referral 10/6/14 – Item D(3) and Rules and Open Government Committee referral 10/15/14 – Item A2]

Deferred to 12/2/14 per Rules and Open Government Committee

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of Proposed Odor Control Strategy at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Approve the proposed odor control strategy at the San José-Santa Clara Regional Wastewater Facility. CEQA: San José/Santa Clara Water Pollution Control Plant Master Plan EIR, Resolution No. 72768. (Environmental Services)

Deferred to 12/2/14 per Administration

8. PUBLIC SAFETY SERVICES

8.1 Police Department Operations and Performance.

Recommendation: Discussion of Police Department Operations and Performance.

(a) Current Status of Police Department Sworn Staffing.

(b) Analysis of Recent Trends in Crime Statistics.

CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Police)

No Action Required.

9. REDEVELOPMENT – SUCCESSOR AGENCY CONSENT CALENDAR

9.1 Amendment to the Amended and Restated Lease with the Comedy Club of San José, LLC (Improv) for the Jose Theatre.

Recommendation: Successor Agency Board approve the Second Amendment to the Amended and Restated Lease with the Comedy Club of San José, LLC for the use of the Jose Theater located at 62 South Second Street. CEQA: New Century Block Project EIR, Resolution No. 67721. (Successor Agency to the Redevelopment Agency)

Approved.

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.2 Actions Related to the Amended and Restated Off-Site Improvement and Disbursement Agreement for Prop 1C Infill and Infrastructure Grant Funds.

Recommendation:

(a) The Successor Agency Board adopt a resolution authorizing the Executive Officer or his designee to negotiate and execute:

(1) An Amendment to the Amended and Restated Off-Site Improvement and Disbursement Agreement (“Improvement Agreement”) between the Successor Agency, North San Pedro Townhomes LLC, and San Pedro Life 1 LLC, to add First Community Housing (“FCH”), the Affordable Housing Developer for the Project, to the Improvement Agreement and to allow FCH to obtain Prop 1C Infill and Infrastructure grant funds in the amount of \$1,600,000; and

(a) (2) Any other documents as may be necessary to effectuate and finalize the Successor Agency obligations related to the North San Pedro Housing Project.

Successor Agency Resolution No. 7034 adopted.

(b) The City Council adopt a resolution:

(1) Approving the acquisition by the City of San José of certain real property located at the terminus of Terraine Street north of Bassett Street in San José (a portion of Assessors Parcel Number 259-51-066) using \$1,600,000 in previously appropriated Housing Department funds;

(2) Authorizing the Director of Housing to negotiate and execute any additional documents as may be necessary to effectuate and finalize this transaction.

(Successor Agency to the Redevelopment Agency)

Resolution No. 77217 adopted.

- **Open Forum**
None.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

10.1 Tentative approval of General Plan Consent Calendar items.

Recommendation:

- (a) **General Plan Amendment: Land-Use/Transportation Diagram at East Julian Street and North Fourth Street.**

Recommendation: Tentative approval of a General Plan Amendment request to change the Land-Use/Transportation Diagram land use designation from Residential Neighborhood to Mixed Use Neighborhood on a 0.43 acre site, located at the southeast corner of East Julian Street and North 4th Street (298 North 4th Street) (Green Valley Corporation, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and addenda thereto. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement) GP14-003 – District 3
Tentatively approved.

END OF THE GENERAL PLAN ON CONSENT CALENDAR

10.2 General Plan Text Amendment: Modify Goal H-2 - Affordable Housing.

Recommendation: Tentative approval of a General Plan Text Amendment to modify Goal H-2 - Affordable Housing, to state that the City's goal is that 15% or more of the new housing developed in San José be affordable to low and moderate income households and to add a new policy to the Housing - Social Equity and Diversity Policies that states that the City will facilitate housing affordable to those who are employed in serving industries, driving industries and business support industries. CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and addenda thereto. (Planning, Building and Code Enforcement)
GPT14-007 - District: Citywide
Deferred to 12/9/14 per Administration

10.3 General Plan Text Amendment: Modify Envision San Jose 2040 General Plan Chapter 3, Policy ER-5.2 for Pre-Construction Surveys for Migratory Birds.

Recommendation: Tentative approval of a General Plan Text Amendment request to amend Policy ER-5.2 in Chapter 3 "Environmental Leadership" of the Envision San José 2040 General Plan to required that pre-construction surveys for migratory birds be conducted for certain projects that propose to disturb trees. CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission (5-0-2, Kline and Yob absent) recommend approval. (Planning, Building and Code Enforcement)
GPT14-002 – District: Citywide
(Deferred from 9/23/14 – Item 10.3 and 9/30/14 – Item 10.2)
Tentatively approved.

10. GENERAL PLAN PUBLIC HEARINGS

Item 10.4 and 11.2 were heard concurrently

10.4 General Plan Amendment: Land-Use/Transportation Diagram; General Plan Text Amendment: Allocation of Four Urban Villages Projects; Edenvale Area Development Policy: Modify Policy to Include Urban Residential Portion of Project Site.

Recommendation: Approval of the CEQA actions in Item 10.4(a) and tentative approval of Items 10.4(b)-(d) for the project located on the east side of Perimeter Road, between Great Oaks Boulevard and Miyuki Drive (iStar San Jose LLC, Owner):

- (a) Certify the Great Oaks Mixed Use Project 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.

Resolution No. 77219 adopted.

Noes: Oliverio.

- (b) Amendment to the Envision San José 2040 General Plan Land Use/Transportation Diagram from Combined Industrial/Commercial on an approximately 73 gross acre site to Combined Industrial Commercial on 28 acres, Mixed Use Neighborhood on approximately 35 acres, and Urban Residential on approximately 10 acres; and
- (c) Amendment to the Envision San José General Plan Text to amend the “Planned Job Capacity and Housing Growth Areas by Horizon (3 Horizons)” Table in General Plan Appendix 5 to move the growth capacity allocation from four nearby Urban Villages to the project site for up to 780 residential dwelling units; and
- (d) A revision of the Edenvale Area Development Policy dated April 2014 to include the Urban Residential portion of the project site into the Policy and to redistribute 1.0 million square feet of office/R&D and 450,000 square feet of commercial uses from the project site in Edenvale Area 5 to Edenvale Area 2.

CEQA: Great Oaks Mixed Use Project Environmental Impact Report resolution to be considered for certification and adoption. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

GP12-001/GPT14-008/Edenvale Area Development Policy – District 2

Approved.

Noes: Oliverio.

10.5 Adopt a Resolution Approving All General Plan Amendment Actions on November 18, 2014.

Recommendation: Adopt a resolution approving all of the General Plan amendment actions taken on November 18, 2014. (Planning, Building and Code Enforcement)

Resolution No. 77220 adopted.

Noes: Oliverio.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

No Public Hearings on Consent Calendar at this time.

11.2 Rezoning Real Property located on the East Side of Perimeter Road, between Great Oaks Boulevard and Miyuki Drive.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located on the east side of Perimeter Road, between Great Oaks Boulevard and Miyuki Drive (iStar San José, LLC, Owner) to allow up to 720 residential units, 154,00 square feet of commercial uses, and 260,000 square feet of office and/or commercial uses; and

Heard Jointly with Item 10.4

Ordinance No. 29512 passed for publication.

Noes: Oliverio.

- (b) Consideration of an ordinance to approve a Development Agreement with iStar San José, FWSH Partners II and Earthquakes Real Estate (Developers) to develop up to 720 residential units, including single-family detached units, townhouses, and apartments, and approximately 414,000 square feet of retail and office space, in the Edenvale Area as described in the Great Oaks Mixed Use Project Draft Environmental Impact Report for General Plan Amendment (File No. GP12-001), Planned Development Rezoning (File No. PDC12-028), and Edenvale Development Area Policy Revisions, subject to Developers performing the following obligations: (1) Prior to approval of any subdivision map for any residential development , obtaining all required building permits for (a) construction of a major retail use of approximately 125,000 square feet; and (b) construction of enhancements, to the sports stadium previously approved by Planned Development Permit (File No. PD11-002) and currently under construction by Developers; and (2) Completion of final inspection for the building permit for the shell of the building comprising the major retail use prior issuance of the certificate of occupancy, either temporary or permanent, for the 300th residential unit; and completion (stub out) of all infrastructure including water sewer, roadway and power necessary for all office and retail use, prior to the issuance of building permits for the last phase of residential development. The Development Agreement also includes findings to recognize the extraordinary benefit to be provided by the project from the construction of the stadium enhancements, consisting of an upgraded exterior and seating, permanent concession buildings and a new scoreboard, at an increase in cost to the Developers.

CEQA: Great Oaks Mixed Use Project Environmental Impact Report resolution to be considered for certification and adoption. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

PDC12-028/DA14-002- District 2

11.2(b) Dropped per Administration

11. PUBLIC HEARINGS

11.3 Planned Development Zoning and Planned Development Permit for Samaritan Medical Group.

Recommendation:

- (a) Adopt a resolution adopting a Negative Declaration for the Samaritan Medical Center Project.
- (b) Consideration of an ordinance rezoning the real property located at 2506 Samaritan Court from the CO Commercial Office Zoning District to the CO(PD) Planned Development Zoning District, and a Planned Development Permit to allow a 69,250 square foot medical office building with a parking structure on a 2.24 gross acre site (Samaritan Medical Group, Owner).

CEQA: Negative Declaration to be considered for adoption. (Planning, Building and Code Enforcement)

PDC14-008/PD14-013 – District 9

Dropped per Administration

11.4 Planned Development Rezoning and Permit for the Real Property Located on the Southside of Silver Creek Valley Road Approximately 320 Feet Southeast of Beaumont Canyon Drive.

Recommendation:

- (a) Adopt a resolution adopting the Mitigated Negative Declaration for the Silver Creek Valley Gas Station, File Nos. PDC14-030 and PD14-030, and the related Mitigation Monitoring and Reporting Program;
- (b) Consideration of an ordinance rezoning the real property located on the southside of Silver Creek Valley Road approximately 320 feet southeast of Beaumont Canyon Drive (5667 Silver Creek Valley Road) (Canyon Creek Plaza, LLC, Owner) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow the uses of the CN-Commercial Neighborhood Zoning District including a gas station, convenience store, and car wash use, on a 0.96 gross acre portion of an existing 8.33 gross acre commercial shopping center known as Canyon Creek Plaza; and
- (c) Consideration of a Planned Development Permit to allow the construction of a new 2,999 square foot gas station, convenience store and car wash on the subject site. Continue this subsection (c) to December 2, 2014 for action after final adoption of the rezoning ordinance in subsection (b).

CEQA: Mitigated Negative Declaration to be considered for adoption. No recommendation from Planning Commission. (Planning, Building and Code Enforcement)

PDC14-030/PD14-030 – District 8

Dropped at Request of Applicant

- **Open Forum**
None.

- **Adjournment**

The Council of the City of San José adjourned at 8:59 p.m. in memory of former City of San José employee Mike Frezzo, who passed away on October 17, 2014, at the age of 40. Mike Frezzo was a member of the staff in the City Manager's Office for five years and provided excellent technical support and leadership for the City's Civic Center Television that broadcasts and webstreams all meetings of the City Council and its committees. (City Manager)