



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, SEPTEMBER 17, 2013

The Council of the City of San José convened in Regular Session at 9:32 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Constant, Khamis, Nguyen, Rocha; Reed.

Absent: Council Members - Chu, Herrera, Kalra, Liccardo, Oliverio. (Excused)

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

Deputy Director of Employee Relations Jennifer Schembri offered a brief report on current labor negotiations.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:33 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel with respect to Public Employment/Public Employee Appointment pursuant to Government Code Section 54957: (1) Department: Office of the City Manager; Title: City Manager (2) Department: Office of the City Clerk; Title: City Clerk. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: City, et al. v. Office of the Commissioner of Baseball, et al. Names of Parties Involved: City of San José, City of San José as Successor Agency to the Redevelopment Agency of the City of San José and the San José Diridon Authority, Office of the Commissioner of Baseball, an unincorporated association doing business as Major League Baseball and Allan Huber “Bud” Selig; Court: United States District Court, Northern District of California; San José Division; Case No: CV-13-02787-HRL; Amount of Money or Other Relief Sought: Damages according to proof. (C) to confer to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working

CLOSED SESSION (Cont'd.)

Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO. (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:55 a.m. and reconvened to Regular Session at 1:30 p.m. in the Council Chambers.

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

Absent: Council Members - Constant. (Excused)

INVOCATION

Father Bob Fambrini, San José Most Holy Trinity Catholic Church offered the Invocation. (District 8)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Herrera, seconded by Vice Mayor Nguyen and carried unanimously, the Orders of the Day and the Amended Agenda were approved, and Item 11.5 was deferred to October 22, 2013. (10-0-1. Absent: Constant.)

CEREMONIAL ITEMS

1.1 Presentation of a commendation to El Observador as we celebrate its 33rd year anniversary and its commitment to providing accurate news coverage to the San José community. (Herrera)

Mayor Reed, Vice Mayor Nguyen and Council Members Herrera, Liccardo and Campos recognized and commended El Observador.

CONSENT CALENDAR

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

2.1 Approval of Minutes.

There were none.

2.2 Final Adoption of Ordinances.

There were none.

2.3 Approval of Council Committee Reports.

(a) Rules and Open Government Committee Report of August 21, 2013. (Mayor)

Documents Filed: Rules and Open Government Committee Report dated August 21, 2013.

Action: The Rules and Open Government Committee Report was approved. (10-0-1. Absent: Constant.)

- 2.4 (a) **Request for an excused absence for Council Member Constant from the Closed Executive Session and Regular Meeting City Council Meeting on September 24, 2013 due to Authorized City Business: NLC Public Safety and Crime Prevention Steering Committee Meeting. (Constant)**
- (b) **Request for an excused absence for Council Member Constant from the Rules and Open Government Committee Meeting on September 25, 2013 and November 13, 2013 due to Authorized City Business: NLC Public Safety and Crime Prevention Steering Committee Meeting. (Constant)**

Documents Filed: Memorandum from Council Member Constant, dated September 5, 2013, requesting excused absences for meetings due to authorized City business.

Action: The absences for Council Member Constant were excused. (10-0-1. Absent: Constant.)

2.5 City Council Travel Reports.

There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

- 2.7 (a) **Approve an ordinance amending Section 2.04.020 of Chapter 2.04 and Section 4.16.010 of Chapter 4.16 of Title 4 of the San José Municipal Code to transfer the responsibility for management of the City's warehouse operations and responsibility for disposition of unclaimed and surplus personal property from the Finance Department to the Department of Public Works.**
- (b) **Approve an ordinance amending Section 15.08.820 of Chapter 15.08 of Title 15 and Section 19.32.070 of Chapter 19.32 of Title 19 of the San José Municipal Code to provide for the direct purchase of fire hydrants by developers for installation in private developments that meet the City of San José Fire Hydrant Specifications.**
- (c) **Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:**
- (1) **Decrease the Estimate for Other Revenue in the amount of \$65,000.**
 - (2) **Eliminate the City-wide appropriation to the Finance Department for Fire Hydrant Program in the amount of \$65,000.**

CEQA: Not a Project, File No. PP 10-068(c), Code or policy change that involves no physical changes to the environment. (Finance/City Manager's Office)
(Deferred from 6/18/13 – Item 3.11et al. 9/10/13 – Item 3.4)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper and Budget Director Jennifer A. Maguire, dated August 26, 2013, recommending approval of ordinances and adoption of appropriation ordinance and funding sources resolution amendments.

2.7 (Cont'd.)

Action: Ordinance No. 29306, entitled: “An Ordinance of the City of San José Amending San José Municipal Code Section 2.04.020 of Chapter 2.04 of Title 2 and Section 4.16.010 of Chapter 4.16 of Title 4 To Revise the Duties and Functions of the Department of Finance and To Designate the Director of Public Works as the Department Head Responsible for the Disposition of Unclaimed and Personal Surplus Property” and Ordinance No. 29307, entitled: “An Ordinance of the City of San José Amending Section 15.08.820 of Chapter 15.08 of Title 15 and Section 19.32.070 of Chapter 19.32 of Title 19 of the San José Municipal Code Related to the Installation of Fire Hydrants for Private Developments”, were passed for publication and Ordinance No. 29308, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the General Fund; Citywide – Strategic Support for the Elimination of the Fire Hydrant Program; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 76789, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76677 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2013-2014 To Adjust Revenues in the General Fund”, were adopted. (10-0-1. Absent: Constant.)

2.8 **Adopt a resolution authorizing the Director of Housing to negotiate and execute an amendment to the Agreement with the Health Trust for Destination: Home extending the current contract for an additional year to October 31, 2014; requiring the addition of case managers dedicated to serving residents of homeless encampments, and increasing the amount of the contract by \$635,000 for a total contract amount of \$1,045,000. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Housing) (Deferred from 8/27/13 – Item 2.12)**

Documents Filed: Replacement City Council Action Request from Director of Housing Leslye Corsiglia, dated August 27, 2013, recommending adoption of a resolution.

Action: Resolution No. 76790, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Negotiate and Execute an Amendment to the Agreement With the Health Trust as Fiscal Agent for Destination: Home (1) Extending the Current Contract for an Additional Year to October 31, 2014 (2) Requiring the Addition of Case Managers Dedicated to Serving Residents of Homeless Encampments and (3) Increasing the Amount of Contract By \$635,000 For a Total Contract Amount Not To Exceed \$1,045,000”, was adopted. (10-0-1. Absent: Constant.)

2.9 **Report on Request for Proposal for Parking Pay Machines and adopt a resolution authorizing the City Manager to:**

- (a) **Execute the Second Amendment to the Agreement with Caracal Enterprises LLC (doing business as VenTek International (Petaluma, CA) for Parking Payment System Hardware and Hosting and Automated Payment Processing Services, to add eleven parking pay machines at various parks that are managed by Parks, Recreation and Neighborhood Services, and increase compensation by \$143,848 for a revised maximum compensation not to exceed \$300,514, for a term ending April 30, 2015.**

- 2.9 (b) **Negotiate and execute amendments and change orders to the Agreement to purchase additional machines as required, maintenance and support, payment processing, and a hosted Web based application for system administration; and to add, delete or relocate parking pay machines as required, subject to the appropriation of funds.**
- (c) **Execute up to four two-year options to extend the term of the Agreement through 2023, subject to the appropriation of funds.**
- CEQA: Exempt, File No. PP13-087. (Finance)**
(Deferred From 9/10/13 – Item 2.9)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated September 3, 2013, recommending adoption of a resolution.

Action: Resolution No. 76791, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager To (1) Execute the Second Amendment to the Agreement With Caracal Enterprises LLC, Doing Business as Ventek International, For Parking Payment System Hardware and Hosting and Automated Payment Processing Services, To Add Eleven (11) Parking Pay Machines at Various Parks That Are Managed by the Parks, Recreation and Neighborhood Services Department and To Increase Compensation by \$143,848 for a Revised Maximum Compensation Not To Exceed \$300,514 For the Initial Term and First Option Period Ending April 30, 2015 (2) To Negotiate and Execute Amendments and Change Orders to the Agreement to Purchase Additional Machines As Required, Maintenance and Support Payment Processing and a Hosted Web Based Application for System Administration and To Add, Delete Or Relocate Parking Pay Machines As Required, Subject to the Appropriation of Funds and (3) To Execute Up To Four (4) Additional Two Year Options to Extend the Term of the Agreement Through 2023, Subject to the Appropriation of Funds”, was adopted. (10-0-1. Absent: Constant.)

- 2.10 **Approve the Third Amendment to the Concession Agreement with Areas USA SJC, LLC (“Areas”) approving new concession concepts, and authorizing the City to reimburse Areas for costs associated with the construction of the approved concession concepts that are a direct result of protecting sensitive baggage system and CTX explosive detection equipment in an amount to be paid by the City not to exceed \$500,000. CEQA: Airport Master Plan Update EIR, Resolution No. 67380, and Supplemental EIR, Resolution No. 71451. (Airport)**

Documents Filed: Memorandum from Director of Aviation William F. Sherry, A.A.E., dated August 26, 2013, recommending approval of the third amendment to the concession agreement.

Action: The Third Amendment to the Concession Agreement with Areas USA SJC, LLC approving new concession concepts, and authorizing the City to reimburse Areas for costs associated with the construction of the approved concession concepts that are a direct result of protecting sensitive baggage system and CTX explosive detection equipment in an amount to be paid by the City not to exceed \$500,000, were approved. (10-0-1. Absent: Constant.)

- 2.11 Approve First Amendments to the Master Consultant Agreements for marketing support services to Mineta San José International Airport (SJC) with Hoffman/ Lewis and James T. Barnes, Jr. dba Barnestorming Advertising & Marketing Communications to extend the term of the agreements for one year through August 31, 2014, and to increase the total compensation for each agreement by \$335,000 to support airport marketing in the coming year for a total amount for each agreement not to exceed \$855,000, and the total expenditures for both agreements together not to exceed \$855,000 (\$520,000 for the initial two-year term plus \$335,000 for the extension). CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)**

Documents Filed: (1) Memorandum from Mayor Reed and Council Members Herrera, Liccardo and Rocha, dated September 13, 2013, recommending approval of the Staff recommendations with direction as described in “Action”. (2) Memorandum from Director of Aviation William F. Sherry, A.A.E., dated August 26, 2013, recommending approval of the first amendment to the master consultant agreements.

Mayor Reed offered comments about the Airport Marketing Budget Plan.

Motion: Council Member Herrera moved approval of the Staff recommendations and the memorandum she cosigned with Mayor Reed and Council Members Liccardo and Rocha, dated September 13, 2013, recommending approval of the Staff recommendations with direction as described in “Action”. Council Member Rocha seconded the motion.

Action: On a call for the question, the motion carried, the memorandum from Mayor Reed and Council Members Herrera, Liccardo and Rocha, dated September 13, 2013, was approved, the First Amendments to the Master Consultant Agreements for marketing support services to Mineta San José International Airport (SJC) with Hoffman/ Lewis and James T. Barnes, Jr. dba Barnestorming Advertising & Marketing Communications to extend the term of the agreements for one year through August 31, 2014, and to increase the total compensation for each agreement by \$335,000 to support airport marketing in the coming year for a total amount for each agreement not to exceed \$855,000, and the total expenditures for both agreements together not to exceed \$855,000 (\$520,000 for the initial two-year term plus \$335,000 for the extension), was approved. Staff was directed to present a marketing plan to the Ad Hoc Committee for Airport Competiveness in October 2013 that supports new and existing air service at SJC, with emphasis on new routes and new carriers. (9-1-1. Noes: Oliverio. Absent: Constant.)

- 2.12 Authorize City Manager Debra Figone’s travel to Dublin, Ireland on October 12 - 18, 2013, for the Sister City Trip. City Manager’s Non Personal Services Appropriation (hotel and food expenses to be personally paid). (City Manager’s Office)**

Documents Filed: Memorandum from City Manager Debra Figone, dated September 4, 2013, requesting approval to travel.

Action: The travel request for City Manager Debra Figone was approved. (10-0-1. Absent: Constant.)

- 2.13 (a) **Approve the proposed 2013 Justice Assistance Grant Spending Plan for the FY 2013 Edward Byrne Memorial Justice Assistance Grant.**
- (b) **Adopt a resolution accepting the 2013 Justice Assistance Grant in the amount of \$268,167 and authorize the City Manager to execute any documents required to effectuate the grant, including the Grant Agreement and the necessary Memorandum of Understanding with the County of Santa Clara.**
- (c) **Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:**
- (1) **Increase the estimate for Earned Revenue in the amount of \$199,420.**
 - (2) **Establish an appropriation to the Police Department for the 2013 Justice Assistance Grant in the amount of \$199,427.**

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Police/City Manager's Office)

Documents Filed: (1) Memorandum from Vice Mayor Nguyen and Council Members Rocha and Kalra, dated September 13, 2013, recommending approving the Staff recommendations with direction to Staff as described in "Action". (2) Memorandum from Acting Chief of Police Larry Esquivel and Budget Director Jennifer A. Maguire, dated August 19, 2013, recommending approval of the plan, adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Vice Mayor Nguyen presented background information about human trafficking and pointed out that human trafficking prevention has been funded through the Justice Assistance Grant for the past several years.

Assistant City Manager Edward K. Shikada and Chief Administration Officer Lisa Perez responded to Council questions and concerns.

Motion: Council Member Rocha moved approval of the memorandum he cosigned with Vice Mayor Nguyen and Council Member Kalra, dated September 13, 2013, approving the Staff recommendations with direction to Staff as described in "Action", including further direction to the Police Department Staff to provide a status report to the Public Safety, Finance and Strategic Support Committee in advance of the Mid-Year Budget process in January 2014. Vice Mayor Nguyen seconded the motion.

Public Comments: Ruth Silver Toba, Legal Services Chair of the South Bay Coalition to End Human Trafficking, stated the coalition has 140 members and 39 organizations that are collaborating diligently to address the problem by outreach education, training and law enforcement. She pointed out that the organization is in dire need of a coordinator.

2.13 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, the memorandum from Vice Mayor Nguyen and Council Members Rocha and Kalra, dated September 13, 2013, was approved, the 2013 Justice Assistance Grant Spending Plan for the FY 2013 Edward Byrne Memorial Justice Assistance Grant was approved, including the following direction to Staff: (1) Staff was directed to identify at least \$50,000 in additional funding separate from this grant to support the efforts of the South Bay Coalition to End Human Trafficking, for presentation through the Mid-Year Budget process. (2) Staff was directed to bring future Justice Assistance Grant proposals to the Public Safety, Finance and Strategic Support Committee for Council input on priorities. (3) Staff was further directed to provide a status report to the Public Safety, Finance and Strategic Support Committee in advance of the Mid-Year Budget process in January 2014; Resolution No. 76792, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager To Accept the 2013 Edward Byrne Memorial Justice Assistance Grant in the Amount of \$268,167 and Execute Any Documents to Effectuate the Grant, Including the Grant Agreement and the Necessary Memorandum of Understanding With the County of Santa Clara”; Ordinance No. 29309, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the Edward Byrne Memorial Justice Assistance Grant Trust Fund for the 2013 Justice Assistance Grant; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 76793, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 76677 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2013-2014 To Adjust Revenues in the Edward Byrne Memorial Justice Assistance Grant Trust Fund”, were adopted. (10-0-1. Absent: Constant.)

2.14 **Adopt a resolution summarily vacating a 25-foot Building Setback Line easement at 1994 Kocher Drive, recorded August 7, 1950, as part of Tract No. 701, entitled “Cherry Woods Unit No. 2” in Book 30 of Maps at Page 12 of Official Records, Office of the Recorder, County of Santa Clara (APN 288-29-017). CEQA: Exempt, DPW File No. 3-18726. Council District 6. (Public Works)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated August 26, 2013, recommending adoption of a resolution.

Action: Resolution No. 76794, entitled: “A Resolution of the Council of the City of San José Summarily Vacating a 25 Foot Building Setback Line Easement at 1994 Kocher Drive”, was adopted. (10-0-1. Absent: Constant.)

2.15 **Approve travel by Council Member Campos to Sacramento, CA on September 18-20, 2013, to attend the League of California Cities Annual Conference. Source of Funds: Mayor and Council Travel Fund. (Campos) (Rules Committee referral 9/11/13)**

2.15 (Cont'd.)

Documents Filed: Memorandum from Council Member Campos, dated September 3, 3013, requesting approval of travel.

Action: The travel for Council Member Campos was approved. (10-0-1. Absent: Constant.)

- 2.16 (a) Approve travel by Council Member Kalra to Dublin, Ireland on October 12-17, 2013, to lead the Dublin Sister City Delegation. Source of Funds: District 2 Council Office Budget. (Kalra)**
- (b) Request for an excused absence for Council Member Kalra from the Joint City-County meeting on October 18, 2013 due to Authorized City Business: Dublin Sister City Delegation. (Kalra)**
- (Rules Committee referral 9/11/13)**

Documents Filed: Memoranda from Council Member Kalra, both dated September 5, 3013, requesting approval of travel and an excused absence.

Action: The travel for Council Member Kalra was approved and the absence was excused. (10-0-1. Absent: Constant.)

- 2.17 (a) Approve travel by Council Member Khamis to Washington D.C. on October 1 – October 3, 2013, to join the Silicon Valley Leadership Group on its Fall CEO/Senior Officer Trip to Washington D.C. to advocate for federal policies to support San José job creation and global competitiveness. Source of Funds: District 10 Office Budget. (Khamis)**
- (b) Request for an excused absence for Council Member Khamis from the Regular Meeting of the City Council Meeting on October 1, 2013 due to Authorized City Business: Silicon Valley Leadership Group Fall CEO/Senior Officer Trip to Washington D.C. (Khamis)**
- (Rules Committee referral 9/11/13)**

Documents Filed: Memorandum from Council Member Khamis, dated September 6, 3013, requesting approval of travel and an excused absence.

Action: The travel for Council Member Khamis was approved and the absence was excused. (10-0-1. Absent: Constant.)

2.18 As recommended by the Rules and Open Government Committee on September 11, 2013:

- (a) Approve the District 8 Day in the Park Festival as a City Council sponsored Special Event.**
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.**

CEQA: Not a Project. (Herrera)

[Rules Committee referral 9/11/13 – Item G(2)]

2.18 (Cont'd.)

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

Action: The District 8 Day in the Park Festival as a City Council sponsored Special Event was approved and acceptance of donations from various individuals, businesses, or community groups to support the event was authorized. (10-0-1. Absent: Constant.)

2.19 As recommended by the Rules and Open Government Committee on September 11, 2013:

(a) Approve the Queerseanera 2013 event as a City Council sponsored Special Event.

(b) Approve the allowance of donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Campos)

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

Action: The Queerseanera 2013 event as a City Council sponsored Special Event was approved and acceptance of donations from various individuals, businesses, or community groups to support the event was authorized. (10-0-1. Absent: Constant.)

2.20 As recommended by the Rules and Open Government Committee on September 11, 2013:

(a) Approve the Youth Job Fair as a City Council sponsored Event.

(b) Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (Nguyen/Khamis)

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

Action: The Youth Job Fair as a City Council sponsored Special Event was approved and acceptance of donations from various individuals, businesses, or community groups to support the event was authorized. (10-0-1. Absent: Constant.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

- 3.3 Approve an ordinance amending Section 12.05.040 of Chapter 12.05 of Title 12, amending sections 12.06.295, 12.06.510, 12.06.910, 12.06.915 and 12.06.1010 of Chapter 12.06 of Title 12, and adding Section 12.06.215 of Chapter 12.06 of Title 12 of the San José Municipal Code relating to elections and municipal campaign and officeholder contributions. CEQA: Not a Project; File No. PP10-068(c), Code or Policy change that involves no physical changes to the environment. (City Attorney's Office)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated September 4, 2013, recommending approval of an ordinance and requesting direction regarding ability to opt-in to the Voluntary Campaign Expenditure Limits program after the primary election.

City Attorney Richard Doyle presented background information about the Title 12 Revisions and Revisions to Administrative Procedures and responded to Council questions and concerns.

Council Member Liccardo, referring to the voluntary expenditure limits, suggested that the decisions be bifurcated and allow the candidate the opportunity to choose.

Brief Council discussion ensued.

Action: Upon motion by Council Member Khamis, seconded by Council Member Herrera and carried, Ordinance No. 29310, entitled: "An Ordinance of the City of San José Amending Section 12.05.040 of Chapter 12.05 of Title 12 Amending Sections 12.06.295, 12.06.510, 12.06.910, 12.06.915 and 12.06.1010 of Chapter 12.06 of Title 12 and Adding Section 12.06.215 of Chapter 12.06 of Title 12 of the San José Municipal Code Relating to Elections and Municipal Campaign and Officeholder Contributions", was passed for publication. (9-1-1. Noes: Liccardo. Absent: Constant.)

- 3.4 Approve the response to the Santa Clara County Civil Grand Jury Report entitled "The State of Public Safety Disability Retirement Rates in the County." CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Assessments/Annual Reports/Information Memos. (City Manager's Office)**

Documents Filed: Memorandum from Deputy City Manager Alex Gurza, dated September 5, 2013, recommending approval of the report.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, the response to the Santa Clara County Civil Grand Jury Report entitled "The State of Public Safety Disability Retirement Rates in the County" was approved. (10-0-1. Absent: Constant.)

3.5 Approve a service delivery strategy to collect Recycle Plus payments for garbage and recycling services for all single family residential households through the Santa Clara County Secured Property Tax Bill. CEQA: Not a Project, File PP10-069(a), City Organizational and Administrative Activities. (Finance/Environmental Services/Information Technology)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, Director of Environmental Services Kerrie Romanow and Chief Information Officer Vijay Sammeta, dated August 30, 2013, recommending approval of a service delivery strategy.

Director of Environmental Services Kerrie Romanow provided the report and responded to Council questions and concerns.

Council Member Kalra expressed interest in other strategies or alternatives for low income residents.

Council Member Rocha voiced opposition to the motion on the floor.

Motion: Council Member Khamis moved approval of the Staff recommendations for Option 2A. Council Member Herrera seconded the motion.

Council Member Oliverio requested to amend the motion to direct Staff to circulate an information memorandum to the Council regarding findings of outreach to the residents and the complexities of a complete billing service delivery strategy through the Santa Clara County Secured Property Tax Bill. The amendment was accepted by Council Members Khamis and Herrera.

Public Comments: Ross Signorino offered comments and requested clarification on the whole process. Jim Piazza voiced opposition to the Staff recommendations.

Mayor Reed pointed out that Council discussed this issue specifically on October 16, 2012 and Council approved the Staff's strategy to discontinue the City's in-house service delivery model and to continue evaluation of the Option 2A service delivery option. Mayor Reed stated that on January 15, 2013 Council approved the Staff recommendations to discontinue the City's in-house service delivery model for Recycle Plus Billing and Customer Service and directed Staff to continue to evaluate two alternative service delivery models. Mayor Reed expressed support to the motion on the floor.

Council Member Campos expressed opposition to the motion and pointed out that San José residents are struggling to make their mortgage and tax payments.

3.5 (Cont'd.)

Action: On a call for the question the motion carried, a service delivery strategy to collect Recycle Plus payments for garbage and recycling services for all single family residential households through the Santa Clara County Secured Property Tax Bill was approved. Staff was directed to circulate an information memorandum to the Council regarding findings of outreach to the residents and the complexities of a complete billing service delivery strategy through the Santa Clara County Secured Property Tax Bill. (7-3-1. Noes: Campos, Kalra, Rocha. Absent: Constant.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 **Hold a public hearing on the FY 2012-2013 Consolidated Annual Performance Evaluation Report and approve the document for submittal to the U.S. Department of Housing and Urban Development by the September 30, 2013 deadline. CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Housing)**

Documents Filed: (1) Memorandum from Director of Housing Leslye Corsiglia, dated August 26, 2013, recommending holding a public hearing approving the document. (2) Supplemental memorandum from Director of Housing Leslye Corsiglia, dated September 17, 2013, summarizing the public comments and staff initiated revisions. (3) Two Proofs of Publications of Notice of Public Hearings, both executed on August 23, 2013, submitted by the City Clerk.

Mayor Reed pointed out that the supplemental report issued today summarized the public comments received during the public comment period from August 26, 2013 through September 12, 2013 and also included any revisions made to the draft document in response to those comments, as well as Staff initiated revisions.

Mayor Reed opened the Public Hearing.

Public Comments: There was no public testimony from the floor. Mayor Reed closed the Public Hearing.

Action: Upon motion by Council Member Herrera, seconded by Vice Mayor Nguyen and carried unanimously, the FY 2012-2013 Consolidated Annual Performance Evaluation Report was approved and Staff was directed to submit the document to the U.S. Department of Housing and Urban Development by the September 30, 2013 deadline. (10-0-1. Absent: Constant.)

- 4.2 (a) **Adopt a resolution authorizing the Director of Public Works to negotiate and execute a Takeover Agreement with Liberty Mutual Insurance Company to complete construction of the Environmental Innovation Center at an additional cost to the City of \$1,000,000.**
- (b) **Adopt a resolution authorizing the Director of Public Works to negotiate and execute new consultant agreements or amendments to existing consultant agreements as needed to complete the Environmental Innovation Center in an aggregate amount not to exceed the revised appropriations for the Project.**
- (c) **Adopt the following 2013-2014 Appropriation Ordinance and Funding Sources Resolution Amendments in the Integrated Waste Management Fund:**
- (1) **Modify the name of the appropriation from EIC AB939/CDDD/Late Fees to EIC (Misc Funding Sources).**
 - (2) **Increase Earned Revenue (HHW Revenue from County) in the amount of \$49,700.**
 - (3) **Decrease the Non-Personal/Equipment appropriation to the Environmental Services Department in the amount of \$318,000.**
 - (4) **Decrease the Household Hazardous Waste Las Plumas Facility appropriation to the Environmental Services Department in the amount of \$600,000.**
 - (5) **Decrease the Ending Fund Balance – Unrestricted appropriation in the amount of \$120,000.**
 - (6) **Increase the appropriation to the EIC (Misc. Funding Sources) in the Environmental Services Department in the amount of \$1,087,700.**

CEQA: Negative Declaration, File No. PP09-138, for the renovation of the EIC was adopted on December 1, 2009. Council District 3. (Public Works/City Manager's Office)

Documents Filed: Memorandum from Director of Public Works David Sykes, Director of Environmental Services Kerrie Romanow and Budget Director Jennifer A. Maguire, dated September 13, 2013, recommending adoption of resolutions and appropriation ordinance and funding sources resolution amendments, and noting that any delay in this Council action will result in a day for day delay in the delivery of the project, which necessitates this Council action to be taken as soon as possible.

Director of Public Works David Sykes offered introductory comments and provided clarifications to the Staff recommendations.

Motion: Council Member Herrera moved approval of the Staff recommendations. Vice Mayor Nguyen seconded the motion.

On a call for the question, the motion failed. (5-5-1. Noes: Campos, Chu, Kalra, Liccardo, Oliverio. Absent: Constant.)

4.2 (Cont'd.)

Council Member Liccardo moved to continue this item for one week. The motion failed for lack of a second.

City Attorney Richard Doyle, Assistant City Manager Edward K. Shikada, Director of Public Works David Sykes and Deputy Director of Economic Development Nanci J. Klein responded to Council questions and concerns.

Council Member Liccardo moved approval to reconsider the original motion. Council Member Herrera seconded the motion.

Action: On a call for the question, the original motion carried, Resolution No. 76795, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Negotiate and Execute a Takeover Agreement with Liberty Mutual Insurance Company to Complete Construction of the Environmental Innovation Center"; Resolution No. 76796, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Negotiate and Execute New Consultant Agreements or Amendments As Needed To Complete the Environmental Center"; Ordinance No. 29311, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29271 to Appropriate Monies in the Integrated Waste Management Fund for the EIC Miscellaneous Funding Sources; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 76797, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 76677 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2013-2014 To Adjust Revenues in the Integrated Waste Management Fund", were adopted. (7-3-1. Noes: Campos, Kalra, Oliverio. Absent: Constant.)

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) **Approve a Master Services Agreement with MWH Americas, Inc., for Program Management Consultant Services at the San José-Santa Clara Regional Wastewater Facility, (formerly known as the San José/Santa Clara Water Pollution Control Plant), for a term beginning from the date of execution through September 30, 2018, including up to two, one-year extension options, in an initial amount not to exceed \$7,295,000, and a maximum agreement amount not to exceed \$39,000,000, subject to the appropriation of funds.**
- (b) **Adopt a resolution authorizing the City Manager to exercise the City's option to extend the agreement for up to two, one-year terms, subject to the appropriation of funds.**
- (c) **Adopt the following 2013-2014 Appropriation Ordinance Amendments in the San José-Santa Clara Treatment Plant Capital Fund:**
- (1) **Decrease the Energy Generation Improvements appropriation in the amount of \$2,372,000.**

- 7.1 (c) (2) **Decrease the New Biosolids Facility appropriation in the amount of \$2,000,000.**
 (3) **Increase the Program Management appropriation to the Environmental Services Department in the amount of \$4,372,000.**

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services/Public Works/City Manager’s Office)

Mayor Reed pointed out the Treatment Plant Advisory Committee concurred with the Staff recommendations.

Director of Environmental Services Kerrie Romanow provided introductory remarks. Assistant Director of Environmental Services Ashwini Kantak and Director of Public Works David Sykes presented the report.

Director of Environmental Services Kerrie Romanow, Assistant Director of Environmental Services Ashwini Kantak and Assistant City Manager Edward K. Shikada responded to Council questions and concerns.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, Item 7.1 was tabled for further discussion and action on September 24, 2013. (10-0-1. Absent: Constant.)

NOTICE OF CITY ENGINEER’S PENDING DECISION ON FINAL MAPS

Note: This is a courtesy notice and no Council action was taken.

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9979	S/E Corner Almaden Expressway and Almaden Road	10	CV Urban Land LLC	15 Lots/ 13 units	SFD	Approve

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10179	S/S of W. Taylor St., approx. 230’ E/O Elm St.	6	De Nardi Group	5 Lots/ 4 Units	SFD

OPEN FORUM

Documents Filed: Applied Materials Silicon Valley Turkey Trot 2013 Brochure.

- (1) Ross Signorino thanked the Police Department for their outstanding job of keeping the City of San José safe.
- (2) Carl Guardino, Silicon Valley Leadership Group and Jeff Rangel, Brocade, encouraged Mayor Reed, the Council Members and the public to attend the Applied Materials “Silicon Valley Turkey Trot” 2013 which benefits four local charities that help families meet their most basic needs.

ADJOURNMENT

The Council of the City of San José adjourned the afternoon session at 5:02 p.m.

RECESS/RECONVENE

The City Council recessed at 5:02 p.m. from the afternoon Council Session and reconvened at 7:03 p.m. in the Council Chambers, City Hall.

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

Absent: Council Members - Constant, Rocha. (Excused)

Acting City Clerk Toni J. Taber, CMC read the requests for continuance of the applications. Upon motion by Council Member Herrera, seconded by Vice Mayor Nguyen and carried unanimously, the below noted continuances and actions were taken as indicated. (9-0-2. Absent: Constant, Rocha.)

CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to CreaTV San José on the occasion of its fifth year anniversary and for inspiring, educating and connecting San José communities by using media to foster civic engagement. (Mayor)**

Mayor Reed recognized and commended CreaTV San José on its fifth anniversary.

- 1.3 Presentation of a Hall of Fame Award recognizing the San José Municipal Rose Garden's outstanding contributions to public rose gardening. (Oliverio)**

The Hall of Fame Award was presented to Mayor Reed and Council Member Oliverio recognizing the San José Municipal Rose Garden's exceptional contributions.

PUBLIC HEARINGS ON CONSENT CALENDAR

- 11.1 (a) Consideration of a resolution adopting a mitigated negative declaration and an ordinance rezoning the real property located on the southwest corner of Guadalupe Mines Road and Camden Avenue (6055 Guadalupe Mines Road) from the R-1-1 Single Family Zoning District to the A(PD) Planned Development Zoning District to allow up to six (6) single-family detached homes (including one existing single-family detached residence) on a 7.2 gross acre site (Margolis Adele P Trustee, Owner). CEQA: Mitigated Negative Declaration to be adopted. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)
PDC12-024 – District 10
[Deferred from 8/20/13 – Item 11.1(b)]**

Action: Deferred to November 19, 2013 per Administration.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

PUBLIC HEARINGS

- 11.2 (a) Consideration of an ordinance rezoning the real property located at the southwest corner of West San Carlos and Sunol Street extending to Auzerais Avenue (860 West San Carlos Street) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District for a previously approved development to allow the following: (1) a change in the range of multi-family residential units from 680-800 to 600-800 units; (2) a change in the range of commercial square footage from 24,000-30,000 to 12,500-30,000 square feet; and (3) a reduction in building height on Block C from 140-150 feet to 50-80 feet, on an 8.0 gross acre site (Santa Clara County Transit District (VTA), Owner). CEQA: Ohlone Mixed Use EIR, File No. PDC08-061, Resolution No. 75192. PDC13-004 – District 6**
- (b) Consideration of an ordinance approving a Development Agreement with Green Republic, LLLP, Valley Transportation Authority (VTA), Dianne Ryan Trust, 861 Auzerais Investment, Green Valley Corporation, and Carolyn Pahle Trust, to develop up to 800 multi-family attached residential units and a minimum of 14,000 square feet of ground floor commercial space on three blocks with a minimum of two tower structures and one structure with a minimum height of 70 feet, consistent with the proposed Planned Development Zoning (File No, PDC13-004), and subject to the performance by Green Republic, LLLP for the dedication of parkland, contribution of funds for public transportation improvements serving the development, accelerated construction of street and utility infrastructure, submittal of building permits for the first high rise and commencement of construction and subsequent occupancy per deadlines of performance included in this agreement, on an 8.0 gross acre site, located at the southwest corner of West San Carlos and Sunol Streets extending to Auzerais Avenue (860 W. San Carlos Street). CEQA: Ohlone Mixed Use EIR, File No. PDC08-061, Resolution No. 75192. (Planning, Building and Code Enforcement)
DA13-002 – District 6**
- (Deferred from 8/20/13 – Item 11.3)**

Action: Deferred to October 22, 2013 per Administration.

- 11.3 Conduct a Public Hearing and consider an ordinance amending Title 23 of the San José Municipal Code (the Sign Code) as follows:**
- (a) Amending various sections of Chapter 23.02, Part 1, Definitions, including to revise Section 23.02.102 Commercial Speech; to add sections 23.02.355 non-commercial speech and 23.02.494 shopping center corner sign; to revise section 23.02.410 programmable electronic sign; and to add new section 23.02.505 sign ordinance.**
- (b) Amending various sections of Chapter 23.02, Part 2, General Provisions, including to add Section 23.02.805 Authority, revise Section 23.02.820 Conformity Required, add new Section 23.02.825 Message Substitution, revise Section 23.02.870 Administrative Authority; Appeals, delete Sections 23.02.1130 Master Sign Program and 23.02.1190 No Limitation on Message, and revise Section 23.02.1370 Sign Variances.**

- 11.3 (c) Amending various sections of Chapter 23.04, Part 1, CO, CP, CN, CG, IP, LI, and HI commercial and industrial zoning districts and neighborhood business districts, including to amend Section 23.04.020, Attached Signs, to allow shopping center corner signs at or above the top of a roof on corner buildings located within shopping center sites.
- (d) Making other nonsubstantive, ministerial, technical, or typographical changes to various sections of said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

CEQA: Negative Declaration, File No. PP13-067. (Planning, Building, and Code Enforcement)

(Deferred from 8/27/13 – Item 4.3)

Action: Deferred to October 1, 2013 per Administration.

- 11.4 (a) Amend Section 20.50.100 of Chapter 20.50 (Industrial Zoning Districts) to add enumerated uses in the Industrial Zoning Districts including Neighborhood Agriculture as a Permitted Use, Aquaponics/Aquaculture as a Special Use, Warehouse Indoor Sale of Passenger Vehicles, Pick-up Trucks not Exceeding 25 feet in Length, and Motorcycles as a Conditional Use, Outdoor Commercial Recreation as a Conditional Use, Stadiums with up to 2,000 seats as a Conditional Use, and Stadiums with more than 2,000 seats as a Conditional Use requiring City Council approval as the initial decision-making body; to add a new Section 20.50.140 to establish criteria for issuing a Conditional Use Permit for Warehouse Indoor Sale of Passenger Vehicles, Pick-up Trucks not Exceeding 25 feet in Length, and Motorcycles; to amend Section 20.100.220 of Chapter 20.100 (Administration and Permits) to identify City Council as the initial decision-making body for Stadiums with more than 2,000 seats; and to amend Chapter 20.200 (Definitions) to add new sections defining “Plant Nursery” and “Aquaponics/Aquaculture”.
- (b) Amend 20.50.110 of Chapter 20.50 to clarify the method of calculation of Commercial Support uses in the IP Industrial Park District.
- (c) Amend Section 20.50.270 of Chapter 20.50 to clarify that allowances for minor projections into Setback areas of up to twenty (20) percent of building length apply independently and not cumulatively to Subsections B and C of this Section.
- (d) Amend Section 20.50.300 of Chapter 20.50 to change the permit requirement from a Conditional Use Permit to a Special Use Permit for exceedance of decibel levels in Table 20-135 of the Zoning Code.
- (e) Amend Section 20.85.030 of Chapter 20.85 (Specific Height Restrictions) to change the maximum allowable Height for communication towers and other similar non-Building structural uses.

- 11.4 (f) **Amend Section 20.170.300 of Chapter 20.170 (Residential Condominium and Community Apartment Project Regulations) to delete additional parking requirements for Residential Condominium and Community Apartment Projects beyond the parking requirements for residential uses enumerated in Chapter 20.90; and To Amend Chapter 20.200 (Definitions) to add new sections Defining “Plant Nursery” and “Aquaponics/Aquaculture”; and to make other technical, non-substantive, or formatting changes within Title 20. CEQA: Final Program Environmental Impact Report for the Envision San José 2040 General Plan, Resolution No. 76041, File No. PP13-077. Planning Commission recommends approval (6-0-1). (Deferred from 9/10/13 – Item 4.1)**

Documents Filed: Memorandum from Planning Commission Secretary Joseph Horwedel, dated September 13, 2013, transmitting the Planning Commission recommendation.

Mayor Reed presented introductory remarks.

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

Public Comments: Zack Lewis expressed his desire to build an urban farm and asked the Council to consider a few of his suggestions to strengthen the Staff recommendations.

Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti responded to questions posed by Council Member Liccardo.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Ordinance No. 29312, entitled: “An Ordinance of the City of San José Amending Title 20 Of The San José Municipal Code (The Zoning Ordinance) To Amend Section 20.50.100 Of Chapter 20.50 (Industrial Zoning Districts) To Add Enumerated Uses In The Industrial Zoning Districts Including Neighborhood Agriculture As A Permitted Use, Aquaponics/Aquaculture As A Special Use, Warehouse Indoor Sale Of Passenger Vehicles, Pick-Up Trucks Not Exceeding 25 Feet In Length, and Motorcycles As A Conditional Use, Outdoor Commercial Recreation As A Conditional Use, Stadiums With Up To 2,000 Seats As A Conditional Use, and Stadiums With More Than 2,000 Seats As A Conditional Use Requiring City Council Approval As The Initial Decision-Making Body; To Amend Section 20.50.110 To Clarify The Method Of Calculation Of Commercial Support Uses In The IP Industrial Park District; To Add Section 20.50.140 To Establish Criteria For Issuing A Conditional Use Permit For Warehouse Indoor Sale Of Passenger Vehicles, Pick-Up Trucks Not Exceeding 25 Feet In Length, and Motorcycles; To Amend Section 20.50.270 To Clarify That Allowances For Minor Projections Into Setback Areas Of Up To Twenty (20) Percent Of Building Length Apply Independently And Not Cumulatively To Subsections B And C Of This Section; To Amend Section 20.50.300 To Change The Permit Requirement From A Conditional Use Permit To A Special Use Permit For Exceedance Of Decibel Levels In

11.4 (Action Cont'd.)

Table 20-135; To Amend Section 20.85.030 Of Chapter 20.85 (Specific Height Restrictions) To Change The Maximum Allowable Height For Communication Towers And Other Similar Non-Building Structural Uses; To Amend Section 20.100.220 Of Chapter 20.100 (Administration And Permits) To Identify The City Council As The Initial Decision Making Body For Stadiums With More Than 2,000 Seats; To Amend Section 20.170.300 Of Chapter 20.170 (Residential Condominium and Community Apartment Project Regulations) To Delete Additional Parking Requirements For Residential Condominium And Community Apartment Projects Beyond The Parking Requirements For Residential Uses Enumerated In Chapter 20.90; and To Amend Chapter 20.200 (Definitions) To Add New Sections Defining “Plant Nursery” And “Aquaponics/Aquaculture”; All To Further Implement The Urban Agriculture, Economic Development, And Zoning Goals And Policies Set Forth Within The Envision San José 2040 General Plan, and To Make Other Technical, Non-Substantive, Or Formatting Changes Within Those Sections Of Title 20”, was passed for publication. (9-0-2. Absent: Constant, Rocha.)

11.5 Consideration of an ordinance rezoning of the properties located within a portion of the Alum Rock Neighborhood Business District (NBD) between King Road and Highway 680 to the MS - C Main Street Commercial and MS - G Main Street Ground Floor Commercial Zoning Districts. (City of San José, Applicant) (Various Owners). CEQA: Mitigated Negative Declaration, File Nos. PP09-012, GP08-05-01 (a-e), and GPT08-05-01. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement) C13-035 – District 5

Documents Filed: Memorandum from Council Member Campos, dated September 16, 2013, requesting deferral of Item 11.5 to the next evening City Council Meeting.

Action: Deferred to October 22, 2013 per Orders of the Day.

OPEN FORUM

Helen Garza, representing Plato Arroyo Neighborhood Association expressed support to the Staff recommendations as described previously in Item 11.5 to improve the quality of life on the east side and Alum Rock Avenue, including affordable market rate housing.

ADJOURNMENT

The Council of the City of San José was adjourned at 7:30 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
Acting City Clerk

smd/09-17-13 MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanJoseca.gov/city> or <http://www.sanJoseca.gov/civiccenter/v>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.