



# CITY COUNCIL AGENDA

**OCTOBER 22, 2013**

## **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 [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

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

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

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

- **Call to Order and Roll Call**
  - 9:00 a.m. - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: Constant (Excused).**
  - 1:31 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: Constant (Excused).**
  - 7:03 p.m. - General Plan Hearings, Council Chambers, City Hall  
**Absent Council Members: Constant (Excused).**
  - 7:03 p.m. - Public Hearings, Council Chambers, City Hall  
**Absent Council Members: Constant (Excused).**
  
- **Invocation (District 9)**

Cristina Garcia, Latina Coalition of the Silicon Valley, provided the Invocation.
  
- **Pledge of Allegiance**

Mayor Reed led the Pledge of Allegiance, accompanied by students from Anderson Elementary School.
  
- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved, with Items 2.16 and 4.5 added, Items 2.7 and 10.1 d-f dropped; Items 10.2, 10.3, 10.4, 11.2, 11.3 and 11.4 deferred and Item 10.5 continued to 11/19/13, and Item 11.5 deferred to 11/5/13. Noes: Campos, Kalra.

- Closed Session Report  
None provided.

## 1. CEREMONIAL ITEMS

---

- 1.1 Presentation of a proclamation declaring October 17, 2013 as “Light On Afterschool Day” in the City of San José. (Campos)  
**Council Member Campos and Rocha and Mayor Reed declared October 17, 2013 as “Light On Afterschool Day” in the City of San José.**
- 1.2 Presentation of commendations to the 2013 ELLA graduating class in recognition of their civic leadership and achievements. (Campos)  
**Council Member Campos and Rocha and Mayor Reed recognized the 2013 ELLA graduating class in recognition of their civic leadership and achievements. Heard in the evening.**
- 1.3 Presentation of a commendation to eBay for their donation of an 800 square foot mobile Emergency Operations Trailer, to the City of San José Office of Emergency Services. (Fire)  
**Mayor Reed presented a commendation to eBay for their generous donation to the City of San José Office of Emergency Services.**
- 1.4 Presentation of a proclamation declaring the month of October 2013 as ‘Hindu Awareness and Appreciation Month’ in the City of San José. (Kalra)  
**Council Member Kalra and Mayor Reed declared the month of October 2013 as ‘Hindu Awareness and Appreciation Month’ in the City of San José. Heard in the evening.**
- 1.5 Presentation of a commendation recognizing Jose Mendoza, owner of San José Men’s Wear for his contributions to the Tropicana Shopping Center and the San José community through his leadership and commitment to improving the lives of all San José residents. (Nguyen)  
**Vice Mayor Nguyen and Mayor Reed commended José Mendoza for his many contributions in improving the lives of all San José residents. Heard in the evening.**
- 1.6 Presentation of a commendation to St. Thomas of Canterbury Church recognizing their effort to complete 1,400 miles by bicycle in honor of the late Reverend Mark Catalana.  
**Mayor Reed recognized St. Thomas of Canterbury Church for their efforts in honoring the late Reverend Mark Catalana.**

## 2. CONSENT CALENDAR

---

### 2.1 Approval of Minutes. None provided.

### 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29319 – An ordinance of the Council of the City of San José expanding a public right-of-way to accommodate the Delmas/Park Underground Utility District Project.

**Ordinance No. 29319 adopted.**

- (b) ORD. NO. 29321 – Amending Section 3.28.630 of Chapter 3.28, the 1975 Federated Employees Retirement Plan, of Title 3 of the San José Municipal Code to require members to pay the member's share of contributions when receiving

**Ordinance No. 29321 adopted.**

### 2.3 Approval of Council Committee Reports.

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

- (a) Economic Competitiveness Committee Report of August 26, 2013. (Mayor)  
(b) Rules and Open Government Committee Report of September 25, 2013. (Mayor)  
(c) Rules and Open Government Committee Report of October 2, 2013. (Mayor)

**Approved.**

- (d) Transportation and Environment Committee Report of October 7, 2013.  
(Liccardo)

**Deferred to 10/29/13 per City Clerk.**

### 2.4 Mayor and Council Excused Absence Requests.

**Recommendation:**

- (a) Request for an excuse absence for Councilmember Constant from the Rules and Open Government Committee Meeting on October 9, 2013 due to a Family Emergency. (Constant)  
(Rules Committee referral 10/9/13)
- (b) Request for an excused absence for Mayor Reed from the Rules and Open Government Committee of October 9, 2013 due to Authorized City Business: The Hoover Institution Leadership Forum: Focus California; Stanford, CA.  
(Mayor)  
(Rules Committee referral 10/9/13)
- (c) Request for an excuse absence for Councilmember Constant from the Rules and Open Government Committee Meeting on October 16, 2013 due to a Family Emergency. (Constant)  
(Rules Committee referral 10/16/13)

**Approved.**

## 2. CONSENT CALENDAR

---

### 2.5 City Council Travel Reports.

**Council Member Rocha reported on the San José Silicon Valley Chamber of Commerce Study Mission in which he and Mayor Reed participated. Council Members Herrera, Campos, Kalra and Khamis reported on the San José Sister City Trip they recently took to Dublin Ireland.**

### 2.6 Report from the Council Liaison to the Retirement Boards. None provided.

### 2.7 Aquatic Service Agreements Extension.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute amendments to the aquatic service agreements with Maki Swim School, Sparkle Swim School, LGS Recreation, West Coast Aquatics and California Sports Center to extend for one additional year through April 2015. CEQA: Not a Project, File PP10-066(e), Services that involve no physical change to the environment. (Parks, Recreation and Neighborhood Services)

**Dropped per Orders of the Day.**

### 2.8 Urban Greening Project Grant Application for the Three Creeks Trail (Los Gatos Creek to Guadalupe River) Project.

**Recommendation:** Adopt a resolution:

- (a) Authorizing the City Manager, or designee, to submit a grant application in an amount not to exceed \$1,100,000 to the State of California Natural Resources Agency as part of the Urban Greening for Sustainable Communities Grant Program funding for the Three Creeks Trail-Los Gatos Creek (at Lonus Street) to Guadalupe River (at Falcon Place cul-de-sac) (Project) that complies with the requirements of the Strategic Growth Council; and
- (b) Delegating the authority to the City Manager, or designee, to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Project.

CEQA: Not a Project, File No. PP10-068, Grant Application. Council District 6. (Parks, Recreation and Neighborhood Services)

**Resolution No. 76818 adopted.**

## 2. CONSENT CALENDAR

---

### 2.9 Actions Related to the Agreement with Department of Justice, Office on Violence Against Women to Accept the 2013 Encourage Arrest Policies and Enforcement of Protection Orders Grant Award.

#### **Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to execute an Agreement between the City of San José and the Department of Justice, Office on Violence Against Women, to accept the 2013 Encourage Arrest Policies and Enforcement of Protection Orders grant award in the amount of \$899,660 and to negotiate and execute additional amendments and related documents without further Council action.

**Resolution No. 76819 adopted.**

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (1) Establish a City-Wide Expenses appropriation to the Police Department for the 2013 Encourage Arrest Policies and Enforcement of Protection Orders Program Grant in the amount of \$247,806; and

- (2) Increase the estimate for Revenue from Federal Government by \$247,806.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Police/City Manager's Office)

**Ordinance No. 29322 adopted.**

**Resolution No. 76820 adopted.**

### 2.10 Actions Related to the Internet Crimes Against Children Continuation Grant.

#### **Recommendation:**

- (a) Adopt a resolution accepting the FY 2011 Internet Crimes Against Children Continuation Grant in the amount of \$399,655 and authorize the City Manager to execute the Grant Agreement and all related documents.

**Resolution No. 76821 adopted.**

- (b) Adopt the following Appropriation Ordinance and the Funding Sources Resolution amendments in the General Fund:

- (1) Increase the City-Wide Expenses appropriation to the Police Department for the Internet Crimes Against Children Continuation Grant 2011 in the amount of \$399,655; and

- (2) Increase the estimate for Revenue from Federal Government by \$399,655.

CEQA: Not a Project, File No. PP10-066(g), Grant Agreements and Memorandum of Understanding. (Police/City Manager's Office)

**Ordinance No. 29323 adopted.**

**Resolution No. 76822 adopted.**

## 2. CONSENT CALENDAR

---

### 2.11 Vacation of a Portion of Sixth Street Between Virginia Street and Martha Street for Service Easement.

**Recommendation:** Adopt a resolution of intention to vacate a portion of Sixth Street between Virginia Street and Martha Street, reserving a public service easement over the area proposed for vacation, and setting a public hearing on November 19, 2013 at 1:30 p.m. CEQA: Mitigated Negative Declaration, File No. PDC07-035. Council District 3. (Public Works)

**Resolution No. 76823 adopted.**

### 2.12 City Clerk Compensation Package.

**Recommendation:** As recommended by the Rules and Open Government Committee on October 9, 2013, adopt a resolution approving the terms for Toni Taber for services as City Clerk, effective October 22, 2013. (Mayor)  
[Rules Committee referral 10/9/13 – Item G(2)]

**Resolution No. 76824 adopted, with the effective compensation date changed to October 27, 2013.**

### 2.13 Actions Related to Mayor Reed’s Travel to Washington D.C. and New York City, NY.

**Recommendation:**

(a) Approve travel by Mayor Reed to Washington, D.C. and New York City, NY on October 23-27, 2013:

- (1) To participate in a panel at the Sustainable State and Local Retirement Systems Summit in Washington D.C.; and
- (2) To give a keynote on pension reform at the Reforming Public Pensions to Save Public Services Conference in New York City, NY.

Source of Funds: Portions of the travel costs will be paid by the Manhattan Institute for Policy Research and PEW Charitable Trusts. Portions will be paid out of the Mayor’s office budget. (Mayor)

(b) Request for an excused absence for Mayor Reed from the Rules and Open Government Committee on October 23, 2013 due to Authorized City Business: Sustainable State and Local Retirement Systems Summit and Reforming Public Pensions to Save Public Services Conference. (Mayor)

(Rules Committee referral 10/16/13)

**Approved.**

### 2.14 Councilmember Herrera’s Travel to Newport Beach, CA.

**Recommendation:** Approve travel by Councilmember Herrera to Newport Beach, CA on November 6-8, 2013, to join the Board of Directors for a League Leaders Workshop. Source of Funds: League of CA Cities and Mayor & Council Funds. (Herrera)  
(Rules Committee referral 10/16/13)

**Approved.**



## 2. CONSENT CALENDAR

---

### 2.15 Councilmember Herrera's Travel to Seattle, WA.

**Recommendation:** Approve travel by Councilmember Herrera to Seattle, Washington on November 13-16, 2013, to represent the City of San José as Chair of Economic Development at the National League of Cities Expo. Source of Funds: Mayor & Council Funds. (Herrera)  
(Rules Committee referral 10/16/13)  
**Approved.**

### 2.16 Addition of a General Plan Hearing for November 19, 2013.

**Recommendation:**

- (a) Subject to approval under Orders of the Day, Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.
- (b) Approve a General Plan Hearing for November 19, 2013 at 7:00 p.m.  
CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Planning, Building and Code Enforcement).  
**Approved.**

## 3. STRATEGIC SUPPORT SERVICES

---

### 3.1 Report of the City Manager, Debra Figone (Verbal Report)

City Manager Debra Figone reported on her participation in the Sister City trip to Dublin, Ireland.

### 3.2 Labor Negotiations Update

**Recommendation:** Accept Labor Negotiations Update.  
**Heard at 9:00 a.m.**  
**Accepted.**

### 3.3 Terms of an Agreement with the International Brotherhood of Electrical Workers, Local No. 332.

**Recommendation:** As referred by the Rules and Open Government Committee on October 16, 2013:  
(a) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.  
**Approved.**

*(Item Continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.3 Terms of an Agreement with the International Brotherhood of Electrical Workers, Local No. 332 (Cont'd.)

- (b) Adopt a resolution approving the terms of an agreement with the International Brotherhood of Electrical Workers, Local No. 332 (IBEW) for a term from July 1, 2013 to June 30, 2014. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)  
(Rules Committee referral 10/16/13)  
**Resolution No. 76825 adopted.**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

#### 4.1 Amendment to the City of San José's Sign Ordinance.

**Recommendation:**

- (a) Adopt a resolution adopting the Negative Declaration and addendum thereto for the Update of the City of San José Sign Ordinance, First Phase Ordinance Revisions, File No. PP13-067 and File No. PP13-083, as having been completed in compliance with the California Environmental Quality Act (CEQA) and reflecting the City's independent judgment and analysis.  
**Resolution No. 76826 adopted.**
- (b) Approve an ordinance amending Title 23 of the San José Municipal Code to add a new type of allowable Sign for Corner Buildings of large Shopping Center Sites and allow additional Attached Signs for second-story retail tenant spaces within certain buildings on large Shopping Center Sites; to establish provisions for variances for Signs on historic buildings; to clarify and update the names of the City departments with administrative authority for implementation of Sign regulations; to delete references to Time and Temperature Signs; to amend definitions of Erection of a Sign, Programmable Electronic Sign, Relocation of a Sign, and Traffic Control Device; to add definitions of Sign Area and Sign Ordinance; to add a section stating the legal authority for the Sign Code; to repeal the section on the Master Sign Program; and to make other nonsubstantive, ministerial technical or typographical changes.  
CEQA: Negative Declaration, File No. PP13-067. (Planning, Building and Code Enforcement)  
(Deferred from 8/27/13 – Item 4.3, 9/17/13 – Item 11.3, and 10/1/13 – Item 4.1)  
**Ordinance No. 29324 passed for publication.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.2 Envision San José 2040 Annual Report.

**Recommendation:**

- (a) Accept the Envision San José 2040 General Plan Annual Review report;
- (b) Continue the policy direction of employment first and great places; and
- (c) Continue planning and implementation efforts in village areas.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Planning, Building and Code Enforcement)

(Deferred from 10/8/13 – Item 4.2)

**Approved, with a study session on urban villages to be held November 12, 2013, one week prior to the General Plan hearing dated. Noes: Rocha.**

### 4.3 Reorganization/Annexation to the City of San José of a Parcel Designated as Burbank No. 42.

**Recommendation:** Adopt a resolution ordering the reorganization of territory designated as Burbank No. 42 which involves the annexation to the City of San José of approximately 1.20 gross acres of land located at the southwest corner of West San Carlos Street and Leigh Avenue, and the detachment of the same from the appropriate special districts including Santa Clara County Central Fire Protection District, County Library Service Area No. 01, Burbank Sanitary District, and County Lighting Service Area. CEQA: Envision San José 2040 General Plan EIR Resolution No. 76041. (Related approved Rezoning File No. C13-010). Council District 6. (Planning, Building and Code Enforcement)

**Resolution No. 76827 adopted, with Staff to follow up with discussion on improving notification efforts made to the community.**

### 4.4 Sister City Relationship with Ekaterinburg, Russia.

**Recommendation:** As recommended by the Rules and Open Government Committee on October 9, 2013, adopt a resolution demonstrating the City of San José's commitment to maintaining its Sister City relationship with Ekaterinburg, Russia and, in keeping with the Sister City Program's mission of creating cultural and educational exchanges, utilizing this relationship to denounce the recent anti-gay propaganda legislation and rhetoric by the Russian Federation and to encourage the protection of the equal rights of the LGBT community in Russia. (Kalra/Campos/Constant)

[Rules Committee referral 10/9/13 – Item G(4)]

**Resolution No. 76828 adopted.**

**Noes: Oliverio.**

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

---

### **4.5 Motion and Waiver of 7 Day Advance On-line Posting of October 23, 2013 Planning Commission Agenda.**

**Recommendation:**

- (a) Subject to approval under Orders of the Day, Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.
- (b) Approval of a waiver of the Sunshine Resolution No. 75978 requirement that Planning Commission agendas be posted 7 days in advance of a meeting to authorize the on-line posting of the October 23, 2013 Planning Commission meeting agenda 6 days in advance of the October 23, 2013 meeting.

CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Planning, Building and Code Enforcement).

**Approved.**

## **5. NEIGHBORHOOD SERVICES**

---

### **5.1 Actions Related to the Agreement with Alum Rock Union Elementary School District for the Rehabilitation and Operation of Softball Fields and Play Areas at Ocala Middle School.**

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Alum Rock Union Elementary School District for the funding, renovation and operations of softball fields and play areas at Ocala Middle School with the following terms:
  - (1) Term of 25 years from the date of acceptance of the project plus the number of months necessary for the term to end on the following June 30;
  - (2) Financial contribution from the City in the amount up to \$500,000.

**Resolution No. 76829 adopted.**

- (b) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes, Council District #5:
  - (1) Decrease the Ending Fund Balance by \$250,000; and
  - (2) Establish the Ocala Middle School Joint Use Project appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$250,000;

**Ordinance No. 29325 adopted.**

*(Item Continued on the next page)*

## 5. NEIGHBORHOOD SERVICES

---

### 5.1 Actions Related to the Agreement with Alum Rock Union Elementary School District for the Rehabilitation and Operation of Softball Fields and Play Areas at Ocala Middle School (Cont'd.)

- (c) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes, Council District #8:
- (1) Decrease the Ending Fund Balance by \$250,000; and
  - (2) Establish the Ocala Middle School Joint Use Project appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$250,000.

CEQA: Exempt, File No. PP13-093. Council Districts 5 and 8. (Parks, Recreation and Neighborhood Services/City Manager's Office)

**Ordinance No. 29326 adopted.**

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.1 Agreement with VF Mall, LLC for Reimbursement Cost for Ramp Modifications at the I-880/Stevens Creek Boulevard Interchange.

**Recommendation:** Adopt a resolution authorizing the City Manager to execute a reimbursement agreement in an amount not to exceed \$3,000,000 whereby VF Mall, LLC, would reimburse the City for its share of the cost of constructing the ramp modifications at the I-880/Stevens Creek Boulevard interchange in accordance with the terms of site development permit H06-027. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. Council District 6. (Transportation)

**Resolution No. 76830 adopted.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

---

### 7.1 Agreement with CTS International Corp for Technical Training Services at the San José-Santa Clara Regional Wastewater Facility.

**Recommendation:** Adopt a resolution to authorize the City Manager to execute an agreement with CTS International Corp for consultant services to develop technical training at the San José-Santa Clara Regional Wastewater Facility, formally referred to as the San José/Santa Clara Water Pollution Control Plant, from the date of execution through June 30, 2017, in an amount not to exceed \$2,250,000, and to authorize the City Manager to execute up to two one-year options to extend the term through June 30, 2019, subject to the appropriation of funds. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)

**Resolution No. 76831 adopted.**

## **8. PUBLIC SAFETY SERVICES**

---

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

---

- **Open Forum**  
**David Wall provided comments on property tax reassessments.**
- **Adjournment**  
**The Council of the City of San José adjourned the afternoon session at 4:47 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

---

*Items a through c were heard concurrently.*

### 10.1 Tentative Approval of General Plan Consent Calendar Items.

- (a) **Amendment on a 5.28 gross acre site located at/on the block bounded by E. Taylor Street, N. 7<sup>th</sup> Street, Jackson Street, and N. 6<sup>th</sup> Street.**  
Tentative approval of a Planning Director initiated General Plan Amendment to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Mixed Use Neighborhood to Transit Residential to align with the Jackson-Taylor Specific Plan on a 5.28 gross acre site, located at/on the Block bounded by E. Taylor Street, N. 7th Street, Jackson Street, and N. 6th Street (City of San José, Owner). CEQA: Envision San José 2040 EIR Resolution Number 76041. Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommended approval. GP13-007 – District 3
- (b) **Amendment on a 2.4 gross acre site located on the west side of Race Street, 170 feet south of Park Avenue.**  
Tentative approval of a General Plan Amendment request to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Mixed Use Neighborhood to Urban Residential on a 2.4 gross acre site, located on the west side of Race Street, 170 feet south of Park Avenue (250 Grand Avenue) (Race Street Investments LLC, Owner). CEQA: Addendum to the Race Street Terrace Mitigated Negative Declaration (Zoning File No. PDC11-005). Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommended approval. GP13-005 - District 6
- (c) **Amendment on a 1.82 gross acre site, located on the east side of Almaden Expressway, approximately 1,320 feet southerly of Winfield Boulevard.**  
Tentative approval of a Planning Director initiated General Plan Amendment to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Rural Residential to Residential Neighborhood on approximately 1.38 acres and Open Space, Parklands and Habitat on approximately 0.44 acres to align with the previously approved General Plan Amendment (File No. GP07-10-01 approved in 2010) on a 1.82 gross acre site, located on the east side of Almaden Expressway, approximately 1,320 feet southerly of Winfield Boulevard (6082 Almaden Expressway) (Mazzone Benjamin W Trustee & Et Al, Owner). CEQA: Envision San José 2040 EIR Resolution Number 76041. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Bit-Badal recused) recommended approval. GP13-019 - District 10

**The City Council tentatively approved the proposed General Plan Amendment  
Noes: Liccardo.**

*(Item continued on the next page)*

## 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

---

### 10.1 Tentative Approval of General Plan Consent Calendar Items. (Cont'd.)

#### **Recommendation:**

- (d) **General Plan Text Amendment.**  
Director-initiated General Plan Text Amendment to clean-up LU-1.1 and LU-1.2 to eliminate redundant policy and mis-numbering, (City Of San José, Owner). CEQA: Envision San José 2040 EIR Resolution Number 76041. Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommend withdrawal.  
GP13-017 - District: Citywide
- (e) **General Plan Text Amendment.**  
Director-initiated General Plan Text Amendment clean-up to add the "Planned Job Capacity and Housing Growth Areas by Horizon" Table currently in Appendix 5 to the main body of the General Plan, Chapter 5. (City Of San José, Owner). CEQA: Envision San José 2040 EIR Resolution Number 76041. Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommend withdrawal.  
GP13-018 - District: Citywide.
- (f) **Amendment on a 9.73 gross acre site, located on the west side of South King Road, approximately 810 feet north of Aborn Road.**  
General Plan Amendment to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Light Industrial to Residential Neighborhood on a 9.73 gross acre site, located on the west side of South King Road, approximately 810 feet north of Aborn Road (2905 S. King Road). Consideration of this application also requires an update to the Evergreen-East Hills Development Policy. (Principle Broadcasting Network, Owner). CEQA: EIR required, not prepared. Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommend withdrawal.  
GP13-004 - District 7

*Items 10.1 "d through f" were dropped per Administration.*

**END OF GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR**



## 10. GENERAL PLAN PUBLIC HEARINGS

---

### 10.2 Amendment on a 1.4 Gross Acre Site Located on the South East Corner of Goodyear Street and Pepitone Avenue.

**Recommendation:** Tentative approval of General Plan Amendment request to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Open Space, Parklands and Habitat to Public/Quasi-Public to allow a public elementary school on a 1.4 gross acres site located on the south east corner of Goodyear Street and Pepitone Avenue (1197 Lick Avenue) (City of San José, Owner). CEQA: Mitigated Negative Declaration, File No. PP12-091. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Commissioner O’Halloran recused) recommended approval.

GP13-003 – District 3

**Deferred to 11/19/13 per Administration.**

### 10.3 Amendment on a 1.0 Gross Acre Site Located on the West Side of Thornton Way, Approximately 260 feet Northerly of Maywood Avenue.

**Recommendation:** Tentative approval of a General Plan Amendment request to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Residential Neighborhood to Mixed-Use Neighborhood on 1.0 gross acre site, located on the west side of Thornton Way, approximately 260 feet northerly of Maywood Avenue. (Plaza III, Owner). CEQA: Mitigated Negative Declaration, Resolution to be adopted with Item 10.5. Director of Planning, Building and Code Enforcement and Planning Commission (6-1, Commissioner Cahan opposed) recommended approval.

GP13-006 – District 6

**Deferred to 11/19/13 per Administration.**

### 10.4 Five Wounds Urban Village Plans: Roosevelt Park, Five Wounds, Twenty Fourth and William Street, and Little Portugal.

**Recommendation:** Tentative approval of Roosevelt Park, Five Wounds, Twenty Fourth and William Street, and Little Portugal Urban Village Plans as a part of the first group of Urban Village Plans prepared by the City and the community to further the Urban Village strategy of the Envision San José 2040 General Plan. These Plans will be a City Council adopted policy document for the future growth of the four Five Wounds Urban Villages. As a part of these plans, minor General Plan land use designation and Village Boundary line changes are also proposed. Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommended approval.

Districts 3 and 5

**Deferred to 11/19/13 per Administration.**

## 10. GENERAL PLAN PUBLIC HEARINGS

---

### 10.5 Adopt a Resolution Approving All General Plan Amendment Actions on October 22, 2013.

**Recommendation:** Adopt a resolution approving all of the General Plan amendment actions taken on October 22, 2013, and adopt related CEQA resolutions. (Planning, Building and Code Enforcement)

**Continued to 11/19/13 per Administration.**

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

---

### 11.1 Public Hearings on Consent Calendar.

**Recommendation:**

- (a) Consideration of 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).

PDC12-024 – District 10

[Deferred from 8/20/13 – Item 11.1(b) and 9/17/13 Item 11.1(a) and Renoticed to 10/22/13]

**Ordinance No. 29327 passed for publication.**

**Resolution No. 76832 adopted.**

- (b) Consideration of an ordinance for Planned Development Zoning from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow the addition of an approximately 1,390 square foot childcare facility to an existing athletic club located on the easterly side of Camden Avenue, approximately 210 feet northerly of Kooser Road (5400 CAMDEN AV) (Almaden Valley Athletic Club, Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommended approval.

PDC12-026 – District 9

**Ordinance No. 29328 passed for publication.**

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

---

### 11.2 Conventional Rezoning Real Property Located on the South East Corner of Goodyear Street and Pepitone Avenue.

**Recommendation:** Consideration of an ordinance to rezone from LI Light Industrial Zoning District to R-M Multiple Residence Zoning District, on a 1.4 gross acres site located on the south east corner of Goodyear Street and Pepitone Avenue (1197 Lick Avenue) (City Of San José, Owner). CEQA: Mitigated Negative Declaration, File No. PP12-091. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Commissioner O'Halloran recused) recommended approval. C13-013 - District 3

**Deferred to 11/19/13 per Administration.**

### 11.3 Agreement with Launchpad Development Company for Construction of Rocketship Tamien Public School.

**Recommendation:** Approve a revised Purchase and Sale Agreement between the City of San José and Launchpad Development Company, a California non-profit corporation, for the sale of approximately 26,528 square feet (0.6 acres) of real property in the amount of \$848,896 to facilitate the construction of Rocketship Tamien Public School #8, with the understanding that the acquired property will be transferred to Launchpad Development Nine, LLC, a California limited liability company. CEQA: Mitigated Negative Declaration, File No. PP12-091. Council District 3. (Parks, Recreation and Neighborhood Services)

**Deferred to 11/19/13 per Administration.**

### 11.4 Prezoning Real Property Located on the West Side of Thornton Way.

**Recommendation:** Consideration of an ordinance to Pre-Zone from County to R-M, Multiple Residence Zoning District on a 1.0 gross acre site, located on the west side of Thornton Way, approximately 260 feet northerly of Maywood Avenue. (Plaza III, Owner). CEQA: Mitigated Negative Declaration, to be adopted under Item 10.5. Director of Planning, Building and Code Enforcement and Planning Commission (6-1, Commissioner Cahan opposed) recommended approval. C13-026 - District 6

**Deferred to 11/19/13 per Administration.**

## 11. PUBLIC HEARINGS

---

### 11.5 Actions Related to the Real Property Located at the Southwest Corner of West San Carlos and Sunol Streets Extending to Auzerais Avenue.

#### **Recommendation:**

- (a) Consideration of an ordinance rezoning the real property located at the southwest corner of West San Carlos and Sunol Streets 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 and from 9/17/13 – Item 11.2)

**Deferred to 11/5/13 per Administration.**

## 11. PUBLIC HEARINGS

---

### 11.6 Rezoning of the Properties Located Within a Portion of the Alum Rock Neighborhood Business District Between King Road and Highway 680.

**Recommendation:** 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, Resolution to be adopted. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement) C13-035 – District 5

(Deferred from 9/17/13 – Item 11.5)

**Ordinance No. 29329 passed for publication.**

**Resolution No. 76833 adopted.**

- Notice of City Engineer’s Pending Decision on Final Maps
- Notice of City Engineer’s Award of Construction Projects
- Notice of Contracts Executed by Council Appointees

No activity to report.

- **Open Forum**  
Youth Commissioners Mason Kimmel and Tara Pichumani stressed the importance of providing services for homeless youth and encouraged participation in the Green Light Project walk and rally to be held on November 1, 2013.
- **Adjournment**  
The Council of the City of San José adjourned at 7:30 p.m. in memory of Cindy Avitia, who tragically lost her life on August 22, 2013. She was a dedicated mother, wife, and community activist. Her devotion and commitment to her friends and family will leave a lasting impact in their lives that will never be forgotten. Cindy’s work in the community carried a sense of pride and energy that was felt by those who worked with her and who had the opportunity to share memories with her. Cindy has left a legacy that will continue through her family and those in East San José.