



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, OCTOBER 18, 2016

The Council of the City of San José convened in Regular Session at 9:00 a.m. in the Council Chambers at City Hall.

Present: Councilmembers - Carrasco, Jones, Herrera, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Councilmembers - All Present.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:05 a.m. to a Closed Session in Room W133; (A) Public Employment/Public Employee Evaluation Pursuant to Government Code Section 54957: Title: City Attorney; Name: Richard Doyle; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation; (1) City of San José v. David Armstrong dba Medimarts, Inc.; Names Of Partie(s) Involved: City of San José , Medimarts, Inc., David Armstrong, an individual person and Does 1-50; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No: 1-14-CV-272374; Amount of Money or Other Relief Sought: Damages according to proof; (2) IAFF Local 230 v. City of San José; Names of Partie(s) Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-969-M; Amount of Money or Other Relief Sought: Damages According to Proof; (3) IFPTE Local 21 v. City of San José; Names of Partie(s) Involved: International Federation

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of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages According to Proof; (4) American Federation of State, County & Municipal Employees, et al. v. City; Names of Partie(s) Involved: American Federation of State, County & Municipal Employees, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof; (5) OE#3 v. City of San José; Names Of Partie(s) Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-900-M; (6) ABMEI v. City, et al.; Names of Partie(s) Involved: Association of Building, Mechanical and Electrical Inspectors, City of San José; Court: State of CA Public Employment Relations Board; Case No.: UPC SF CE 1358 M; Amount of Money or Other Relief Sought: Damages According to Proof; (7) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; H040979; H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (8) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (9) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: City of San José, John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B; (12) People of the State of California, et al. v. City of San José, et al.; Names of Partie(s) Involved: The People of the State of California ex rel.

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San José Police Officers Association, City of San José, City Council of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-245503; Amount of Money or Other Relief Sought: Verified Complaint In Quo Warranto; (13) Peter Constant, Steven Haug and Silicon Valley Taxpayers' Association v. Superior Court; Names Of Partie(s) Involved: Peter Constant, Steven Haug, Silicon Valley Taxpayers' Association, a California non-profit Corporation, Proposed Intervenors, Appellants and Petitioners, Superior Court of California, County of Santa Clara, Respondent, the People of the State of California ex. Rel. San José Police Officers Association, Plaintiff, Respondent and Real Party in Interest, City of San José, City Council of San José, Defendants, Respondents and Real Parties in Interest; Court: Sixth District Court of Appeal; Case No.: H043540; Amount of Money or Other Relief Sought: Petition for Writ of Mandate or, In the Alternative, Supersedeas, or Other Appropriate Relief; (14) San José Retired Employees Association, et al. v. City of San José, et al; Names of Partie(s) Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City of San José, the Board of Administration for the Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-268085; Amount of Money or Other Relief Sought: Change to City medical plan; (15) SJJC Aviation Services, LLC v. City of San José , et al; Names Of Partie(s) Involved: SJJC Aviation Services, LLC, City of San José , City Council of the City of San José and Does 1 through 25; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV246057; H041946; Amount of Money or Other Relief Sought: Damages according to proof; (16) Shahrivar, Farid v. City, et al.; Names Of Partie(s) Involved: Farid Shahrivar, City of San José , a municipality; Rodney Rapson, an individual; David Sykes, an individual; Harry Freitas, an individual; Katherine Jensen, an individual; David Printy, an individual; Danny Tsao, an individual; Katrina Allen, an individual; Doug Baker, an individual; Alex Gurza, an individual; Sarah Nunes, an individual; Les White, an individual; Allen Demers, an individual; Rajiv Das, an individual; Adam Stempel, an individual; Steve Pagan, an individual; Angela Chen, an individual; Mark Danaj, an individual; Robert Fabela, an individual; Susan Lacy, and Does 1 through 45; Court: U.S. District Court, Oakland Division; Case No.: CV-10-01029 PSG; Amount of Money or Other Relief Sought: Damages according to proof; (17) Great Oaks Water, Inc. v. City, et al.; Names Of Partie(s) Involved: Great Oaks Water Company, Inc., John W.S. Roeder, Betty B. Roeder, Betty B. Roeder Trust A and William C. Miller, Jr. and Betty B. Roeder, Trustees of the Walter S. Roeder Trust B, the City of San José , the San José Redevelopment Agency, South Bay Water Recycling, Does 1 through 100; Court: Superior Court of California, County of Santa Clara; Case No: 1-04-CV012008; Amount of Money or Other Relief Sought: Damages according to proof; (18) Sharks Sports & Entertainment LLC v. City of San José, et al.; Names Of Partie(s) Involved: Sharks Sports & Entertainment LLC, City of San José , San José City Council, and Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; (19) County of Alameda, et al. v. AMBAC Financial, et al; Names Of Partie(s) Involved: County of Alameda; City and County of San Francisco; City of Los Angeles; Los Angeles Department of Water and Power; Los Angeles World Airports; City of Oakland; City of Richmond; Redwood City; East Bay Municipal Utility District; City of Sacramento; Sacramento Suburban Water District; Sacramento Municipal Utility District; City of San

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José; City of Stockton Redevelopment Agency of the City of Stockton; County of Tulare; the Regents of the University of California; Redevelopment Agency of the City of San José; AMBAC Financial Group, Inc.; AMBAC Assurance Corporation; MBIA Inc.; MBIA Insurance Corporation; MBIA Insurance Corp. of Illinois, A/k/a National Public Finance Guarantee Corporation; Syncora Guarantee, Inc., f/k/a XL Capital Assurance Inc.; Financial Guaranty Insurance Company; Financial Security Assurance, Inc.; CIFG Assurance North America, Inc.; Assured Guaranty Corp.; Jason Kissane; Does 1 through 50; Court: Superior Court of California, in and for the City and County of San Francisco; Case No.: CJC-08-004555; Amount of Money or Other Relief Sought: Damages according to proof; (20) RDA/City vs Bank of America, N.A., et al; Names Of Partie(s) Involved: City of San José, the San José Redevelopment Agency, Bank of America, N.A. Merrill Lynch & Co., Inc., UBS AG, UBS Financial Services, Inc., UBS Securities, LLC, MBIA, Inc., Citibank, N.A., Citigroup Financial Products Inc., Citigroup Global Markets Holdings Inc., Morgan Stanley, Rabobank Group, Bayerische, Landesbank Gironzentrale, Piper Jaffrey & Co., Societe Generale SA, Financial Security Assurance, Inc., Assured Guaranty US Holdings Inc., Dexia S.A. National Westminster Bank, PLC, Natixis Funding Corp., Natixis S.A., Goldman Sachs Group, Inc., Goldman Sachs Mitsui Marine Derivative Products, L.P., Goldman Sachs Bank USA, CDR Financial Projects, Winters & Co., Advisors, LLC, George K. Baum & Co., Sound Capital Management, Inc., Investment Management Advisory Group, Inc., First Southwest Company, PFM Investment, LLC., PFM Asset Management LLC; Court: United States District Court, Northern District of California, San José Division; Case No.: CV 10-2199; Amount of Money or Other Relief Sought: Damages according to proof; (21) Seibert v. City of San José; Names Of Partie(s) Involved: Grant Seibert, City of San José, San José Civil Service Commission, Debra Figone as San José City manager, Alex Gurza as San José Director of Employee Relations, William McDonald as Fire Chief for San José Fire Department, Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No.: 1-11-CV-204096;; Amount of Money or Other Relief Sought: Damages according to proof; (22) Ward, Debra and Patricia Tapia v. City, Fire Chief William McDonald, et al; Names Of Partie(s) Involved: Debra Ward; Patricia Tapia; City of San José; Fire Chief William McDonald; Court: Superior Court of California, County of Santa Clara; Case No.: 1-11-CV203561; Amount of Money or Other Relief Sought: Damages according to proof; (23) Lee, Ivan v. City of San José; Names Of Partie(s) Involved: Ivan Lee, City of San José and Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No.: 1-15-CV-287181; Amount of Money or Other Relief Sought: Damages according to proof; (24) Anderson, et al v. City of San José & San José City Council; Names Of Partie(s) Involved: Sarah Anderson, Joana Cruz, Urban Habitat Program and Housing California, City of San José, a Government Entity, San José City Council, and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No.: 16-CV-297950; Amount of Money or Other Relief Sought: Damages according to proof; (25) Cali-Arioto, LLC v. City of San José; Names Of Partie(s) Involved: Cali-Arioto, LLC, the City of San José and Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No.: 16-CV-296549; Amount of Money or Other Relief Sought: Damages according to proof; (26) Nguyen, Cu Thanh v. City of San José; Names

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Of Partie(s) Involved: Cu Thanh Nguyen; City of San José; Court: Superior Court of California, County of Santa Clara; Case No.: 1-14-CV-268209; Amount of Money or Other Relief Sought: Damages according to proof; (27) Berg & Berg Enterprises, LLC v. City, et al.; Names Of Partie(s) Involved: Berg & Berg Enterprises, LLC, City of San José; San José City Council and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No.: 1-07-CV-091955; Amount of Money or Other Relief Sought: Damages according to proof; (28) Stand for San José, et al. v. City, et al.; Names Of Partie(s) Involved: Stand for San José and Eileen Hannan; City of San José; City Council of the City of San José; Redevelopment Agency of the City of San José; Diridon Development Authority; Court: Superior Court of California, County of Santa Clara; Case No.: 1-11-CV-214196; Amount of Money or Other Relief Sought: Injunctive Relief; (29) Stand for San José, et al. v. City, et al.; Names Of Partie(s) Involved: Stand for San José and Eileen Hannan; Michelle Brenot; Robert Brown; and Robert Shields; City of San José; City Council of the City of San José; Redevelopment Agency of the City of San José; Successor Agency to the Redevelopment Agency of the City of San José; Successor Agency Oversight Board; Diridon Development Authority; Does 1 through 10 inclusive; Athletics Investment Group, LLC; Does 1 through 20, inclusive; Court: Superior Court of California, In and for the County of Santa Clara; Case No.: 1-13-CV-250372; Amount of Money or Other Relief Sought: Writ of Mandamus and Complaint for Declaratory Relief and Injunction Relief and for Attorney's Fees; (30) Friends of the Willow Glen Trestle v. City of San José, et al.; Names Of Partie(s) Involved: Friends of the Willow Glen Trestle, and unincorporated association; City of San José and City Council of the City of San José; Court: Superior Court of California, County of Santa Clara; Case No.: 1-14-CV-260439; Amount of Money or Other Relief Sought: Damages according to proof; (31) Alemayehu v. City of San José, et al.; Names Of Partie(s) Involved: Dawit Alemayehu; City of San José and the City of San José Police Department, a municipal corporation; Officer Jorge Garibay #4218; a sworn San José Police Officer and as an individual; Sgt. D. Tran Badge #3262, a San José Police Officer and as an individual; and Does 1 through 40; Court: U.S. District Court, Northern Division; Case No. C14-1738 EJD; Amount of Money or Other Relief Sought: Damages according to proof; (32) Armstrong, David v. City of San José, Alexander Keller, et al.; Names Of Partie(s) Involved: David Armstrong, City of San José, San José Police Officer Alexander Keller, San José Police Officer Baldwin, San José Police Officer Arate, and San José Police Officer Bortolotti; Court: U.S. District Court, Northern Division; Case No.: 16-CV-02938 EJD; Amount of Money or Other Relief Sought: Damages according to proof; (33) Binkovich v. Barthelmy, et al.; Names Of Partie(s) Involved: Aleksandr Binkovich, City of San José, Officer Barthelemy, Officer Grondahl, Officer Panighetti, Officer Craig, Officer Jacob and Officer Bollendorf; Court: U.S. District Court, Northern Division; Case No. C11-03744 PSG; Amount of Money or Other Relief Sought: Damages according to proof; (34) Burt v. City of San José Names Of Partie(s) Involved: Shauncey Burt, the City of San José, the San José Police Department, Unidentified San José Police Officers Numbered 1 through 6 and Does 7 through 50; Court: Superior Court of California, County of Santa Clara; Case No.: 1-15-CV-28121; Amount of Money or Other Relief Sought: Damages according to proof; (35) Chavez-Alvarez v. City of San José Names Of Partie(s) Involved: Rafael Chavez-Alvarez, San José Police

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Department, Court: U.S. District Court, Northern Division; Case No. 16-CV-02796-EJD; Amount of Money or Other Relief Sought: Damages according to proof; (36) Correa v. City of San José , et al.; Names Of Partie(s) Involved: Thomas Correa, the City of San José ; the San José Police Department (“SJPD”); Michael Sullivan, individually and in his official capacity as Lieutenant, SJPD; Kimberly Hudson, individually and in her official capacity as Sergeant, SJPD; Court: U.S. District Court, San José Division; Case No.: CV-12-05436 HRL; Amount of Money or Other Relief Sought: Damages according to proof; (37) Fujikawa, Michael v. City, Chief Chris Moore, et al.; Names Of Partie(s) Involved: Michael Fujikawa, the City of San José; Police Chief Chris Moore, Officers Payne (Badge No. 3971), Officer Pfiefer (Badge No. 3951), Officer Jeffrey (Badge No. 3926), Officer Burke (Badge No. 3949), Officer Akery (Badge No. 3495) and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No.: 1-12-CV-219612; Amount of Money or Other Relief Sought: Damages according to proof; (38) Gonzales v. City of San José, et al; Names Of Partie(s) Involved: Mary Lou Gonzales, City of San José as a municipal corporation, SJPD Detective Yvonne Delacruz in her official an individual capacity, SJPD Sgt. Archer in his official and individual capacity; SJPD Homicide Detective Jamie (last name unknown) in his individual and official capacity; SJPD Officers Doe 1 to Doe 7 in their individual and official capacities; SJPD Officers and Detectives and Employees Doe 8-50 in their individual and official capacities; Court: U.S. District Court, Northern Division; Case No. 13-CV-00695-BLF (PSG); Amount of Money or Other Relief Sought: Damages according to proof; (39) Hernandez, Juan, et al. v. City of San José, et al.; Names Of Partie(s) Involved: Juan Hernandez, an individual; Nathan Velasquez, and individual; Frank Velasquez, and individual; Rachel Casey, an individual; Mark Doering, an individual; Mary Doering, an individual; Barbara Arigoni, an individual; Dustin Haines-Scrodin, an individual; Andrew Zambetti, an individual; Christina Wong, an individual; Craig Parsons, an individual; I.P., a minor individual; Greg Hyver, an individual; and Todd Broome, an individual, on behalf of themselves and all others similarly situated, City of San José, a municipal corporation; Sam Liccardo, sued in his individual capacity; Edgardo Garcia, sued in his individual capacity; Anthony Yi, an individual; H.A., a minor individual; S.M., a minor individual; and Does 1-38; Court: U.S. District Court, Northern Division; Case No. 5:16-CV-03957 LHK; Amount of Money or Other Relief Sought: Damages according to proof; (40) Hernandez, Luis & Cindy Calderon v. City of San José, et al.; Names Of Partie(s) Involved: Luis Hernandez, Cindy Calderon, City of San José, Ernie Alcantar individually and in his official capacity as Captain, SJPD; and James Werkema, individually and in his official capacity as Lieutenant, SJPD; Court: U.S. District Court, San José Division; Case No.: CV12-02952 HRL; Amount of Money or Other Relief Sought: Damages according to proof; (41) Hernandez, Yanira v. City, Geoffrey Evatt Graves, et al.; City of San José, Geoffrey Evatt Graves and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No.: 114CV270467; Amount of Money or Other Relief Sought: Damages according to proof; (42) Kerkeles v. City of San José, et al.; Names Of Partie(s) Involved: Michael Kerkeles, a.k.a. Michael Kerk, City of San José, Matthew Christian and Does 1 through 25; Court: Superior Court of California, County of Santa Clara; Case No.: 1-08-CV103523; Amount of Money or Other Relief Sought: Damages according to proof; (43) Hung Lam v. City of San José, et al.; Names Of Partie(s) Involved: Hung Lam, individually, through his next friend Kathy Lam; City of San José, a municipal corporation, Larry Esquivel, in his capacity of Chief of

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Police for the City of San José; Officer Dondi West, individually and in her official position; Court: U.S. District Court, Northern Division; Case No. 14-CV-0087 PSG; Amount of Money or Other Relief Sought: Damages according to proof; (44) Paulino, Eliel v. Marco Cruz, et al. v. City of San José, et al.; Names Of Partie(s) Involved: Eliel Paulino, Marco Cruz, individually and as an Officer of the San José Police Department, Gerardoo Silva, individually and as an Officer of the San José Police Department, Gurbaksh Sohal, individually and as an Officer of the San José Police Department, and Does 1-10; Court: U.S. District Court, Northern Division; Case No. CV 16-2642 NC; Amount of Money or Other Relief Sought: Damages according to proof; (45) Rice JoAnn, America Savin, et al. v. City, et al.; Names Of Partie(s) Involved: JoAnn Rice, American Savin, Perry Nelson and W.N., a minor by and through his Guardian ad Litem, America Savin, City of San José, San José Police Department, Does 1-10; Court: U.S. District Court; Case No.: 2:13-CV-00334-KJM-CKD; Amount of Money or Other Relief Sought: Damages according to proof; (46) Rodriguez, Lori v. City of San José; Lori Rodriguez, City of San José; Court: Superior Court of California, County of Santa Clara; Case No.: 1-13-CV-241669; Amount of Money or Other Relief Sought: Damages according to proof; (47) Sutter's place, Inc. dba Bay 101 v. City of San José; Names Of Partie(s) Involved: Sutter's Place Inc. dba Bay 101; City of San José; the Division of Gaming Control; Court: Superior Court of California, County of Santa Clara; Case No.: 1-13-CV-258057; Amount of Money or Other Relief Sought: Damages according to proof; (48) Watkins, Sharon, et al. v. City of San José, et al.; Names Of Partie(s) Involved: Sharon Watkins; Sylvia Buchanan, and Deviny Buchanan on her own behalf and on behalf of her minor child, Laniyah Watkins, the City of San José; San José Police Officer Ryan Dote; and San José Police Officer James Soh; Court: U.S. District Court, Northern Division; Case No. 15-CV-05786-LHK; Amount of Money or Other Relief Sought: Damages according to proof; (49) Watson, Lee Darnell v. City of San José; Matthew Brackett; Ryan Hansen; Ronald Hughes, et al.; Names Of Partie(s) Involved: Watson, Lee Darnell, City of San José; Matthew Brackett; Ryan Hansen; Ronald Hughes and Does 1-10; Court: U.S. District Court, Northern Division; Case No. 15-CV-04054-NC; Amount of Money or Other Relief Sought: Damages according to proof; (50) Camacho v. CSJ, et al.; Names Of Partie(s) Involved: Carolina Camacho, individually and as Successor in interest to Jessenia Camacho-Torres, deceased; the City of San José, Amy M. Dorr, Sarah R. Cox; Court: Court of Appeal of the State of California, Sixth Appellate District; Case No.: H041762; Amount of Money or Other Relief Sought: Damages according to proof; (51) Herrera, et al. v. City, et al.; Names Of Partie(s) Involved: Martha Herrera, Michelle Rodriguez, Jessica Rodriguez, Minors, by and through their Guardian ad litem Martha Herrera; City of San José, John Doe and John Doe Company, et al.; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No.: 1-10-CV-165689; Amount of Money or Other Relief Sought: Damages according to proof; (52) City of San José v. CSAA Insurance Exchange; Names Of Partie(s) Involved: City of San José, CSAA Insurance Exchange and Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No.: 1-15-CV-284966; Amount of Money or Other Relief Sought: Damages according to proof; (53) Smith, Deanna and Johnny Garcia v. City of San José, Santa Clara Valley Transportation Authority, et al.; Names Of Partie(s) Involved: Deanna Smith and Johnny Garcia, City of San José, a public entity; Santa Clara Valley Transportation Authority, a public entity; Union Pacific Railroad Company, and Does 1-

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20; Court: Superior Court of California, County of Santa Clara; Case No.: 1-14-CV-271771; Amount of Money or Other Relief Sought: Damages according to proof; (54) Avila, Ilido; Angelina Avila; Sonny Avila, a minor; Dominic Avila, a minor; Jovina Avila, a minor v. Oscar Chacon, Mayra Ortega, Blanca Martinez, and City of San José; Names Of Partie(s) Involved: Avila, Ilido; Angelina Avila; Sonny Avila, a minor; Dominic Avila, a minor; Jovina Avila, a minor v. Oscar Chacon, Mayra Ortega, Blanca Martinez, and City of San José and Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No.: 1-13-CV-245894; Amount of Money or Other Relief Sought: Damages according to proof; (55) Blevins, Lisa v. City of San José; Names Of Partie(s) Involved: Lisa Blevins, City of San José; Court: Superior Court of California, County of Santa Clara; Case No.: 1-14-CV270069; Amount of Money or Other Relief Sought: Damages according to proof; (56) City of San José v. County of Santa Clara; Names Of Partie(s) Involved: City of San José, a municipal corporation, as Successor Agency to the Redevelopment Agency of the City of San José, Vinod K. Sharma, individually and in his official capacity as Santa Clara County Director of Finance, Santa Clara County; Court: Superior Court of California, County of Sacramento; Case No.: CIV536836; Amount of Money or Other Relief Sought: Damages according to proof; (57) City of San José v. First Serve Productions; Names Of Partie(s) Involved: City of San José, First Serve Productions, Inc.; Court: Superior Court of California, County of San Mateo; Case No.: CIV536836; Amount of Money or Other Relief Sought: Damages according to proof; (58) Ted Smith v. City, et al.; Names Of Partie(s) Involved: Ted Smith, City of San José, a municipal entity; San José Redevelopment Agency, a municipal entity; Harry Mavrogenes, in his official capacity as Executive Director of the San José Redevelopment Agency; Mayor Chuck Reed, in his official capacity as the Mayor of the City of San José; Pete Constant, in his official capacity as a Councilmember for the City of San José; Ash Kalra, in his official capacity as a Councilmember for the City of San José; Sam Liccardo, in his official capacity as a Councilmember for the City of San José; Pierluigi Oliverio, in his official capacity as a Councilmember for the City of San José; Madison Nguyen, in her official capacity as a Councilmember for the City of San José; Rose Herrera, in her official capacity as a Councilmember for the City of San José; Judy Chirco, in her official capacity as a Councilmember for the City of San José; Kansan Chu, in his official capacity as a Councilmember for the City of San José; Nora Campos, in her official capacity as a Councilmember for the city'; Nancy Pyle, in her official capacity as a Councilmember for the City of San José; and Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No.: 1-09-CV-150427; Amount of Money or Other Relief Sought: Damages according to proof; (59) Vietnamese-American Community of Northern California v. City, et al.; Vietnamese-American Community of Northern California; City of San José; City Council of San José; Court: Superior Court of California, County of Santa Clara; Case No.: 1-08-CV-107082; Amount of Money or Other Relief Sought: for declaratory and injunctive relief according to proof; (60) Plata, Raymond and Michelle v. City of San José; Names Of Partie(s) Involved: Raymond and Michelle Plata, individual and on behalf of other members of a class of similarly situated residents and taxpayers, City of San José; Court: Superior Court of California, County of Santa Clara; Case No.: 1-14-CV-258879; Amount of Money or Other Relief Sought: Declaratory Relief, Injunctive Relief; (C) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator:

CLOSED SESSION (Cont'd.)

Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working 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 Wages 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 11:45 a.m. and reconvened to Regular Session at 1:34 p.m. in the Council Chambers.

Present: Councilmembers - Carrasco, Jones, Herrera, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Councilmembers - All Present.

INVOCATION

The San José Youth Shakespeare Troupe performed scenes from their recent performances.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance accompanied by third grade students from Castlemont Elementary School.

ORDERS OF THE DAY

Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Pierluigi Oliverio and carried unanimously, the Orders of the Day and the Amended Agenda were approved with Item 11.2 deferred to November 1, 2016, and with land use items to be heard first in the evening. (11-0.)

CEREMONIAL ITEMS

1.1 Presentation of a commendation to the Filipino American National Historical Society. (Kalra)

Mayor Sam Liccardo and Councilmember Ash Kalra offered a commendation to the Filipino American National Historical Society in commemoration of Filipino American History Month and the anniversary of the landing of first Filipinos in the Continental United States on this day in 1587.

1.2 Presentation of a commendation to the Country Club Watch Group for their dedication and vigilance in keeping their neighborhood safe. (Khamis)

Mayor Sam Liccardo and Councilmember Johnny Khamis offered a commendation to the Country Club Watch Group for their dedication and vigilance in keeping their neighborhood safe.

1.3 Presentation of a proclamation recognizing October 16 – 22, 2016 as Freedom from Workplace Bullies Week in the City of San José. (Peralez)

Mayor Sam Liccardo and Councilmember Raul Peralez recognized October 16 – 22, 2016 as Freedom from Workplace Bullies Week in the City of San José.

1.4 Presentation of a proclamation recognizing the month of October to be Disability Awareness Month in the City of San José. (Jones)

Mayor Sam Liccardo and Councilmember Johnny Khamis recognized the month of October as Disability Awareness Month in the City of San José.

CONSENT CALENDAR

Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Raul Peralez and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.1 Approval of Council Minutes:

- (a) **Regular Minutes of June 7, 2016.**
- (b) **Final Budget Hearing Minutes of June 13, 2016.**
- (c) **Regular Minutes of June 14, 2016.**
- (d) **Joint San José Financing Authority Minutes of June 14, 2016.**
- (e) **Regular Minutes of June 21, 2016.**
- (f) **Joint San José Financing Authority Minutes of June 21, 2016.**
- (g) **Special Evening Minutes of June 21, 2016.**
- (h) **Regular Minutes of June 28, 2016.**

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

Documents Filed: (1) Regular Minutes of the City Council, dated June 7, June 14, June 21 and June 28, 2016; (2) Final Budget Hearing Minutes, dated June 13, 2016; (3) Joint San José Financing Authority Minutes of June 14, 2016; (4) Joint San José Financing Authority Minutes of June 14, 2016; (5) Joint San José Financing Authority Minutes of June 21, 2016; (6) Special Evening Minutes of June 21, 2016.

Action: The Council meeting minutes were adopted. (11-0.)

2.2 Final Adoption of Ordinances.

- (a) **ORD. NO. 29794 – An ordinance of the City of San José amending Part 8 to Chapter 17.23 of Title 17 of the San José Municipal Code extending the termination date. CEQA: Exempt, Section 15061 (b)(3), No potential for causing a significant effect on the environment, File No. PP16-051. (Housing Ordinance No. 29794 adopted.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29794 executed on September 30, 2016, submitted by the City Clerk.

Action: Ordinance No. 29794 was adopted. (11-0.)

- (b) **ORD. NO. 29789 – An ordinance of the City of San José adding Chapter 14.34 to Title 14 of the San José Municipal Code adopting a Traffic Impact Fee on new development within the Interstate 280/Winchester Boulevard Transportation Development Policy Area. CEQA: Environmental Impact Report for the Santana West Development Project and I-280-Winchester Transportation Development Policy. (Planning, Building and Code Enforcement)**

Action: Ordinance No. 29789 was adopted. (11-0.)

2.2 (Cont'd.)

- (c) Councilmember Donald Rocha pulled Item 2.2(c) for clarification on Ordinance No. 29798. He indicated he could not support this item.

ORD. NO. 29798 – An ordinance of the City of San José amending Chapters 4.46 and 4.47 of Title 4 of the San José Municipal Code to suspend the collection of the building and structure construction tax and the commercial residential mobilehome park building tax on one downtown commercial high rise project. CEQA: Not a Project, File No. PP10-067(a), Non-Project Specific Funding Mechanism, Increase or Adjustment to Fees, Rates & Fares. (Economic Development)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29798 executed on October 7, 2016, submitted by the City Clerk.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Johnny Khamis and carried unanimously, Ordinance No. 29798 was adopted. (10-1. Noes: Rocha.)

2.3 Approval of Council Committee Minutes.

- (a) **Ad-Hoc Committee on Development Services Minutes of August 25, 2016. (Mayor)**
- (b) **Rules and Open Government Committee Minutes of September 21, 2016. (Mayor)**
- (c) **Community and Economic Development Committee Minutes of September 26, 2016. (Khamis)**
- (d) **Rules and Open Government Committee Minutes of September 28, 2016. (Mayor)**

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

Documents Filed: (1) Ad-Hoc Committee on Development Services Minutes of August 25, 2016; (2) Rules and Open Government Committee Minutes dated September 21, 2016; (3) Community and Economic Development Committee Minutes dated September 26, 2016; (4) Rules and Open Government Committee Minutes dated September 28, 2016.

Action: The Council Committee Minutes were approved. (11-0.)

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

Vice Mayor Rose Herrera reported on her participation in the Annual Business meeting for the League of California Cities (LOCC) in Long Beach, California.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Adopt a resolution authorizing the City Manager to exercise up to four, one-year options to the Purchase Order with HCI Systems, Inc. (Hayward, CA) to provide labor, material, and equipment for monitoring, inspections, testing, and repair services for the Fire Alarm Systems located at City Hall, 4th Street & St. John Parking Garage, and 4th Street & San Fernando Parking Garage to extend the term of the Purchase Order from July 1, 2017 through June 30, 2021, for an aggregate maximum compensation of \$450,000, subject to the annual appropriation of funds. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts, Purchase Order of Supplies, Equipment and Professional Services that involve no changes to the physical environment. (Finance)

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated October 18, 2016, recommending adoption of a resolution.

Action: Resolution No. 77950, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Exercise up to Four, One-Year Options to the Purchase Order with HCI Systems, Inc. to Provide Labor, Material, and Equipment for Monitoring, Inspections, Testing and Repair Services for the Fire Alarm Systems Located at City Hall, 4th Street & St. John Parking Garage, and 4th Street & San Fernando Parking Garage to Extend the Term of the Purchase Order From July 1, 2017 Through June 30, 2021 For an Aggregate Maximum Compensation of \$450,000, Subject to the Annual Appropriation of Funds”, were adopted. (11-0.)

2.8 Adopt a resolution authorizing the City Manager to execute the Third Amendment to a Grant Agreement with People Assisting the Homeless (PATH) to increase funding by \$75,000 and amend the scope of services to support additional services for the PATH San José Homeless Outreach Program for a total grant award not to exceed \$335,000. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts, Services that involved no physical changes to the environment. (Housing)

Documents Filed: City Council Action Request from Director of Housing Jacky Morales-Ferrand, dated October 18, 2016, recommending adoption of a resolution.

Public Comments: Blair Beekman offered comments on funding for the homeless.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Chappie Jones and carried unanimously, Resolution No. 77951, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute the Third Amendment to a Grant Agreement with People Assisting the Homeless”, was adopted. (11-0.)

- 2.9 Adopt a resolution to amend the City of San José Pay Plan effective October 18, 2016, to create the Senior Retirement Investment Officer U (7505) classification with a salary range of \$116,596.00- \$181,749.68 annually. CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)**

Documents Filed: Director of Human Resources, Joe Angelo, dated September 26, 2016, recommending adoption of a resolution.

Action: Resolution No. 77952, entitled: “A Resolution of the Council of the City of San José Amending the City of San José Pay Plan”, was adopted. (11-0.)

- 2.10 Approve travel payments and authorize for Mayor’s staff, Shireen Santosham, Chief Innovation Officer, to Miami, Florida, from October 23 to October 25, 2016 for the CityLab Conference. Source of Funds: The Aspen Institute. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)**

Documents Filed: Memorandum from Mayor Sam Liccardo, dated September 30, 2016, recommending acceptance of travel payments and authorization of travel for Mayor’s staff.

Action: Travel payments and authorization for Mayor’s staff, Shireen Santosham, Chief Innovation Officer, to Miami, Florida, from October 23 to October 25, 2016 for the CityLab Conference, was approved. (11-0.)

- 2.11 As recommended by the Rules and Open Government Committee on October 5, 2016:**
- (a) Retroactively approve the 1st Annual Transportation Forum held on Saturday, August 20, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.**
 - (b) Approve and accept donations from various individuals, businesses or community groups to support the event.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated October 6, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The 1st Annual Transportation Forum held on Saturday, August 20, 2016 as a City Council Sponsored Special Event was retroactively approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.12 As recommended by the Rules and Open Government Committee on October 12, 2016, approve the appointment of the Mayor and Councilmember Don Rocha to the Santa Clara County Emergency Medical Task Force. CEQA: Not a Project, File No. PP10-069, City Administrative Activities. (Mayor)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated October 14, 2016, providing recommendations of the Rules and Open Government Committee.

Action: The appointment of the Mayor and Councilmember Don Rocha to the Santa Clara County Emergency Medical Task Force was approved. (11-0.)

- 2.13 (a) **Approve the East San José Halloween Safety Day scheduled in various areas on October 31, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) **Approve and accept donations from various individuals, businesses or community groups to support the event.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, date October 14, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The East San José Halloween Safety Day as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.14 (a) **Approve the Del Roble Neighborhood Beautification Day scheduled for October 29, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) **Approve and accept donations from various individuals, businesses or community groups to support the event.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated October 14, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Del Roble Neighborhood Beautification Day as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.15 (a) **Retroactively approve the Refugee Foster Care Dinner held on Tuesday, September 27, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) **Approve and accept donations from various individuals, businesses or community groups to support the event. (Khamis)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated October 14, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Refugee Foster Care Dinner as a City Council Sponsored Special Event was retroactively approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.16 (a) **Approve the Kostumes for Kids event scheduled for Saturday, October 22, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) **Approve and accept donations from various individuals, businesses or community groups to support the event.**

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Khamis)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated October 14, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Kostumes for Kids event as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).

City Manager Norberto Dueñas and Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. presented a proclamation declaring City of San José's participation in the 2016 Combined Giving Campaign and welcomed everyone's participation. (Parks, Recreation and Neighborhood Services)

3.3 2015-2016 City Manager's Annual Report.

- (a) **Accept the 2015-2016 City Manager's Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F).**
- (b) **Adopt Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2015-2016 Annual Report recommendations, including appropriate technical adjustments, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up/Rebudget Actions).**
- (c) **Approve the addition of 0.75 Senior Recreation Leader PT and the elimination of 0.50 Recreation Leader PT in the Parks, Recreation and Neighborhood Services Department and the elimination of 1.0 limit-dated Executive Analyst in the City Manager's Office, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up/Rebudget Actions).**

CEQA: Not a Project, File No. PP10-069(a), Annual Reports; and File No. PP10-067(b), Appropriation Ordinance. (City Manager)

Documents Filed: 2015-2016 Annual Report from City Manager Norberto Dueñas, dated September 30, 2016.

Senior Deputy City Budget Director/Manager Jennifer Maguire presented the report.

3.3 (Cont'd.)

Public Comments: Pete Kolstad brought attention to illegal dumping and encouraged greater participation in the free large pick-up service offered by the City.

Senior Deputy City Budget Director/Manager Jennifer Maguire, Director of Transportation Jim Ortbal and staff responded to questions from Council, and extensive discussion ensued.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, the 2015-2016 City Manager's Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F) was accepted, Ordinance No. 29803, entitled "An Ordinance of the City of San José Amending Ordinance No. 29762 to Appropriate Monies in Various Funds to Implement the 2015-2016 Annual Report Recommendations and Make Appropriate Technical Adjustments; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 77953, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 77796 to Implement the 2015-2016 Annual Report Recommendations and Make Appropriate Technical Adjustments to Adjust Revenues in Various Operating Funds", were adopted, and the addition of 0.75 Senior Recreation Leader PT and the elimination of 0.50 Recreation Leader PT in the Parks, Recreation and Neighborhood Services Department and the elimination of 1.0 limit-dated Executive Analyst in the City Manager's Office, as detailed in Section IV, were approved. (11-0.)

- 3.4 (a) **Adopt a resolution supporting the Muwekma Ohlone Tribe in their ongoing pursuit of status as a Federally Recognized Tribe and direct staff to provide support to our state legislators as they pursue the process to federally recognize the Muwekma Ohlone Tribe.**
- (b) **Direct the City Manager to draft and execute a letter transmitting the resolution to the appropriate party.**

CEQA: Not a Project, File No. PP10-069, City Administrative Activities. (Herrera/Carrasco)

Action: Deferred to October 25, 2016 per Administration.

- 3.5 **Approve the Welcoming San José Plan 2016-2019 for the Office of Immigrant Affairs. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports. (City Manager)**

Note: Heard in the evening following land use items.

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated October 17, 2016, recommending approval of the Welcoming San José Plan, with additional direction to staff. (2) City Council Action Request, dated October 18, 2016, recommending approval of the Welcoming San José Plan 2016-2019.

Deputy City Manager Julia Edmonds-Mares and Assistant to the City Manager, Zulma Maciel, provided a presentation.

3.5 (Cont'd.)

Public Comments: Offering support to the Welcoming San José Plan and expressing the need for an inclusive city, were Monica Limas, Center for Employment; Gabriela Gabrian; Maria Reyes, Javier Navarrete, Eunice Hernandez, Diana S., Carmen Ramirez, Patricia Santiago, Juritzi Torres Mendoza, Soledad Tellez, Sacred Heart Community Service; Byron Breland, San José City College; Maria Marcelo and Maria Bonita.

Mayor Sam Liccardo outlined his memorandum dated October 17, 2016, and offered support to the plan. Council discussion followed.

Motion: Councilmember Ash Kalra moved approval of the Staff recommendations, including direction as outlined in Mayor Sam Liccardo's memorandum dated October 17, 2016. Councilmember Magdalena Carrasco seconded the motion.

Action: On a call for the question, the motion carried, and the Welcoming San José Plan 2016-2019 for the Office of Immigrant Affairs was approved, with direction as included in Mayor Sam Liccardo's memorandum dated October 17, 2016, directing the City Manager to return to Council supplementing the Fiscal Year 2016-17 metrics with specific goals relating to: (a) Translation of City forms, applications, and documents; (b) Translation of key pages on the City website; (c) Education and engagement with small, immigrant-led businesses, specifically focused on facilitating business permitting and licenses, and on providing access to business support services and City contracting opportunities, and (2) Direct the City Manager to return to Council with a comprehensive update of the implementation. (9-1-1. Noes: Oliverio. Absent: Khamis.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Amendments to Title 6 and Title 20 – Medical Marijuana Zoning Code.

- (a) **Adopt a resolution approving a Third Addendum to the Medical Marijuana Ordinance Project Negative Declaration, for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended.**
- (b) **Consideration of an ordinance of the City of San José, amending Title 20 (the Zoning Code) of the San José Municipal Code by amending: Section 20.50.100 of Chapter 20.50; Section 20.70.100 of Chapter 20.70; Section 20.80.775 of Chapter 20.80; and Section 20.100.1530 of Chapter 20.100 to add “Medical Marijuana Collective, Dispensary Site Only” as a newly enumerated Restricted Use in specified Industrial Zoning Districts and the Downtown Primary Commercial Zoning District, and to remove the fifty (50) foot minimum required distance between Medical Marijuana Collectives, Cultivation Sites, and making other technical, non-substantive, or formatting changes within those sections to add and amend land use regulations pertaining to Medical Marijuana Collectives.**

4.1 (Cont'd.)

- (c) Consideration of an ordinance of the City of San José amending Title 6 (Business Licenses of Regulations) of the San José Municipal Code by amending Chapter 6.88 to add and amend regulations pertaining to Medical Marijuana Collectives, and the cultivation and dispensing of medical marijuana, and making other technical, non-substantive, or formatting changes:
- (1) Allow each Registered Collective to have two locations for cultivation, manufacturing and extraction in addition to one dispensing-only location;
 - (2) Allow each Registered Collective to locate one of their allotted cultivation-only facilities outside of San José anywhere within the State of California subject to state and local law and regulations;
 - (3) Allow for cultivation facilities within the City of San José to be shared by two Registered Collectives;
 - (4) Allow each Registered Collective to deliver medical marijuana to patients and establish the parameters under which deliveries could take place;
 - (5) Allow transactions/transfers between Registered Collectives and Registered/Licensed/Permitted cultivators, manufacturers, and dispensaries of medical marijuana products throughout the State of California; and
 - (6) Approve technical changes to update the Code with respect to definitions, badging procedures, crime reporting requirements, daily purchases, changing the calendar for payment of the Annual Operating Fee from calendar year to fiscal year, and other administrative changes.
- (d) Provide direction to staff to:
- (1) Suspend further work on CEQA review and Code changes related to allowing medical marijuana greenhouses in industrial zoning districts due to low interest from the industry;
 - (2) Refer to the next City Council Priority Setting Session the issue of exploring whether to allow medical marijuana distributors, manufacturers, and testing labs to operate in San José and, if so, how many and where;
 - (3) Return to Council with analysis of Proposition 64, the Adult Use of Marijuana Act, and next steps for the City of San José.

Planning Commission recommends approval (4-0-3, Ballard, Bit-Badal, Yesney absent). CEQA: Negative Declaration (File No. PP11-039, Resolution No. 75984), as addended by File Nos. PP11-076, PP14-030, and PP16-076. (Planning, Building and Code Enforcement/Police) PP16-076 – Citywide

4.1 (Cont'd.)

Documents Filed: (1) Joint memorandum from Councilmember Ash Kalra, Councilmember Raul Peralez, Councilmember Magdalena Carrasco and Councilmember Tam Nguyen, dated October 14, 2016, recommending approval of staff recommendations with additional direction. (2) Memorandum from Chief of Police Edgardo Garcia, dated October 5, 2016, providing recommendations to the Medical Marijuana Program. (3) Memorandum from Planning Commission Secretary, Harry Freitas, dated October 5, 2016, transmitting the Planning Commission recommendations. (4) Proof of Publication of Notice of Public Hearing, executed on September 14, 2016, submitted by the City Clerk.

Public Comments: Offering support to the proposed ordinances were Susan Landry, Ray Perez, CEO, L.R.O.N.; and Matt Lucero.

Chief of Police Edgardo Garcia provided opening comments, and Assistant to City Manager, Michele McGurk, provided a presentation. Sergeant David Woolsey responded to questions.

Motion: Councilmember Ash Kalra moved approval of staffs' recommendations including the memorandum he coauthored with Councilmembers Raul Peralez, Magdalena Carrasco and Tam Nguyen, dated October 14, 2016, including bifurcating this item to hear item 4.1(d)(2) separately. The motion was seconded by Councilmember Raul Peralez.

Substitute Motion: Vice Mayor Rose Herrera moved approval of staffs' recommendations. Councilmember Johnny Khamis seconded the motion.

Director, Planning, Building and Code Enforcement Harry Freitas responded to questions from Council, and extensive Council discussion followed.

Action: On a call for the question, the substitute motion carried, and Resolution No. 77954, entitled: "A Resolution of the Council of the City of San José Adopting the Third Addendum to the Medical Marijuana Ordinance Project Negative Declaration, for Which an Initial Study was Prepared, all in Accordance with the California Environmental Quality Act, as Amended, was adopted; Ordinance No. 29804, entitled "An Ordinance of the City of San José Amending Title 20 (Zoning) of the San José Municipal Code to Amend Table 20-110 Of Chapter 20.50; to Amend Table 20-140 of Chapter 20.70; to Amend Section 20.80.775 Of Chapter 20.80; and to Amend Section 20.100.1530 of Chapter 20.100 to Add "Medical Marijuana, Collective, Dispensary Site Only" as a Newly Enumerated Restricted Use in Specified Industrial Zoning Districts and the Downtown Primary Commercial Zoning District and to Remove the Fifty (50) Foot Minimum Required Distance between Medical Marijuana Collectives, Cultivation Sites Only and to Make Other Technical, Non-Substantive Changes"; and Ordinance No. 29805, entitled "An Ordinance of the City of San José Amending Chapter 6.88 of Title 6 of the San José Municipal Code as Follows: to Add Section 6.88.213 to Add the Definition of Dispensary; to Add Section 6.88.214 to Add the Definition of Dispensing; to Amend Sections 6.88.242, 6.88.310, 6.88.360, 6.88.380, 6.88.400, 6.88.420, 6.88.425, 6.88.430, 6.88.435, 6.88.440, 6.88.445, 6.88.446, 6.88.450, 6.88.460, 6.88.465 and 6.88.490 to Allow a Registered Collective Two Locations for

4.1 (Cont'd.)

Action (Cont'd.): Cultivation, to Allow a Registered Collective One Cultivation Site Outside the City but Within the State of California, to Allow a Cultivation Site within the City to be Shared by Two Registered Collectives, to Allow a Registered Collective to Apply for Registration to Deliver Medical Marijuana to Members Subject to Regulations Promulgated by the City Manager, to Allow Medical Marijuana to be Transferred between A Registered Collective and Other Collectives Lawfully Operating within the State of California, to Specify Recordkeeping Requirements Related to Performance Standards and to Make Other Technical, Nonsubstantive, or Typographical Changes”, passed for publication; and staffs’ recommendations were approved, including referring to the next City Council Priority Setting Session the issue of exploring whether to allow medical marijuana distributors, manufacturers, and testing labs to operate in San José. (6-5. Noes: Kalra, M. Nguyen, Oliverio, Peralez, Rocha.)

Motion: Councilmember Magdalena Carrasco requested a re-vote and reconsideration, with a bifurcation and revote on Item 4.1 (d)(2). Councilmember Ash Kalra seconded the motion.

Action: Reconsideration of Item 4.1(d)(2) was approved. (7-4. Noes: Herrera, Jones, M. Nguyen; Liccardo.)

Motion: Item 4.1 (d)(2): Councilmember Ash Kalra moved approval of staffs’ recommendations including the memorandum he co-authored with Councilmembers Raul Peralez, Magdalena Carrasco and Councilmember Tam Nguyen, dated October 14, 2016.

Action: On a call for the question, the motion carried, and the Staff’s recommendation for referral to the next City Council Priority Setting Session was not accepted; instead, the joint memorandum from Councilmembers Ash Kalra, Raul Peralez, Magdalena Carrasco and Tam Nguyen, dated October 14, 2016, providing direction to staff to report back to the Public Safety, Finance & Strategic Support Committee with staff recommendations regarding the issue of exploring whether to allow medical marijuana distributors, manufacturers, and testing labs to operate in San Jose and, if so, how many and where, no later than June 2017, instead of to the next City Council Priority Setting Session, was approved. (8-3. Noes: Herrera, Jones; Liccardo.)

4.2 As recommended by the Community and Economic Development Committee on September 26, 2016, accept the report and:

- (a) Approve an ordinance to amend Title 24 of the San José Municipal Code to:
 - (1) Adopt the 2016 editions of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Historical Building Code, California Existing Building Code, California Green Building Standards Code, International Existing Building Code Appendix Chapters A2 and A5, and Building Energy Efficiency Standards;
 - (2) Find that the City of San José’s local climatic, geological and topographical conditions warrant additional protections in the Municipal Code; and

4.2 (Cont'd.)

- (a) (3) Adopt local amendments regarding certain structural design requirements, fire sprinkler regulations, and other building requirements.
- (b) Approve an ordinance to amend Chapter 17.12 of Title 17 of the San José Municipal Code to:
 - (1) Adopt the 2016 edition for the California Fire Code (CFC), and the Standards referenced in 2016 CFC; and
 - (2) Adopt local amendments regarding the design and installation requirements for fire sprinkler systems, fire standpipe and hose systems, centrifugal fire pumps, private fire service mains, fire alarm systems, clean agent extinguishing systems, fire protection systems in clean rooms, and other fire safety requirements.
- (c) Approve an ordinance to amend Title 17 of the San José Municipal Code to update Chapter 17.82 to match current cross-referenced Chapter 33 formerly Chapter 11 of the 2001 CFC.

CEQA: Exempt, Section 15308 – Actions by Regulatory Agencies for the Protection of the Environment, File No. PP16-090. (Planning, Building and Code Enforcement/Fire)

[Community and Economic Development referral 9/26/16 – Item d.2]

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated October 6, 2016, transmitting the recommendations of the Community and Economic Development Committee.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Pierluigi Oliverio and carried unanimously, Ordinance No. 29806, entitled “An Ordinance of the City of San José Amending Various Sections of Title 24 (Technical Codes) of the San José Municipal Code to Adopt the 2016 California Building, Residential, Plumbing, Mechanical, Electrical Codes, California Existing Building Code, California Historical Building Code, California Green Building Standards Code, California Building Energy Efficiency Standards and 2015 International Existing Building Code with Certain Exceptions, Modifications and Additions”; Ordinance No. 29807, entitled “An Ordinance of the City of San José Amending Chapter 17.12 of Title 17 of the San José Municipal Code to Adopt the 2016 California Fire Code with Local Amendments Relating to Fire Flow, Sprinkler and Fire Alarm Systems and Standards, Access Control Devices, Large

Existing Fire Protection and Regulatory Authority”; Ordinance No. 29808, entitled “An Battery Charging Systems and Continuous Gas Detection Systems and to Maintain Ordinance of the City of San José Amending Chapter 17.82 of Title 17 of the San José Municipal Code Relating to Fire Safety During Construction”, were passed for publication. (9-0-2. Absent: Carrasco, Kalra.)

TRANSPORTATION & AVIATION SERVICES

- 6.1 Approve an ordinance to amend Section 11.48.130 of Chapter 11.48 of Title 11 of the San José Municipal Code to modify the Convention Center Permit Parking Area and rename the zone Market-Almaden Permit Parking Area. CEQA: Exempt, File No. PP14-069. Council District 3. (Transportation)**

Documents Filed: Memorandum from Director of Transportation Jim Ortbal, dated September 26, 2016, recommending approval of an ordinance.

Public Comments: Joel Segura, representing the Market Almaden Neighborhood Association, provided comments in support of the ordinance.

Director of Transportation Jim Ortbal responded to questions.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Chappie Jones and carried unanimously, Ordinance No. 29809, entitled “An Ordinance of the City of San José Amending Section 11.48.130 of Chapter 11.48 of Title 11 of the San José Municipal Code to Modify the Convention Center Permit Parking Area and Rename the Zone Market-Almaden Permit Parking Area”, was passed for publication. (11-0.)

PUBLIC SAFETY SERVICES

- 8.1 Adopt a resolution authorizing the City Manager to execute:**
- (a) An Agreement between the City of San José and Civilian, Inc. for recruiting and marketing consulting services for the San José Police Department, in the amount of \$200,000 for the period of November 1, 2016 through October 31, 2017; and**
 - (b) Four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$1,000,000 subject to the appropriations of funds.**

CEQA: Not a Project; File No. PP10-066(e), Agreements and Contracts, Services that involve no physical changes to the environment. (Police)

Documents Filed: Memorandum from Chief of Police Edgardo Garcia, dated October 5, 2016, recommending adoption of a resolution.

Lieutenant Heather Randol, Police Department Recruitment Division, responded to questions from Council.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77955, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Agreement Between the City of San José and Civilian, Inc. for Recruiting and Marketing Consulting Services for the San José Police Department, in the Amount of \$200,000 for the Period of November 1, 2016 through October 31, 2017 and Four Additional Annual Renewal Options with the Total Amount of Compensation for the Entire Contract Not to Exceed \$1,000,000 Subject to the Appropriation of funds”, was adopted. (11-0.)

REDEVELOPMENT – SUCCESSOR AGENCY

- 9.1 **Successor Agency Board approve the First Amendment to the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José and Mr. Lawrence Wu for the sale of that certain real property located at South Almaden Boulevard (APN 264-03-101) to provide for monthly non-refundable deposits into escrow until the purchase price in the amount of Five Hundred Eight Thousand Dollars (\$508,000) has been deposited fully into escrow and to extend the close of escrow until receipt of the entire purchase price into escrow but in no event later than February 3, 2017. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Successor Agency)**

Documents Filed: Memorandum from Richard Keit, Managing Director, Successor Agency, dated September 26, 2016, recommending approval of a first amendment to a purchase and sale agreement.

Councilmember Donald Rocha offered brief comments and asked questions of Managing Director, Successor Agency, Richard Keit.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Raul Peralez and carried unanimously, the First Amendment to the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José and Mr. Lawrence Wu for the sale of that certain real property located at South Almaden Boulevard (APN 264-03-101) to provide for monthly non-refundable deposits into escrow until the purchase price in the amount of Five Hundred Eight Thousand Dollars (\$508,000) has been deposited fully into escrow and to extend the close of escrow until receipt of the entire purchase price into escrow but in no event later than February 3, 2017, was approved. (11-0.)

OPEN FORUM

- (1) Jill Borders spoke on the preservation of the foothills, and urged Council to reject the proposal for the Southeast corner of Almaden Road and Burnside Drive.
- (2) Valerie Driscoll addressed safety issues in the City of San José.
- (3) Judi Zamora spoke on the alarming number of businesses in San José that are fronts for prostitution and how neighborhoods are forced to deal with the consequences.

ADJOURNMENT

Mayor Sam Liccardo adjourned the afternoon Council Session at 5:48 p.m.

RECESS/RECONVENE

The City Council recessed at 5:48 p.m. from the afternoon Council Session and reconvened at 7:00 p.m. in the Council Chambers, City Hall.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent Council Members - All Present.

Acting City Clerk Toni J. Taber, CMC read the requests for continuance of the applications. Upon motion by Vice Mayor Rose Herrera seconded by Council Member Johnny Khamis and carried unanimously, the below noted continuances and actions were taken as indicated. (11-0.)

CEREMONIAL ITEMS

1.5 Presentation of a commendation to the Umunhum Conservancy. (Khamis)

Mayor Sam Liccardo and Councilmember Johnny Khamis presented a commendation to the Umunhum Conservancy for preserving the historic Radar Tower on Mt. Umunhum.

1.6 Presentation of a proclamation recognizing the month of October to be Breast Cancer Awareness Month in the City of San José. (Peralez)

Mayor Sam Liccardo and Councilmembers Jones and Peralez recognized the month of October as Breast Cancer Awareness Month in the City of San José.

PUBLIC HEARINGS ON CONSENT CALENDAR

- 11.1 (a) **Consideration of an ordinance of the City of San José rezoning certain real property of approximately 0.16 gross acre site, located on the northeasterly corner of South Montgomery Street and West San Fernando Street (92 South Montgomery Street) from the LI Light Industrial Zoning District to the DEC Downtown Primary Commercial Zoning District (Imwalle Properties, Owner). CEQA: Determination of Consistency with Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)
C16-031 – Council District 6**

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated September 26, 2016, transmitting the Planning Commission recommendation. (2) Proof of Publication of Notice of Public Hearing, executed on September 26, 2016, submitted by the City Clerk.

11.1 (a) (Cont'd.)

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Tam Nguyen and carried unanimously, Ordinance No. 29810, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.16 Acre Situated at the Northeast Corner of South Montgomery Street and West San Fernando Street (92 South Montgomery Street) from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District”, was passed for publication. (11-0.)

- (b) Consideration of an ordinance of the City of San José rezoning certain real property of approximately 7.127 gross acre site, located at 2211 Junction Avenue and the adjacent vacant parcel to the southwest (at the terminus of Dado Street) from the IP Industrial Park Zoning District to the LI Light Industrial Zoning District (Pacific Bell, Owner). CEQA: Determination of Consistency with the Addendum to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)
C16-035 – Council District 4.**

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated September 26, 2016, transmitting the Planning Commission recommendation. (2) Proof of Publication of Notice of Public Hearing, executed on September 26, 2016, submitted by the City Clerk.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Stephen Slaton, representing AT & T, provided comments.

Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Tam Nguyen and carried unanimously, Ordinance No. 29811, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 7.127 Acres Situated Approximately 600 Feet North of Charcot Avenue (2211 Junction Avenue) From the IP Industrial Park Zoning District to the LI Light Industrial Zoning District”, was passed for publication. (11-0.)

END OF CONSENT CALENDAR

PUBLIC HEARINGS

- 11.2 (a) **Consideration of the Determination of Consistency with the Envision 2040 Final Environmental Impact Report, adopted by City Council Resolution 76041 on November 1, 2011; and, the Envision San José 2040 Final Supplemental Environmental Impact Report adopted by City Council Resolution No. 77617 on December 15, 2015.**
- (b) **Conduct an Administrative Hearing on and consider an Appeal of the Planning Commission's approval of Conditional Use Permit File No. CP15-085 to construct a 50-foot tall wireless communication facility (monopole), associated equipment enclosure, and emergency generator in the CN Commercial Neighborhood Zoning District, located at the southeast corner of Bollinger Road and Miller Avenue (6164 Bollinger Road) (Marchese Christopher Trustee & Et Al, Owner).**
- (c) **Adopt a resolution denying an appeal and approving a Conditional Use Permit No. CP15-085 to construct a 50-foot tall wireless communication facility (monopole), associated equipment enclosure, and emergency generator in the CN Commercial Neighborhood Zoning District, located at the southeast corner of Bollinger Road and Miller Avenue (6164 Bollinger Road) (Marchese Christopher Trustee & Et Al, Owner).**

CEQA: Determination of Consistency with the Envision San José 2040 Final Environmental Impact Report, adopted by City Council Resolution No. 76041 on November 1, 2011; and, the Envision San José 2040 Final Supplemental Environmental Impact Report adopted by City Council Resolution No. 77617 on December 15, 2015. (Planning, Building and Code Enforcement)

CP15-085 – District 1

Action: Deferred to November 1, 2006 per Orders of the Day.

- 11.3 **Consideration of an ordinance to approve the First Amendment to the Development Agreement between Jackson Taylor Partners, LLC, et. al. and the City of San José to vest previously approved Planned Development Zoning (File No. PDC15-018) and Planned Development Permit (File No. PD15-055) for the subject property located at 696 North 6th Street (City of San José, Owner). The First Amendment to the Development Agreement would vest the Zoning District designation of R-M(PD) Planned Development and the development standards set forth in the rezoning and also authorize the construction of 520 residential units and 19,191 square feet of commercial space as further set forth in the Planned Development Permit. CEQA: Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report, adopted by City Council Resolution No. 74384, and addendum thereto. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)**

DA16-001 – Council District 3

[Deferred from 9/20/16 – Item 11.1(b)]

Action: Deferred to November 8, 2016 per Administration.

- 11.4 (a) Consideration of the statutory exemption pursuant to CEQA Guideline Section 15301(a) for Existing Facilities.
- (b) Conduct an Administrative Hearing on and consider an Appeal of the Planning Commission's approval of a Conditional Use Permit to allow late night use for a public drinking establishment in an existing 8,684-square foot building on an approximately 0.15-gross acre site, in the DC Downtown Primary Commercial Zoning District, approximately 400 feet southerly of East Santa Clara Street (58 South 1st Street) (Martin Trust, Owner).
- (c) Adopt a resolution and make the required findings to either grant or deny the appeal for a Conditional Use Permit to allow late night use for a public drinking establishment in an existing 8,684-square foot building on an approximately 0.15-gross acre site, in the DC Downtown Primary Commercial Zoning District, approximately 400 feet southerly of East Santa Clara Street (58 South 1st Street) (Martin Trust, Owner).

Planning Commission recommends approval (4-1-2, Abelite opposed, Allen and Vora abstained). CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. (Planning, Building and Code Enforcement)
CP16-005 – Council District 3

Action: Deferred to November 1, 2016 per Rules & Open Government.

- 11.5 (a) Consideration of the statutory exemption pursuant to CEQA Guideline Section 15303(c) for New Construction or Conversion of Small Structures.
- (b) Conduct an Administrative Hearing to consider the appeal of the Planning Commission's decision to approve a Conditional Use Permit to allow an auto detailing use with incidental car wash services, and the construction of an associated 468-square foot canopy structure at an existing gas station on a 0.47-gross acre site, in the CIC Combined Industrial/Commercial Zoning District, located at 1299 Story Road (RJ Polar, Inc., Owner).
- (c) Adopt a resolution denying the appeal and upholding the Planning Commission's approval of a Conditional Use Permit to allow an auto detailing use with incidental car wash services, and the construction of an associated 468-square foot canopy structure at an existing gas station on a 0.47-gross acre site, in the CIC Combined Industrial/Commercial Zoning District, located at 1299 Story Road (RJ Polar, Inc., Owner).

Planning Commission recommends approval (7-0-0). CEQA: Exempt under CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)
CP15-039 – Council District 7

Documents Filed: (1) Memorandum from Planning Commission Secretary, Harry Freitas, dated September 26, 2016, transmitting the Planning Commission recommendations. (2) Supplemental memorandum from Planning Commission Secretary, Harry Freitas, dated October 14, 2016, providing suggested modifications to the conditions of approval. (3) Proof of Publication of Notice of Public Hearing, executed on September 26, 2016, submitted by the City Clerk.

11.5 (Cont'd.)

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

Director, Planning, Building and Code Enforcement Harry Freitas offered opening comments and noted his supplemental memorandum regarding modified conditions of approval.

Deputy Director of Public Works, Michael Yu, responded to questions.

Motion: Councilmember Manh Nguyen moved approval of the supplemental memorandum from Director, Planning, Building and Code Enforcement Harry Freitas, dated October 14, 2016, approving the Conditional Use Permit including modifications to the conditions of approval. The motion was seconded by Councilmember Johnny Khamis.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 77956, entitled: "A Resolution of the Council of the City of San José Approving a Conditional Use Permit to Allow an Auto Detailing Use with Incidental Car Wash Services, and the Construction of an Associated 468-Square Foot Permanent Canopy, at an Existing Gas Station on a 0.47-Gross Acre Site in the CIC Combined Industrial/Commercial Zoning District, Located at the Northwesterly Corner of Story Road and Olinder Court (1299 Story Road)", was adopted. (11-0.)

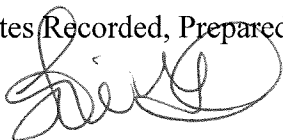
OPEN FORUM

- (1) Wendi Baker promoted the Turkey Trot Fun Run to be held on November 24, 2016, Thanksgiving Day.
- (2) Maria urged more community support and involvement and thanked the Council for their service to the community.

ADJOURNMENT

The Council of the City of San José adjourned at 9:10 p.m. in memory of Carol Jean Ashman, a beloved member of Evergreen who was actively involved in the District 8 Community Round Table and in making a difference for her local community. (Herrera)

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC
City Clerk