



# CITY COUNCIL AGENDA

**MARCH 18, 2014**

**AMENDED AGENDA**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
XAVIER E. CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON NGUYEN, VICE MAYOR  
ROSE HERRERA  
DONALD ROCHA  
JOHNNY KHAMIS

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council. If you wish to speak to the City Council, please refer to the following guidelines:

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

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

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

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

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

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

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

- **Call to Order and Roll Call**
  - 9:30 a.m. - Closed Session, Call to Order in Council Chambers
  - Open Session, Labor Negotiations Update (See Item 3.2)
  - Adjourn to Closed Session in Council Chambers Conference Room, W133
  - See [City Council Closed Session Agenda](#)
  - See [Successor Agency to the Redevelopment Agency Closed Session Agenda](#)
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall
  
- **Invocation (District 3)**
  - \* Michael White and Lindsay Sporleder, SPOTLITE Stage Company
  
- **Pledge of Allegiance**
  
- **Orders of the Day**
  - \* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.
  - \* **ITEM 1.4 TO BE HEARD IN THE EVENING – PENDING ORDERS OF THE DAY APPROVAL**

- **Orders of the Day (Cont'd.)**

\* **ADJOURNMENT:** This meeting will be adjourned in memory of Edgar “Zancudo” Sanchez, who passed away on January 9, 2014. He was an educator and community activist who brought theater into the lives of children. He is survived by his wife Barbara and son Claudio who continue his legacy. (Campos)

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

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

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**1.1** Presentation of a commendation to Fiesta Educativa for their services and dedication to empowering families of persons with disabilities. (Chu/Campos)

**1.2** Presentation of commendations to community members for their support and collaboration in offering video surveillance, suspect descriptions and neighborhood watch support in the identification and capture of the Downtown serial arsonist. (Liccardo)  
**TO BE HEARD IN THE EVENING**

**1.3** Presentation of a commendation to the Veterans Housing Facility and CEO Irvin Goodwin for their work in providing shelter, administrative assistance, and training for homeless veterans throughout San José. (Campos)  
(Rules Committee referral 3/12/14)

\* **TO BE HEARD IN THE EVENING**

**1.4** Presentation of a commendation to Polina Edmunds for her outstanding work representing San José and the United States at the 2014 Winter Olympics in Sochi, Russia. (Constant)  
(Rules Committee referral 3/12/14)

\* **TO BE HEARD IN THE EVENING – PENDING ORDERS OF THE DAY APPROVAL**

## **2. CONSENT CALENDAR**

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

**2.1 Approval of Minutes.**

## 2. CONSENT CALENDAR

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### 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) [ORD. NO. 29381](#) – Rezoning certain real property of approximately 1.57 gross acres situated on the east side of San Felipe Road, approximately 550 feet northerly of Scenic Meadow Lane (5674 San Felipe Road), from County of Santa Clara to R-1-5 Single-Family Residence Zoning District.
- (b) [ORD. NO. 29382](#) - Rezoning certain real property situated on the east corner of the intersection of Samaritan Place and Samaritan Drive (2360 Samaritan Place), from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.
- (c) [ORD. NO. 29384](#) - Rezoning certain real property situated on the south side of Park Avenue between Sonoma Avenue and Delmas Avenue on a 1.72 gross-acre site (248 Sonoma street) from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District.
- (d) [ORD. NO. 29385](#) - Rezoning certain real property situated on the northeast corner of the intersection of North Fourth Street and Archer Street on a 1.9 gross-acre site (1610 North Fourth Street) to the CIC Combined Industrial/Commercial Zoning District.
- (e) [ORD. NO. 29386](#) - Rezoning certain real property situated at the southwest corner of North First Street and Century Center Court (1733 North First Street) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.
- (f) [ORD. NO. 29387](#) - Amending Part 7 of Chapter 25.08 of Title 25 of the San José Municipal Code to eliminate permit requirements for ground transportation providers that only drop off passengers at the Norman Y. Mineta San José International Airport, to eliminate airport access permit requirements for on-demand taxi and shuttle services at the airport and to implement a dispatch management system for on-demand taxi and shuttle services at the airport.

### 2.3 Approval of Council Committee Reports.

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

- (a) Rules and Open Government Committee Report of February 26, 2014. (Mayor)  
\* **RECOMMEND DEFERRAL TO 3/25/14 PER CITY CLERK**

### 2.4 Mayor and Council Excused Absence Requests.

### 2.5 City Council Travel Reports.

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

## 2. CONSENT CALENDAR

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### 2.7 [City Auditor's Travel to Tampa, FL.](#)

**Recommendation:** Approve travel by the City Auditor, Sharon Erickson, to Tampa, FL on May 5 – 6, 2014 to attend the Association of Local Government Auditors 26<sup>th</sup> Annual Conference. Source of Funds: City Auditor's Non Personal Appropriation and Professional Development Funds. (City Auditor)

\* CEQA: Not a Project, File No. PP10-069, Administrative Activities.

### 2.8 [Cesar Chavez Day Flag Raising.](#)

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

- (a) Approve the Cesar Chavez Day Flag Raising as a City Council sponsored Special Event; and
- (b) Approve expending funds and accepting donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Campos)

[Rules Committee referral 3/5/14 – Item G(3)]

### 2.9 [Agreements for Environmental Consulting Support for Various City Projects.](#) [Supplemental](#)

**Recommendation:** Approve the Master Agreements with the following firms for environmental consulting services for various City projects:

- (a) [Cornerstone Earth Group](#) from the date of execution through December 31, 2016 in an amount not to exceed \$350,000;
- (b) [URS Corporation](#) from the date of execution through December 31, 2016 in an amount not to exceed \$350,000;
- (c) [Haley & Aldrich](#) from the date of execution through December 31, 2016 in an amount not to exceed \$250,000; and
- (d) [ERM-West, Inc.](#) from the date of execution through December 31, 2016 in an amount not to exceed \$250,000.

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

### 2.10 [Application for CalRecycle for Redesignation of Recycling Market Development Zone.](#)

**Recommendation:** Adopt a [resolution](#) authorizing the City Manager to submit an application to CalRecycle for redesignation of the City of San José as a Recycling Market Development Zone. CEQA: Negative Declaration, File No. PP03-12-373. (Environmental Services)

## 2. CONSENT CALENDAR

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### 2.11 [Amendment to the City Pay Plan for Various Classifications.](#)

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

- (a) Amend the City of San José Pay Plan effective March 18, 2014, to create the following classification:
  - (1) Enterprise Technology Manager (1373)
- (b) Amend the City of San José Pay Plan effective March 18, 2014, to delete the following obsolete classifications:
  - (1) Senior Latent Fingerprint Examiner (2243)
  - (2) Latent Fingerprint Examiner Supervisor (2245)

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

### 2.12 [Actions Related to Councilmember Kalra's Travel to Washington, D.C.](#)

**Recommendation:**

- (a) Approve travel by Councilmember Kalra to Washington, D.C. on March 25 – 27, 2014 to participate in the Silicon Valley Leadership Group Washington, D.C. Advocacy Trip. Source of Funds: Valley Transportation Authority. (Kalra)
- (b) Request for an excused absence for Councilmember Kalra from the Regular Meeting of the City Council on March 25, 2014 due to Authorized City Business: Silicon Valley Leadership Group Washington, D.C. Advocacy Trip. (Kalra)

### 2.13 [SJPD Southern Division ID Symposium.](#)

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

- (a) Approve SJPD Southern Division ID Symposium as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event and approve expending City funds.

CEQA: Not a Project. (Kalra/Rocha/Khamis)  
[Rules Committee referral 3/5/14 – Item G(4)]

### 2.14 [Actions Related to Councilmember Khamis's Travel to Washington, D.C.](#)

**Recommendation:**

- (a) Approve travel by Councilmember Khamis to Washington, D.C. on March 25 – 27, 2014 to participate in the Silicon Valley Leadership Group Washington, D.C. Advocacy Trip. Source of Funds: District 10 Office Fund. (Khamis)
- (b) Request for an excused absence for Councilmember Khamis from the Regular Meeting of the City Council on March 25, 2014 due to Authorized City Business: Silicon Valley Leadership Group Washington, D.C. Advocacy Trip. (Khamis)

## 2. CONSENT CALENDAR

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### 2.15 [Assyrian New Year Flag Raising.](#)

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

- (a) Approve Assyrian New Year (Assyrian Flag Raising) as a City Council sponsored Special Events and allow expenditure of City funds; and
- (b) Approve and accept donation from various individuals, business or community groups to support the event.

CEQA: Not a Project. (Khamis)

[Rules Committee referral 3/5/14 – Item G(2)]

### 2.16 [Tartan Day Scottish Flag Raising.](#)

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

- (a) Approve Tartan Day (Scottish Flag Raising) as a City Council sponsored Special Event and allow the expenditure of City Funds; and
- (b) Approve the accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Khamis)

[Rules Committee referral 3/5/14 – Item G(5)]

### 2.17 [Initiate Proceedings for Annexations/Reorganization of Evergreen 202.](#)

- \* **Recommendation:** Adopt a [resolution](#) to initiate proceedings with the Santa Clara County Local Agency Formation Commission for the reorganization of territory designated as Evergreen 202, which involves the annexation of approximately 2.84 gross acres of Santa Clara County land into the City of San José, generally located on the east side of Quimby Road approximately 440 feet east of Murillo Road, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: Mitigated Negative Declaration for the Huang/Quimby Road Project, Resolution No. 76134 adopted on January 24, 2012. Council District 8. (Planning, Building and Code Enforcement)

### 2.18 [Amendment to Ordinance No. 25499 for Story Road Underground Utility District for Installation of Utility Poles and Overhead Wires.](#)

**Recommendation:**

- \* (a) Adopt a [resolution](#) adopting findings for purposes of and pursuant to the California Environmental Quality Act in connection with the approval of discretionary actions necessary for the construction of the Lower Silver Creek Watershed Project – 1983 Recommended Plan as modified by the 1998 Plan Update; and

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.18 Amendment to Ordinance No. 25499 for Story Road Underground Utility District for Installation of Utility Poles and Overhead Wires. (Cont'd.)

**Recommendation:**

- (b) Approve an [ordinance](#) amending Ordinance No. 25499 establishing the Story Road Underground Utility District to allow for the temporary installation of utility poles and overhead wires on Story Road at Lower Silver Creek by PG&E within the existing Story Road Phase II Rule 20A Underground District for Santa Clara Valley Water District's Lower Silver Creek Flood Protection and Creek Restoration Project.

CEQA: Resolution to be considered for adoption. Council District 5. (Public Works)

### 2.19 [Willow Glen Community Benefit and Improvement District Financial Report.](#)

**Recommendation:** Accept the Willow Glen Community Benefit and Improvement District Financial Report for FY 2012-2013, which provides information to the public and the property owners in the District regarding the use of the assessments and the management and operations of the District. CEQA: Exempt, File No. PP13-057. Council District 1. (Public Works)

### 2.20 [SB 1014 \(Jackson\) – Pharmaceutical Waste: Home Generated.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on March 12, 2014, approve a position in support for SB 1014 (Jackson) – Pharmaceutical Waste: Home Generated. (Environmental Services)

\* [Rules Committee referral 3/12/14 – Item G(3)]

## 3. STRATEGIC SUPPORT SERVICES

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

### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.  
**TO BE HEARD AT 9:30 A.M.**

### 3.3 [Approval of the FY 2014-2015 Mayor's March Budget Message.](#)

**Recommendation:** Approve the FY 2014-2015 Mayor's March Budget Message. (Mayor)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 [Report on the Implementation of the General Plan Housing Element Update.](#)

**Recommendation:** Accept the Calendar Year 2013 Annual Progress Report on the Implementation of the San José 2007-14 Housing Element. CEQA: Not a Project, File No. PP10-069(a), Annual Report. (Planning, Building and Code Enforcement/Housing)

### 4.2 [Community Special Events Ordinance.](#)

**Recommendation:** As recommended by the Community and Economic Development Committee on February 24, 2014, consider approval of the one of two alternative community special events ordinances that would add Chapter 13.14, repeal Chapters 13.12, 13.16 and 13.22, and amend Chapter 13.44 of Title 13 of the San José Municipal Code in order to establish a comprehensive permit process for outdoor special events on or at City streets, parks, paseos and plazas. CEQA: Not a Project, File No. PP10-068(c), Municipal Code amendments involving no changes to the physical environment. (City Attorney) [Community and Economic Development Committee referral 2/24/14 – Item D(4)]  
[Revised Special Events Ordinance](#) [Limited Regulation Special Events Ordinance](#)  
(Deferred from 3/11/14 – Item 4.1)

\* **DEFERRED TO 4/8/14 PER ADMINISTRATION**

### 4.3 [Use of Underutilized Hotels/Motels to House the Homeless.](#) [Supplemental](#)

[Memo from Vice Mayor Nguyen and Councilmembers Liccardo, Herrera, and Campos](#)

**Recommendation:** As referred by the Community and Economic Development Committee on February 24, 2014, direct staff to:

- (a) Develop a pilot master-leasing program for motels/hotels for the homeless; and
- (b) Return to City Council with necessary changes to the Municipal Code to implement such a program.

CEQA: Not a Project, File No. PP10-068, General Procedure and Policymaking. (Housing) [Community and Economic Development Committee referral 2/24/14 – Item D(5)]  
(Deferred from 3/11/14 – Item 4.2)

\* **TO BE HEARD IN THE EVENING**

### 4.4 [Greenhouse Gas Reduction Strategy.](#)

[Supplemental](#) [Memo from Mayor Reed](#)

**Recommendation:** Adopt a [resolution](#) establishing a new City Council Policy: Greenhouse Gas Reduction Strategy Implementation. The proposed policy will further implement the Greenhouse Gas Reduction Strategy, which was adopted with the Envision San José 2040 General Plan, for new private sector development projects. This policy would establish a procedure to determine whether new private development is consistent with the City's adopted Greenhouse Gas Reduction Strategy by requiring applicants to identify measures, which will help to reduce greenhouse gas emissions, in the application and design of projects. CEQA: Final Program Environmental Impact Report for Envision San José 2040 General Plan, EIR Resolution No. 76041. Planning Commission recommends approval (6-1). (Planning, Building and Code Enforcement)

\* (Deferred from 3/11/14 – Item 4.3)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.5 [Nomination of Century 21 Theatre for Listing on National Register of Historic Places.](#)

[Memo from the Historic Landmarks Commission](#)

[Memo from Mayor Reed, Vice Mayor Nguyen, Councilmembers Constant and Herrera](#)

**Recommendation:** Discuss the proposed nomination of the Century 21 Theatre (3161 Olsen Drive) for listing on the National Register of Historic Places, and provide direction to staff on recommendations and comments to be submitted to the State of California regarding the proposed nomination. CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making. Council District 1. (Planning, Building and Code Enforcement)  
(Rules Committee referral 3/12/14)

\* **TO BE HEARD IN THE EVENING**

## 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 [Parking Agreement with California News Partnership.](#)

[Supplemental](#)

[Memo from Mayor Reed, Vice Mayor Nguyen, and Councilmembers Herrera, Liccardo, and Rocha](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on March 12, 2014, adopt a resolution authorizing the City Manager to negotiate and execute a parking agreement with California News Partnership, conditioned on a long-term lease of Downtown office space, to provide for the relocation of the Bay Area News Group and the San José Mercury News operations to the Downtown. (Mayor)

\* [Rules Committee referral 3/12/14 – Item G(4)]

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 [Ordinances Relating to City's Environmental Clearance Process.](#)

\* **Recommendation:**

- (a) Adopt an [urgency ordinance](#) amending Title 21 of the San José Municipal Code to align the City's environmental clearance process with the requirements of the California Environmental Quality Act (CEQA) Public Resources Code Section 21000 et seq and the State CEQA Guidelines, making technical changes, and setting forth the facts constituting such urgency; and

*Please note: Approval of this item requires 8 or more affirmative votes (2/3)*

*(Item continued on the next page)*

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Ordinances Relating to City's Environmental Clearance Process. (Cont'd.)

**Recommendation:**

- (b) Approve a regular [ordinance](#) amending Title 21 of the San José Municipal Code to align the City's environmental clearance process with the requirements of the California Environmental Quality Act (CEQA) Public Resources Code Section 21000 et seq and the State CEQA Guidelines, and making technical changes. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or policy change that involves no changes in the physical environment. (City Attorney)

### 7.2 [Actions Related to the Commercial Solid Waste and Recyclables Collection Franchises for Citywide Fibers, Inc.](#)

**Recommendation:**

- (a) Conduct a Public Hearing on the application of Citywide Fibers, Inc., for a Commercial Solid Waste and Recyclables Collection Franchise for the nonexclusive collection and transport of residential clean-out material and construction and demolition debris;
- (b) Approve the [ordinance](#) granting the franchise to Citywide Fibers, Inc.; and
- (c) Approve the [Commercial Solid Waste and Recyclables Collection Franchise Agreement](#) with Citywide Fibers, Inc., for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris for a term from May 15, 2014 to June 30, 2015, with the option of up to three one-year extensions.

CEQA: Exempt, File No. PP08-228. (Environmental Services)

### 7.3 [Agreements for Energy Technology Demonstration Project for San José-Santa Clara Regional Wastewater Facility.](#)

[Supplemental from the Director of Environmental Services](#)  
[Supplemental](#)

**Recommendation:** Adopt a resolution to authorize the City Manager to:

- (a) Negotiate and execute a right of entry agreement with JUM Global, LLC and Zero Waste Energy, LLC to construct and operate a small scale demonstration unit that will test gasification of local biosolids and wood waste from the residential yard trimmings collection program at the San José-Santa Clara Regional Wastewater Facility for a term beginning April 1, 2014, through June 30, 2015, at a cost not to exceed \$1,586,689, subject to the appropriation of funds; and
- (b) Negotiate and execute an amendment to the Grant Agreement between the City and the California Energy Commission to change the technology provider from Harvest Power, Inc. to JUM Global, LLC and Zero Waste Energy, LLC.

CEQA: Exempt, File No. PP14-022. (Environmental Services)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.4 [Green Vision 2013 Annual Report and 2014 Work Plan.](#)

#### [Green Vision 2013 Annual Report](#)

**Recommendation:** Approve the 2013 Green Vision Annual Report and 2014 Work Plan priorities and implementation framework. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Environmental Services)

## 8. PUBLIC SAFETY SERVICES

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## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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- Open Forum

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

- Council will recess until 7:00 p.m.

## 10. GENERAL PLAN PUBLIC HEARINGS

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No General Plan Public Hearing at this time.

## 11. PUBLIC HEARINGS

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

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

### 11.1 Public Hearings on Consent Calendar.

No Public Hearings on Consent Calendar at this time.

### 11.2 [Rezoning the Real Property Located at the Southeast Corner of Pearl Avenue and Adamo Drive.](#)

[Supplemental](#)

[Memo from Councilmember Rocha](#)

\* **Recommendation:**

- (a) Adopt a [resolution](#) adopting the Mitigated Negative Declaration for the 5000 Pearl Avenue Project and a related Mitigation Monitoring and Reporting Program; and
- (b) Consideration of an [ordinance](#) rezoning the real property located at the southeast corner of Pearl Avenue and Adamo Drive (5000 Pearl Avenue) from R-1-8 Single-Family Residence Zoning District to the A(PD) Planned Development Zoning District to allow up to 13 single family residences on an approximately 1.25 gross acre site (Special, Joseph D and Angelina L Et Al, Owner).

CEQA: Mitigated Negative Declaration Resolution to be considered for adoption. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)  
[PDC13-020](#) – District 9

### 11.3 **Rezoning the Real Property Located on the South Side of Balbach Street, 100 Feet East of Almaden Avenue.**

- \* **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the south side of Balbach Street, 100 feet east of Almaden Avenue (110, 120, 150, 158, 160, 166, 172, 180 Balbach Street) from the A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow a mixed-use development with 101 unit multifamily residential units, a 1405 square foot retail space, and an underground parking facility on an approximately 1.5 gross acre site (Balbach Street Properties LLC, Owner). CEQA: Addendum to the Downtown Strategy 2000 EIR, Resolution No. 72767, adopted June 21, 2005. (Planning, Building and Code Enforcement)

[PDC13-027](#) – District 3

**DEFERRED TO 4/15/14 PER ADMINISTRATION**

## 11. PUBLIC HEARINGS

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### 11.4 [Rezoning the Real Property Located on the East Side of Monterey Road, Approximately 300 Feet South of East Alma Avenue.](#)

[Memo from Vice Mayor Nguyen](#)

- \* **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the east side of Monterey Road, approximately 300 feet south of East Alma Avenue (1418 Monterey Road) from CG(PD) Planned Development Zoning District to CG(PD) Planned Development Zoning District to allow an additional drive through use on Pad 2 and a 24-hour use of Pad 3 to an existing Planned Development Zoning on an approx 19.75 gross acre site (Sun Garden Center 1 LLC, Owner). CEQA: Sun Garden Redevelopment Project EIR, Resolution No. 75929, adopted June 21, 2011 This rezoning was found to be consistent with this EIR. Planning Commission recommends approval (6-1-0). (Planning, Building and Code Enforcement)  
[PDC13-051](#) – District 7

### 11.5 [Rezoning the Real Property Located on the West Side Monterey Road, North and South of Esfahan Drive.](#)

- \* **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the west side Monterey Road, north and south of Esfahan Drive (10024 Tract) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to amend the development standard of a prior Planned Development Rezoning approval, to allow horizontal mixed-use, and to modify setback requirements and parking rations on an approximately 2.05 gross acre site (Montecito Vista Urban Village LLC, Owner). CEQA: Goble Lane Mixed Use EIR, File Number PDC08-032, Resolution No. 72877, adopted August 30, 2005.  
[PDC14-002](#) – District 7

### 11.6 [Rezoning the Real Property Located on the North Side of Blossom Hill Road, Approximately 1000 Feet Easterly of Snell Avenue.](#)

[Memo from Councilmember Kalra](#)

[Conflict of Interest for Councilmember Khamis](#)

- \* **Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the north side of Blossom Hill Road, approximately 1000 feet easterly of Snell Avenue (393-397 Blossom Hill Road), from the A(PD) Planned Development Zoning District to the CN Commercial Neighborhood Zoning District on a 0.45 gross acre site (Santa Teresa Physicians Med Bldg Ltd and The Health Trust, Owner). CEQA: Final Program Environmental Impact Report for Envision San José 2040 General Plan, EIR Resolution No. 76041, adopted November 1, 2011. (Planning, Building and Code Enforcement)  
[C13-054](#) – District 2
- \* (Deferred from 3/11/14 – Item 4.4)

- **Notice of City Engineer’s Pending Decision on Final Maps**

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10152	W/S North First St., 450 S/O Rio Robles	4	Irvine Company	6 Lots/ 718 units	MFA	Approve

- **Open Forum**

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

- **Adjournment**

\* This meeting will be adjourned in memory of Edgar “Zancudo” Sanchez, who passed away on January 9, 2014. He was an educator and community activist who brought theater into the lives of children. He is survived by his wife Barbara and son Claudio who continue his legacy. (Campos)

**HOUSING AUTHORITY OF  
THE CITY OF SAN JOSÉ AGENDA**

**1:30 P.M.**

**TUESDAY, MARCH 18, 2014**

**CHAMBERS**

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1. **Call to Order.**
2. **[The Moving to Work 2015 Annual Plan and Collaboration with the Housing Authority of the County of Santa Clara.](#)**

**Recommendation:**

- (a) Accept this update on the collaboration between the City Housing Authority and the Housing Authority of the County of Santa Clara (HACSC), and
- (b) Authorize the City Housing Authority Executive Director to submit a letter to the HACSC that does the following:
  - (1) Supports the Moving to Work 2015 Annual Plan; and
  - (2) Requests that the HACSC seek HUD approval for a future Sponsor Based Voucher program for the purposes of housing the homeless.

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making.  
(Housing)

3. **Open Forum.**
4. **Adjourn the Housing Authority of the City of San José.**

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

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

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

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

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

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

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

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

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

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