



CITY COUNCIL AGENDA

MARCH 18, 2014

SYNOPSIS

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

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

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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**
 - 9:38 a.m.** - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.
 - 1:31 p.m.** - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
 - 7:01 p.m.** - Public Hearings, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 3)**

Lindsay Sporleder and Zendrez Llado of SPOTLITE Stage Company performed a musical duet from a Michael White production.
- **Pledge of Allegiance**

Mayor Reed led the Pledge of Allegiance accompanied by third-grade students from De Vargas Elementary.

Venerable Shi Yong Xin, Abbot of China Songshan Shaolin Temple was introduced while visiting the Bay Area to celebrate the 10th Anniversary Shaolin Temple Day in California.

- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 1.4 to be heard in the evening.
- **Closed Session Report**
None.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Fiesta Educativa for their services and dedication to empowering families of persons with disabilities. (Chu/Campos)
The Mayor and Council Members Chu and Campos offered a commendation to the members of Fiesta Educativa for their services and dedication to empowering families of persons with disabilities.
- 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)
Mayor Reed and Council Member Liccardo honored community members for their outstanding collaboration in the identification and capture of the Downtown serial arsonist.
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)
The Veterans Housing Facility and CEO Irvin Goodwin were recognized by the Mayor and Council Members Campos and Herrera for their service for homeless veterans throughout San José.
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)
The Mayor and Council Members Constant and Herrera offered a commendation to Polina Edmunds for her outstanding accomplishment representing San José and the United States at the 2014 Winter Olympics in Sochi, Russia.
Heard in the evening.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

None.

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.

Ordinance No. 29381 adopted.

- (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.

Ordinance No. 29382 adopted.

- (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.

Ordinance No. 29384 adopted.

- (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.

Ordinance No. 29385 adopted.

- (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.

Ordinance No. 29386 adopted.

- (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.

Ordinance No. 29387 adopted.

2. CONSENT CALENDAR

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)
Deferred to 3/25/14 per City Clerk.

2.4 Mayor and Council Excused Absence Requests.

None.

2.5 City Council Travel Reports.

None.

2.6 Report from the Council Liaison to the Retirement Boards.

None.

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 26th 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.
Approved.

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)]

Approved.

2. CONSENT CALENDAR

2.9 Agreements for Environmental Consulting Support for Various City Projects.

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)

Approved.

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)

Resolution No. 76939 adopted.

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)

Resolution No. 76940 adopted.

2. CONSENT CALENDAR

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)

Approved.

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)]

Approved, with Council Member Khamis noting the date of the Symposium has been changed to June 21, 2014.

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)

Approved.

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)]

Approved.

2. CONSENT CALENDAR

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)]

Approved.

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)

Resolution No. 76941 adopted.

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;

Resolution No. 76942 adopted.

- (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)

Ordinance No. 29388 passed for publication.

2. CONSENT CALENDAR

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)
Accepted.

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)]
Position of Support adopted.
Noes: Khamis.

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
None.

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)
Mayor Reed’s March Budget Session Message, dated March 6, 2014 was accepted, with one modification, Item “J”, “SAP Center Renegotiation” as follows: “A recent tour of the SAP Center identified a substantial number of major capital facilities that need to be replaced now or within the next 10 years because they have reached or exceeded their expected life. The cost of the work, and a schedule to accomplish it, must be prepared. In addition to the direction already provided on the SAP Center in the Message, the City Manager is also directed to work with the Sharks to develop a scope of work, and alternatives for funding the work, out of revenues from the operations of the Center”.
Noes: Kalra.

4. COMMUNITY & ECONOMIC DEVELOPMENT

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) **Accepted.**
Noes: Khamis.

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)]
(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.

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)

The staff report was accepted with direction to the City Manager and City Attorney as indicated in the memorandum co-signed by Vice Mayor Nguyen and Council Members Liccardo, Herrera and Campos, dated March 14 2014, with changes as follows:

- (1) **Issue an Request for Proposal (RFP) for the pilot master-leasing program for motels/hotels for the homeless by June, 2014 and that modifies the length of time to ~~four~~ five years, with an option to renew, and**

(Item Continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 (Cont'd.)

- (2) Return with draft changes to the Municipal Code within 60 days for review and action, where the ordinance: (A) Clarifies that multiple non-profit organizations can serve as a contracting party for purposes of management of the units; (B) Enables the City to have the flexibility to engage in lease of more than 49% of the motel units after the issuance of a CUP, such as by, e.g.: (a) deeming that temporary leases of this type do not change the fundamental commercial use of the property; (b) deeming that a stay in excess of 29 days in a room under terms of this proposal does not change the commercial use of the property; ~~(c) exempting the lease of motels in the manner contemplated here from the employment lands conversion prohibition in the General Plan.~~

Additionally, with staff to return to Council with a status report 18 months after the program is initiated.

4.4 Greenhouse Gas Reduction Strategy.

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)

Deferred to April 29, 2014 per Mayor Reed's memorandum of March 17, 2014, with direction to staff, to:

- (a) Prepare a report on how other Silicon Valley cities are implementing Green House Gas Reduction Strategies and how the cost of their requirements compare to the cost of our proposed requirements;
- (b) Provide a comparative analysis of the City's proposed Project Implementation Illustrative Checklist to Cal Green, LEED or Build it Green requirements; and
- (c) Undertake a thorough outreach effort to the development community and other stakeholders prior to returning to Council.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Nomination of Century 21 Theatre for Listing on National Register of Historic Places.

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)

Discussion was held with recommendations and comments to be submitted to the State of California Office of Historic Preservation as outlined in the memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Constant and Herrera, dated March 14, 2014, with modifications specifying that is the owners' opinion that the theaters are considered to be "obsolete and practically unusable as theaters or as adaptive re-use space for office, residential or commercial purposes"; additionally, removing references to the Century Theatre's nomination being inconsistent with the City's Urban Village Plan implementation. The letter will further request that the State Historic Resources Commission take no action on this matter until such time as the City Landmark process has been completed.
Noes: Campos, Chu, Kalra, Rocha.

Staff was directed to proceed with the local City Historical Landmark process.
Noes: Constant, Oliverio.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Parking Agreement with California News Partnership.

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)]
Resolution No. 76943 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

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)
Urgency Ordinance No. 29389 adopted.

- (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)

Ordinance No. 29390 passed for publication.

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;

Public hearing held.

- (b) Approve the ordinance granting the franchise to Citywide Fibers, Inc.;

Ordinance No. 29391 adopted.

- (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)

Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

7.3 Agreements for Energy Technology Demonstration Project for San José-Santa Clara Regional Wastewater Facility.

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)

Resolution No. 76944 adopted.

7.4 Green Vision 2013 Annual Report and 2014 Work Plan.

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)

Approved, with adjustments to Green Vision Goal #7 for requirements noted regarding the transportation mode shift percentage. Staff was further directed to modify Goal #9 on the 2014 Priority Area Work Plan, to not limit conversion of streetlights to 2000.

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum
 - (1) Jeff Bedolla provided comments regarding the nomination process.
 - (2) Judy Bender expressed concerns regarding misplaced paperwork for her healthcare benefits and was directed to City Manager Staff for assistance.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

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.

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 **Resolution No. 76945 adopted.**
- (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

Ordinance No. 29392 passed for publication.

Amendments as noted in Council Member Rocha’s memorandum of March 17, 2014, to (1) Remove the requirement to preserve Valley Oak Tree #143 from the development standards; and (2) to retain Staff’s proposed mitigations for removal of Tree #143, were included in direction to Staff.

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

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

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

Ordinance No. 29393 passed for publication with recommendations per Vice Mayor Nguyen’s memorandum of March 12, 2014 to grant a zoning change to allow 24-hour use and appropriate changes to accommodate a drive-thru and new business development.

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

Ordinance No. 29394 passed for publication.

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

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)

Deferred to the evening meeting of April 15, 2014 pending further outreach to the Community.

- **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**
None.

- **Adjournment**

The Council of the City of San José adjourned at 10:47 p.m. 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) William McWard, Father of Jennifer Maguire, Budget Director. (City Manager’s Office)

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

1:30 P.M.

TUESDAY, MARCH 18, 2014

CHAMBERS

- 1. The Housing Authority was called to order at 4:03 p.m.**
- 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);
Update accepted.
- (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)

Authorized.

- 3. Open Forum.**
- 4. The Housing Authority of the City of San José was adjourned at 4:22 p.m.**