

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MAY 13, 2014

The Council of the City of San José convened in Regular Session at 9:37 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu (9:39 a.m.), Constant, Herrera (9:40 a.m.), Kalra, Khamis, Liccardo (9:40 a.m.), Nguyen, Oliverio (9:42 a.m.), Rocha (9:45 a.m.); Reed.

Absent: Council Members - All Present.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:38 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9 Subsection (c) with respect to initiation of litigation in two (2) matters. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) San José Police Officers' Association v. City, et al. Names of Parties Involved: San José Police Officers' Association, City of San José, Board of Administration for Police and Fire Department Retirement Plan of City of San José and Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225926; Amount of Money or Other Relief Sought: Declaratory and injunctive relief. (2) 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; Amount of Money or Other Relief Sought: Declaratory Relief and Verified

CLOSED SESSION (Cont'd.)

Petition for Writ of Mandate. (3) 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 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. (4) 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 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. (5) Mukhar, et al. v. City of San José, et al. Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official 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; Amount of Money or Other Relief Sought: Challenge to Measure B. (6) 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; Amount of Money or Other Relief Sought: Challenge to Measure B. (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working 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

CLOSED SESSION (Cont'd.)

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 11:15 a.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Khamis, Liccardo (1:40 p.m.), Nguyen, Oliverio (1:40 p.m.), Rocha; Reed.

Absent: Council Members - All Present.

INVOCATION

Sikh Guadwara Sahib offered the Invocation. (District 5)

PLEDGE OF ALLEGIANCE

Mayor Reed, accompanied by Third Grade Students from John Muir Elementary, led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved, and Item 3.4, the Public Hearing on Fiscal Year 2014-2015 Proposed Operating, Capital Budgets and Fees and Charges was heard in the afternoon and the evening. (11-0.)

CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring the month of May 2014 as “Older American Month” in the City of San José. (Constant)

Mayor Reed and Council Member Constant recognized the month of May 2014 as “Older American Month” in San José.

1.3 Presentation of a commendation to HomeFirst in providing shelter to more than 5,600 community members annually including veterans, families, and youth for more than 20 years. (Nguyen)

Mayor Reed, Vice Mayor Nguyen and Council Members Liccardo and Kalra recognized and commended HomeFirst for their exemplary endeavors in providing shelter.

**1.5 Presentation of commendation to Sikh Guadwara Sahib for their work in the community, including the distribution of over 1,000 meals a week for those in need. (Campos)
(Rules Committee referral 5/7/14)**

Mayor Reed and Council Members Campos, Herrera and Kalra recognized and commended Sikh Guadwara Sahib for their outstanding efforts in the community.

CONSENT CALENDAR

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

2.1 Approval of Minutes.
(a) Regular Minutes of January 14, 2014.
(b) Regular Minutes of January 28, 2014.

Documents Filed: The Regular Minutes dated January 14, 2014 and January 28, 2014.

Action: The City Council Minutes were approved. (10-0-1. Absent: Constant.)

2.2 Final adoption of ordinances.
(a) ORD. NO. 29408 – Amending Title 4 of the San Jose Municipal Code to amend Chapter 4.86 to extend the use tax allocation incentive under the Business Cooperation Program for an additional five years through October 15, 2019, and extending its application to businesses that establish points of sale in San José by changing their business operations for business-to-business transactions.

2.2 (a) (Cont'd.)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29408 executed on May 2, 2014, submitted by the City Clerk.

Action: Ordinance No. 29408 was adopted. (10-0-1. Absent: Constant.)

2.3 Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of April 23, 2014. (Mayor)**
- (b) Community and Economic Development Committee Report of April 28, 2014. (Herrera)**
- (c) Committee on Economic Competitiveness Report of April 7, 2014. (Mayor)**
- (d) Public Safety, Finance, and Strategic Support Committee Report of April 17, 2014. (Constant)**

Documents Filed: (1) The Rules and Open Government Committee Report dated April 23, 2014. (2) The Community and Economic Development Committee Report dated April 28, 2014. (3) The Committee on Economic Competitiveness dated April 7, 2014. (4) The Public Safety, Finance and Strategic Support Committee Report dated April 17, 2014.

Action: The Committee Reports were approved. (10-0-1. Absent: Constant.)

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2.7 Adopt a resolution appointing Jason Rogers, Division Manager, to serve as the non-elected alternate member on the Implementation Board. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Planning, Building and Code Enforcement)

Documents Filed: City Council Action Request from Interim Director of Planning, Building and Code Enforcement David Sykes, dated April 30, 2014, recommending adoption of a resolution.

Action: Resolution No. 76965, entitled: "A Resolution of the Council of the City of San José Appointing a Representative to the Santa Clara Valley Habitat Agency Implementation Board", was adopted. (10-0-1. Absent: Constant.)

- 2.8 As recommended by the Rules and Open Government Committee on May 7, 2014:**
- (a) Approve the District 1 Candidate Forum as a City Council sponsored Special event scheduled for May 10, 2014 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. (Constant)

[Rules Committee referral 5/7/14 – Item G(2)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated May 8, 2014, transmitting the recommendations of the Rules and Open Government Committee.

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

- 2.9 As recommended by the Rules and Open Government Committee on May 7, 2014, approve the recommended City positions for Propositions 41 and 42 on the June 3, 2014 California Primary Election Ballot.**

<u>Propositions</u>	<u>Recommended City Position</u>
Proposition 41 – Veterans Housing and Homeless Prevention Board Act of 2014	Support
Proposition 42 – Public Records. Open Meetings. State Reimbursement to Local Agencies. Legislative Constitutional Amendment.	Support

(City Manager)

[Rules Committee referral 5/7/14 – Item G(4)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated May 8, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The support positions as described above in Item 2.9 were approved. (10-0-1. Absent: Constant.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

- 3.3 (a) **Accept status report on the City's efforts to submit information requested by Google Fiber for its consideration of selecting San José for the future installation of a Google Fiber network.**
- (b) **Adopt a resolution authorizing the City Manager or his designee to execute a master Network Hut License Agreement with Google Fiber, and to execute Network Hut Site Terms there under for individual sites following City Council approval of such individual sites.**

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

(Deferred from 4/29/14 – Item 3.4 and 5/6/14 – Item 3.3)

Action: Deferred to May 20, 2014 per Administration.

- 3.4 **Conduct a Public Hearing on the City's Proposed Operating and Capital Budgets for the Fiscal Year 2014 -2015, the Proposed Five-Year Capital Improvement Program for 2015-2019, and the Proposed Fees and Charges Report for the Fiscal Year 2014-2015. (City Manager)**

Note: The Public Hearing was held in the afternoon and in the evening, per Orders of the Day.

Mayor opened the Public Hearing for the afternoon Council Session.

Public Comments: Beverly DeKoven, Georgia Bacil and Jill Osofsky Aging Services Collaborative urged the Council keep senior citizens a priority and to fund and/or restore services for seniors.

Mayor Reed continued the Public Hearing to the evening session.

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) **Conduct a Public Hearing concerning an economic development subsidy to be provided to Prospect Silicon Valley or "Prospect SV," in connection with a below-market lease, pursuant to California Government Code Section 53083.**
- (b) **Adopt a resolution authorizing the City Manager, or his designee, to execute a below-market sublease, for an initial term of five (5) years, plus two (2) three (3) year extension options, with Prospect SV, for approximately 23,492 square feet of space in real property located at 1608 Las Plumas Avenue, known as the San José Environmental Innovation Center, or "EIC," for purposes of operating a clean technology demonstration center.**

CEQA: Negative Declaration for the San José Environmental Innovation Center, File No. PP09-138. (Economic Development)

Action: Deferred to June 3, 2014 per Administration.

4.2 Adopt resolutions:

- (a) Authorizing the City Manager to negotiate and execute a continuation agreement to the Catering Management Services Agreement at the Fourth Street Garage Banquet Center with San José Fairmont Lessee, LLC, the successor in interest to Light Tower Associates, L.P. (aka the Fairmont) for an additional term through May 14, 2014, and making other changes thereto including but not limited to reducing the minimum guarantee due the City for the additional term from \$212,000 to \$101,200, and reducing the minimum guarantee currently owed the City for the term that expired on February 28, 2013, by an amount not to exceed \$36,125.
- (b) Authorizing the City Manager to negotiate and execute an agreement with the San José Fairmont Lessee, LLC as the exclusive contractor to provide catering management services at the Fourth Street Garage Banquet Center and City Hall, for a term of two years, with the option of up to four additional two-year terms at the City's discretion, commencing on May 15, 2014.
- (c) Revising the Schedule of Fees for Use of City Hall and the Plaza and superseding section 3C, 3H, 3I, 4A(2d), 4G, and 4H in Resolution No. 75379, to be effective May 15, 2014.

CEQA: Not a Project, File No. PP10-066(a), Purchase of Supplies, Equipment & Professional Services with no changes in the physical environment. Council District 3. (Public Works)

Documents Filed: Memorandum from Director of Public Works David Sykes, dated April 30, 2014, recommending adoption of resolutions.

Mayor Reed and Council Members Constant and Kalra disclosed that they are members of the Rotary Club.

Motion: Council Member Liccardo moved approval of the Staff recommendations. Council Member Constant seconded the motion.

Director of Public Works David Sykes responded to Council questions and concerns.

Action: On a call for the question, the motion carried unanimously, Resolution No. 76966, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Continuation to the Catering Management Services Agreement at the Fourth Street Garage Banquet Center with San José Fairmont Lessee, LLC, To Extend the Term and Reduce the Minimum Guaranteed Sum Due to City"; Resolution No. 76967, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with San José Fairmont Lessee, LLC, As the Exclusive Contractor to Provide Catering Management Services at the Fourth Street Garage Banquet Center and City Hall for a Term of Two Years, With the Option of Up To Four Additional Two-Year Terms at the City's Discretion, Commencing on May 15, 2014" and Resolution No.76978, entitled: "A Resolution of the Council of the City of San José Setting the Schedule of Fees for Use of the City Hall and Plaza and Superseding Resolution No. 75379, To Be Effective May 15, 2014", were adopted. (11-0.)

- 4.3 Conduct a Public Hearing and consider the adoption of a resolution ordering the Reorganization/Annexation to the City of San José of an approximately 1.78 gross acre County pocket consisting of 2 parcels located on the south side of Alum Rock Avenue, approximately 150 feet east of Sunnyslope Avenue. Implementation of the annexation would result in the detachment of properties within the annexation area from County Sanitation District No. 2-3, Central Fire Protection, Lighting, and Area No. 01 (Library Services) County Service (Nancy Le, Owner). CEQA: Exempt, File No. PDC11-008. Council District 5. (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated April 29, 2014, recommending adoption of a resolution. (2) Proof of Publication of Notice of Public Hearing, executed on April 11, 2014, submitted by the City Clerk.

Mayor Reed opened the Public Hearing.

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

Action: Upon motion by Council Member Campos, seconded by Council Member Herrera and carried unanimously, Resolution No. 76969, entitled: “A Resolution of the Council of the City of San José Ordering the Reorganization of Certain Uninhabited Territory Designated as Alum Rock No. 15, Subject to Liability for General Indebtedness of the City”, was adopted. (11-0.)

- 4.4 Conduct a Public Meeting to receive public comment on the proposed formation of Zone C (Innovation Drive) in Maintenance District 19 (River Oaks Area Landscaping). CEQA: North San José Development Policy Update EIR, Resolution No. 72768. Council District 4. (Public Works)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated April 21, 2014, recommending conducting a public hearing to receive public comment.

Mayor Reed opened the Public Hearing.

Public Comments: There was no public testimony from the floor.

Mayor Reed closed the Public Hearing.

Action: Upon motion by Council Member Chu, seconded by Council Member Constant and carried unanimously, public comment on the proposed formation of Zone C (Innovation Drive) in Maintenance District 19 (River Oaks Area Landscaping) was received. (11-0.)

- 4.5 Adopt a resolution of intention to form Community Facilities District No. 15 (Berryessa - Sierra) to:**
- (a) Authorize the levy of a special tax pursuant to the City of San José Community Facilities District Financing Procedure.**
 - (b) Set a Public Hearing on June 17, 2014 at 1:30 p.m. regarding the formation of the District.**
 - (c) Hold an Election immediately following the close of the public hearing and authorize other related actions.**
- CEQA: San José Flea Market EIR (File No. PDC03-108), Resolution No. 73956. Council District 4. (Public Works)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated April 21, 2014, recommending adoption of a resolution.

Action: Upon motion by Council Member Chu, seconded by Council Member Oliverio and carried unanimously, Resolution No. 76970, entitled: “A Resolution of the Council of the City of San José of Intention to Establish a Community Facilities District and To Authorize the Levy of Special Taxes”, was adopted. (11-0.)

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) Conduct a Public Hearing to confirm that the proposed Maximum Commercial Solid Waste Services Rates are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreements between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services.**
- (b) Set a date to adopt a resolution setting Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreements between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total processing costs for organic processing services.**

CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates & Fares. (Environmental Services)

Documents Filed: Memorandum from Director of Environmental Services Kerrie Romanow, dated May 2, 2014, recommending conducting a public hearing and setting a date for an adoption of a resolution.

Mayor Reed opened the Public Hearing.

Director of Environmental Services Kerrie Romanow offered a brief report.

Public Comments: Michael Caprio, Allied Waste Services, expressed opposition to the Staff recommendations citing a disagreement over the contract language.

7.1 (Cont'd.)

Mayor Reed closed the Public Hearing.

City Attorney Richard Doyle responded to Council questions and concerns.

Action: Upon motion by Council Member Constant, seconded by Vice Mayor Nguyen and carried unanimously, the date of May 20, 2014 was set by Council to adopt the Resolution Setting Maximum Commercial Solid Waste Service Rates. (11-0.)

- 7.2 (a) **Conduct a Public Hearing on proposed 2014-2015 Recycle Plus rates and proposed maximum possible rate increases in 2015-2016 and 2016-2017, and direct staff to return during the 2015-2016 budget cycle with recommendations that are consistent with the proposed maximum rate for 2015-2016.**
- (b) **Adopt a resolution to amend the current Recycle Plus rate resolution as follows:**
- (1) **Increase rates for single-family households by 3%, effective July 1, 2014.**
 - (2) **Increase rates for multi-family households by 5%, effective July 1, 2014.**

CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates & Fares. (Environmental Services)

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow, dated April 21, 2014, recommending conducting a public hearing and adoption of a resolution. (2) The City Clerk Report dated May 13, 2014 on the Public Hearing on Recycle Plus Rate Increases. (3) Letter from Steve Rawlinson, dated March 13, 2014, speaking in protest to the proposed trash rate increase.

Mayor Reed opened the Public Hearing.

Public Comments: Submitting protest letters and speaking in opposition to attaching the garbage service bill to the property tax bill were Steve Rawlinson, Gary Jansen, Ernest Gargap, Jesus Barragan, Eva Nieto, Chuck Hagenmaier, Marie Hayter, Ross Signorino, Caroline Helena and Rosa Negeta.

Mayor Reed closed the Public Hearing.

City Clerk Toni J. Taber, CMC advised that the Office of the City Clerk received a total of 993 valid written protests and the total of all written protests during the public protest period, together with the 10 speakers that protested the rate change on May 13, 2014, represented less than one percent of all property owners impacted by the change in rates.

City Clerk Toni J. Taber, CMC confirmed that the Council may consider the Staff recommendations for the Recycle Plus Rate increase.

7.2 (Cont'd.)

City Attorney Richard Doyle, Director of Environmental Services Kerrie Romanow and Deputy Director of Environmental Services Jo Zientek responded to Council questions and concerns.

Motion: Council Member Chu moved approval of the Staff recommendations with direction to Staff to report back to the Transportation and Environment Committee on the effort of the scavenger issue. Council Member Oliverio seconded the motion.

Council Member Campos expressed opposition to the motion on the floor citing the concerns he has received on behalf of the low income residents in his District.

Action: On a call for the question, the motion carried, Resolution No. 76971, entitled: "A Resolution of the Council of the City of San José Adopting Service Rates for the Recycle Plus Program Effective July 1, 2014 and Superseding Resolution No. 76643", was adopted. Staff was directed to report back to the Transportation and Environment Committee on the effort of the scavenger issue. (10-1. Noes: Campos.)

7.3 **Report on bids and award of contract for the 6967-Pine Avenue Sanitary Sewer Replacement Project to the low bidder, JMB Construction, Inc., in the amount of \$1,649,884, and approval of a contingency in the amount of \$164,988. CEQA: Exempt, File No. PP13-076. Council District 6. (Public Works)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated April 21, 2014, recommending award of the contract to the low bidder.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Chu and carried unanimously, the report on bids and the award of contract for the 6967-Pine Avenue Sanitary Sewer Replacement Project to the low bidder, JMB Construction, Inc. in the amount of \$1,649,884, with related contingency, was approved. (10-0-1. Absent: Constant.)

PUBLIC SAFETY SERVICES

8.2 **As referred by the City Council on April 22, 2014, accept staff's report confirming San José Firefighters Local 230's position on the use of Firefighter Breathing Air Replenishment Systems in high-rise buildings; and regarding whether requiring the installation of a breathing air replenishment system in high-rise buildings limits the public to use of a proprietary system. CEQA: Exempt, File No. PP13-082. (Fire/City Attorney)** **[Council referral 4/22/14 – Item 2.3(a), Rules and Open Government 4/2/14 – Item G(10)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated May 8, 2014, transmitting the recommendations of the Rules and Open Government Committee.

8.2 (Cont'd.)

City Manager Edward K. Shikada offered introductory remarks.

City Attorney Richard Doyle responded to Council questions and concerns.

Mayor Reed pointed out that this additional system was unnecessary and expensive. Mayor Reed recommended implementing the system in conjunction with the County.

Motion: Council Member Constant moved approval to accept the Staff report and to direct Staff to provide the necessary findings of the ordinance for the first reading and return to Council. Council Member Khamis seconded the motion.

Extensive Council discussion ensued.

Action: On a call for the question, the motion carried, the Staff report confirming the San José Firefighters Local 230 Union's position on the use of Firefighter Breathing Air Replenishment Systems in high-rise buildings; and regarding whether requiring the installation of a breathing air replenishment system in high-rise buildings limits the public to use of a proprietary system, was accepted. Staff was directed to return to Council and provide the necessary findings of the ordinance for the first reading. (7-4. Noes: Herrera, Liccardo, Oliverio; Reed.)

REDEVELOPMENT – SUCCESSOR AGENCY

- 9.1 (a) **Approve a Second Amendment to Settlement Agreement and General Release with Kenneth Solis and Bonnie Torrez, doing business as Patty's Inn (Tenant), to extend the date for Tenant to vacate the property located at 102 South Montgomery Street in San José (Property) and to allow for monthly rent payable by Tenant to be offset against the remaining relocation payment owed to Tenant.**
- (b) **Approve a five (5) year lease (Lease) with Tenant for the Property with the provision that each party shall have the right to terminate the Lease upon not less than ninety (90) days written notice to the other party.**
- CEQA: Exempt, CEQA Guideline Section 15301. (Successor Agency)**

Action: Deferred to June 03, 2014 per Administration.

ADJOURNMENT

The Council of the City of San José adjourned the afternoon session at 3:26 p.m.

RECESS/RECONVENE

The City Council recessed at 3:26 p.m. from the afternoon Council Session and reconvened at 7:03 p.m. in the Council Chambers, City Hall.

Present: Council Members - Campos, Chu (7:09 p.m.), Constant, Herrera, Kalra, Khamis, Liccardo, Nguyen, Oliverio (7:10 p.m.), Rocha; Reed.

Absent: Council Members - All Present.

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

CEREMONIAL ITEMS

1.2 Presentation of a proclamation declaring the second week of May 2014 as “National Women’s Lung Health Week” in the City of San José. (Herrera)

Mayor Reed and Council Member Herrera recognized the second week of May 2014 as “National Women’s Lung Health Week” in San José.

1.4 Presentation of a commendation for teachers who have received National Board Certification. (Liccardo) (Rules Committee referral 5/7/14)

Mayor Reed and Council Member Liccardo recognized and commended the teachers who have received National Board Certification.

STRATEGIC SUPPORT SERVICES

3.4 Conduct a Public Hearing on the City's Proposed Operating and Capital Budgets for the Fiscal Year 2014 -2015, the Proposed Five-Year Capital Improvement Program for 2015-2019, and the Proposed Fees and Charges Report for the Fiscal Year 2014-2015. (City Manager)

Mayor Reed opened the Public Hearing for the evening Council session.

Public Comments: Maria Noel Fernandez and Julie Tran, Working Partnerships, urged the Council to prioritize services and keep programs open for the youth. Marjorie Hart requested that the Council continue to fund the senior citizens programs as a priority.

Mayor Reed closed the Public Hearing and indicated that there was no Council action at this time.

TRANSPORTATION & AVIATION SERVICES

**6.1 Conduct a Public Hearing pursuant to Section 11.18.060 of the San José Municipal Code and adopt a resolution to affirm the decision of the Appeals Hearing Board to uphold the denial by the Department of Transportation of the request for installation of all-way stop signs at the intersection of Di Salvo Avenue and Bailey Avenue located in the City of San José. CEQA: Exempt, File No. PP10-113. Council District 6. (Transportation)
(Deferred from 4/15/14 – Item 6.1)**

Documents Filed: (1) Memorandum from Director of Transportation Hans F. Larsen, dated March 24, 2014, recommending conducting a public hearing and adoption of a resolution. (2) Drawing of the intersection of Di Salvo Avenue and Bailey Avenue submitted by a member of the public dated May 13, 2014.

Director of Transportation Hans Larsen provided a brief overview of Council Policy 801 in reference to the Installation of Stop signs.

Mayor Reed opened the Public Hearing.

Public Comments: The following speakers offered comments in support of the all-way stop sign to encourage safety: Daniel Mahan, Santa Clara County Blind Center; David Andre, Warren Cox and Gary Galiotto.

Mayor Reed closed the Public Hearing.

Motion: Council Member Oliverio moved approval to uphold the appeal and approve the request for installation of all-way stop signs at the intersection of Di Salvo Avenue and Bailey Avenue located in the City of San José. Council Member Herrera seconded the motion.

Director of Transportation Hans F. Larsen, Deputy Director of Neighborhood Traffic Management Laura R. Wells and City Attorney Richard Doyle responded to Council questions and concerns.

Action: On a call for the question, the motion carried unanimously, Resolution No. 76972, entitled: “A Resolution of the Council of the City of San José Approving the Appeal to Reverse the Appeals Hearing Board Decision to Uphold the Director of Transportation’s Denial of the Request for Installation of All-Way Stop Signs at the Intersection of Di Salvo Avenue and Bailey Avenue”, was adopted. (11-0.)

PUBLIC SAFETY SERVICES

- 8.1 (a) Approve an ordinance of the City of San José repealing suspended ordinance no. 28958 except for those Sections of Title 20 of the San José Municipal Code related to Zoning Code Verification Certificates previously unsuspended by Ordinance No. 29089, and amending Title 20 by amending Section 20.10.040 of Chapter 20.10, amending Section 20.40.100 of Chapter 20.40; amending Section 20.50.100 of Chapter 20.50, amending Section 20.70.100 of Chapter 20.70, adding a new Part 9.75 to Chapter 20.80, and adding new Sections 20.100.1530, 20.100.1535 and 20.100.1540 to Part 13 of Chapter 20.100, all to establish Land Use regulations pertaining to medical marijuana collectives.**
- (b) Approve an ordinance of the City of San José amending Title 6 of the San José Municipal Code to add a new Chapter 6.88 to establish a registration process pertaining to medical marijuana collectives; and, to establish regulations pertaining to medical marijuana collectives and to the individual cultivation and use of medical marijuana.**
- (c) Discussion of regulating campaign contributions by medical marijuana establishments, and other regulated businesses, to political candidates.**

CEQA: Addendum to Negative Declaration File No. PP11-039 as previously added; File No. PP14-030. Planning Commission recommends approval with modifications described in the transmittal memo. (City Manager/Planning, Building and Code Enforcement/Police)

Documents Filed: (1) Memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Liccardo and Oliverio, dated May 9, 2014, with additions and changes to Title 6. (2) Memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Liccardo and Oliverio, dated May 9, 2014, with amendments to Title 20. (3) Memorandum from Mayor Reed, dated May 12, 2014, with amendments to the draft ordinance and Title 20.80.775. (4) Memorandum from Council Member Rocha, dated May 12, 2014, with amendments to zoning, cultivation, cutoff dates and other issues. (4) Memorandum from Council Member Herrera, dated May 12, 2014, recommending direction to Staff regarding the protection of children by eliminating the for profit marijuana market. (5) Memorandum from Council Member Herrera, dated May 13, 2014, recommending direction to Staff to amend the zoning code to ban outdoor growth of marijuana within the City limits of San José. (6) Memorandum from the Planning Commission Secretary Harry Freitas, dated April 25, 2014, transmitting the recommendation of the Planning Commission with modifications. (7) Memorandum from Assistant to the City Manager Angelique Gaeta, Director of Planning, Building and Code Enforcement Harry Freitas and Chief of Police Larry Esquivel, dated April 29, 2014, recommending approval of ordinances. (8) Supplemental memorandum from Assistant to the City Manager Angelique Gaeta, dated May 9, 2014, transmitting GIS maps, Issues Surrounding Marijuana in Santa Clara County, written by Supervising District Attorney Patrick Vanier and Substance Related Suspensions in the East Side Union High School

8.1 (Cont'd.)

Documents Filed: (Cont'd.)

District, written by Santa Clara County Public Defender Molly O'Neal. (9) Three maps: (a) Proposed Zoning Regulations for Medical Marijuana (modifications from Council Member Rocha memorandum). (b) Proposed Zoning Regulations for Medical Marijuana: Examples of Buffers Around an Eligible Site. (c) Eligible Parcels by Zoning Districts (Modifications from the May 9, 2013 memorandum). (10) Proof of Publication of Notice of Public Hearing, executed on April 4, 2014, submitted by the City Clerk. (11) Forty Eight emails and letters from the public all dated May 13, 2014 providing comments, support or opposition to the Marijuana zoning and ordinances.

Mayor Reed offered introductory remarks and background information on the complex issues surrounding the Medical Marijuana Collectives.

Assistant to the City Manager Angelique Assistant to the City Manager Angelique Gaeta, Santa Clara County Public Defender Molly O'Neal and Supervising District Attorney Patrick Vanier presented the report.

City Attorney Richard Doyle provided background information on campaign contributions.

Extensive Council discussion ensued.

Motion on the Floor: Council Member Liccardo moved approval of the memorandum from Mayor Reed, dated May 12, 2014; the two memoranda from Mayor Reed, Vice Mayor Nguyen and Council Members Liccardo and Oliverio, both dated May 9, 2014 and from the memorandum from Council Member Rocha, dated May 12, 2014, Items (1) and (7), all four memoranda as described on Pages 18 through 21. Council Member Herrera seconded the motion.

Mayor Reed opened the floor for public testimony.

Public Comments: The following speakers expressed support, objections, suggestions, recommendations and comments to the ordinances to regulate medical marijuana. Gary Carroll, Golden State; Brandon Coker, Aldora Apolinario, Silicon Valley Drywall; Janet Evans, Wayne Larson, Larson Automation; Dr. Mary Ann Dewan, Santa Clara County of Education; Pamela Smith, Jim Reed, San José Silicon Valley Chamber of Commerce; Johnny Gogo, Jay Evans, Jim Stamm, Leslie Canerday, Zsa Zsa Taylor, Matt Lucero, Buddy's Cannabis; Ernesto Bejarano, Tran Dao, Nam Nguyen, Huong Nguyen, Lisa Thomas, Dr. Atul Patel, Katina, Lalaine Sarasua, Toraz Patel, Gretel Felix, Uyen Khanh Bui DDS, Victor M. Enriquez, DDS, Hien Chu, Janice Li, Nancy Phan, Coyote Creek Dental; David, Angela Nguyen, James Anthony, Sensible San José; Jesus Fernandez, Bruce Copley, Santa Clara County Department of Alcohol and Drug Services; Giovanni Bui, Betty Nelson, Van Le, East Side Union High School District; Charles Rosendahl, Bruce Broadwater, South Bay Wellness Center; Gabrielle Antolovich, Voices United;

8.1 (Cont'd.)

Public Comments: (Cont'd.)

Susan Landry, Sarah Beebe, Guadalupe Gonzalez, Mayfair Neighborhood Action Committee; Angie Mai, Tim Truong, Georgette Narvaes, Tanya Estrada, Interim Director of Planning, Building and Code Enforcement David Sykes Hodges, Silicon Valley Cannabis Coalition; John Lee, Sean Donahoe, Douglas Chloupek, Medmar Healing Center; Jonathan Hughes, UFCW Local 5; Brian David, Amy Duong, Zach Jabri, Virginia Donaghey, Gilbert Rodriguez, Andrew Hill High School; Pat Knoop, Donald W. Irving, Santa Clara County; Marilyn Gomez, LeAnna Gomez, Tex Ritter, Carla Holtzclaw, Robert Cortese, Linda Dean, Luke Teleske, Ace Salvatore, Scott Allen, David Javid, Merry Le, Thoa Phan, Thuy Luong and Luc Nguyen.

Council Member Kalra moved approval to amend the motion on the floor to add that the Council Members pose questions to Staff, request Staff to document and return to Council on May 20, 2014. The amendment was accepted by Council Members Liccardo and Herrera.

Council discussion continued.

No Council action was taken. Action was continued to May 20, 2014. Final Public Testimony was heard on May 13, 2014.

The following motions were made for consideration on May 20, 2014: (1) The memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Liccardo and Oliverio, dated May 9, 2014 was moved: approving the Administration's recommendations outlined in the Staff Report dated April 29, 2014, to amend Title 20 to establish Land Use Regulations pertaining to medical marijuana collectives and cultivation with the following modifications: (1) (a) Allow marijuana dispensaries and growing operations in IP Industrial Park Zoning Districts and HI Heavy Industrial Zoning Districts, while expressly prohibiting marijuana dispensaries and growing operations in the employment centers covered by the North San José Area Development Policy, the International Business Park and the Edenvale Area Development Policy. (b) Add "adult daycare centers" to the 150 foot minimum distance category. (c) Place religious assembly uses in the 150 foot category with residential uses. (d) Replace the word "schools" with "preschools, elementary schools and secondary schools". (2) The memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Liccardo and Oliverio, dated May 9, 2014, was moved, approving the recommendations outlined in the Staff Report dated April 29, 2014, to amend Title 6 with the additions and changes as outlined: (a) Amend Title 6.88.010, Purpose and Intent (Page 2 of the draft ordinance) by replacing with content of Exhibit A. (b) Add to Part 2, Definitions (Page 3): definitions for Manufacturing and Processing. The definition for Processing should include reference to the ban on chemical processing in the California Code. (c) Add to Title 6.88.380, Fees and Charges (Page 28): fees for inspection. (d) Amend Title 6.88.420, Security, Item J (Page 33) to: require 24 hour security at offsite cultivation facilities and to include

8.1 (Cont'd.)

sidewalks adjacent to the collective. (e) Amend Title 6.88.440, Collective Operations, Item F, (Page 37) to read: “No persons under the age of twenty one (21) shall be allowed at the location”. (f) Increase the distance in Title 6.88.440, Collective Operations, Item J (Page 37) to read: “within 300 feet of the Premises and/or Location on the public-right-of-way”. (g) Add to Title 6.88.450, Owner, Manager, Membership Requirements (Page 39): “Each member of a collective operating in San José must provide a valid Medical Marijuana State Identification Card issued by the Santa Clara County Department of Public Health”. (h) Amend Title 6.88.450, Owner, Manager, Membership Requirements (Page 39) to read: “Be under the age of twenty one (21) and more clearly reflect that dispensing marijuana to minors is prohibited”. (i) Amend Title 6.88.460, Dispensing and Packaging of Medical Marijuana, Item C (Page 42): to clarify that not only shall packaging not imitate candy, but the medical marijuana product itself shall not imitate candy. (2) (j) Amend Title 6.88.700, Inspection and Enforcement, Item C (Page 48) to include provisions that samples obtained by the Police will be logged and recorded in accordance with departmental standards. (k) Add to Title 6.88.820, Violation and Enforcement, Item A (Page 50): a provision “any and all remedies” may include the immediate closure of the collective by the City Manager or Chief of Police for violations threatening the health and safety of patients, caregivers, employees and/or the public. (l) Add sections for Property Maintenance and Performance Standards, as outlined in Exhibit B. (m) Add a provision, that in compliance with California law, the chemical processing of concentrated cannabis is prohibited. Should State law change in the future, chemical processing will continue to be prohibited in collectives and will only be considered in offsite cultivation locations with a Hazardous Materials permit and appropriate chemical safety plan. (n) Add a provision that collective employees shall be at least twenty one (21) years of age. (o) Add a provision that live or recorded performances, or any other entertainment uses, incidental or otherwise require an Entertainment Permit. (p) Add a provision that transfers may only occur inside the premises of the collective. (q) Add a provision that no self-illuminated advertising of medical marijuana shall be located on buildings or windows. (r) Add a provision that the use of human or mechanical sign “wavers” to advertise medical marijuana collectives is prohibited. (3) The memorandum from Mayor Reed, dated May 12, 2014, was moved, with the following amendments: (a) Amend the draft ordinance Title 20.80.775, Restrictions and Conditions, Item D to read: At the time of issuance of a Zoning Code Verification Certificate, no Medical Marijuana Collective or Medical Marijuana Collective, Cultivation Site Only shall be located on a parcel of real property that is closer than a minimum of one hundred and fifty (150) feet from any residential use as measured ~~by the foot path of travel~~ *in a straight line between the boundary lines of the parcels that are closest to one another.* (b) Establish the effective date of each ordinance regulating Medical Marijuana Collectives and Cultivation to be *30 days* after the second reading of the ordinance. (c) A collective that is: (1) In possession of a valid receipt for payment of Marijuana Business tax. (3) (c) (2) Has no outstanding code compliance orders. (3) Is eligible to register. (4) Is not disqualified from registration. (5) That meets the distance requirements from schools and other uses outlined in Title 20.80.775, Items A and B. (6) That meets the distance requirements from residential uses in Title

8.1 (Cont'd.)

20.80.775, Item D. Shall have: *90 days from the effective date of the ordinance* to apply for Zoning Verification and Registration needed to complete its registration, whether for its existing site or a new site; and *one year from the effective date of the ordinance* to obtain Zoning Verification and Registration and move, if necessary. (d) From the effective date of the ordinance, all collectives must comply with all other operational regulations (such as the prohibition of consumption onsite, in parking lots, or at neighboring properties or public right of way, enforcement of age limits, etc.) outlined in Title 6. (4) Paragraphs (1) and (7) from the memorandum from Council Member Rocha, dated May 12, 2014, were moved for approval as follows: (a) Prohibit collectives from locating in CG Commercial General Zoning District. (b) Direct Staff to analyze the concerns listed below, raised in a letter from Roberts & Elliott, LLP, dated May 9, 2014, and return to Council before or at the same time as the final ordinance text comes forward with (1) an explanation as to whether each concern is valid and (2) alternative ordinance language that would resolve the concern: (1) Leases: The letter asserts that the ordinance's provisions around leases would make it impossible for collectives to find landlords willing to lease to them. (2) Cash: It asserts that the prohibition on cash transactions will make it impossible for collectives to operate, given that they do not have bank accounts. (3) Overhead: It asserts that the ordinance prohibits salaries. (4) Paraphernalia: It asserts that prohibition on sale of paraphernalia is an unreasonable restriction on collective operations. (5) Record Keeping: It asserts that the requirement to keep hard copies of all records is onerous given modern electronic record keeping practices. (6) Packaging: It asserts that the packaging required by the ordinance does not exist. (7) Transferability: It asserts that the provisions around transferability will eventually result in the closure of all collectives. Staff was directed to document the answers to the following questions and return to Council on May 20, 2014 in the afternoon: (1) Considering the motion on the floor, and the zoning designations that are proposed in the motion, approximately how many sites might be eligible for a collective's use. (2) Approximately how many collectives are currently operating and how many of those are paying taxes. For the Police Department: more information about the current enforcement mechanism; and in moving forward with the current motion on the floor, what kinds of enforcement plans are in place. (3) Update on the Senate Bill 1262, particularly the actions of the Senate Health Committee and the deletions they made in the provisions of the original bill and some of the determinations of the ABC as a licensing entity. How will Staff deal with legal nonconforming status and the sensitive uses that may arise within the zones after that, particularly around children, i.e. schools, daycares. Property line measurements: principally extremely large Industrial parcels with a number of buildings, if there are any options for measurements, i.e. straight line distances, pathway distances or distances to actual structures versus the property line. (4) Follow up to Item (1) above, how many sites and the distance requirements between collectives of 1000 feet. Will there be adequate physical space for each of the collectives given the limitations of the motion. (5) For Police Department: what are the Staffing requirements to enforce these regulations and further impact of the kinds of criminal activity associated with the collectives. What are the impacts and Staffing requirements for Code Enforcement; and the difference in the Staffing requirements if the City banned the collectives. (6) Update on the zero lot line collectives previously requested. City

8.1 (Cont'd.)

Attorney: Legal understanding on the issue of age for medicinal uses. Information on the Sensible San José Proposal, including where it is aligned and where it is flawed. Commentary from Staff on a concept considering the aggregate sales of the top 20-25 collectives that are paying taxes, remove all collectives from list if they have created nuisances and what the final number of collectives would be; If those particular collectives were allowed to remain open and given the opportunity to move in the future, indicate what would be the good and bad points. (7) How does Staff enforce or fine nuisance complaints. Request that Staff consider spelling out the fines, i.e. \$35,000 per violation. How accurate is the Eligible Parcels by Zoning Districts Map – noticed an eligible parcel between Mabury Road and North King Road where Independence High School is actually located. Limit the hours of hours of operation and specify the route of where outside cultivation occurs and delivery to the merchants. (8) How many potential collectives on the Eligible Parcels by Zoning Districts Map included the 1000 foot restriction. Provide more clarification of the outside cultivation. Recommend that Staff cross reference databases across all collectives to prevent duplications of same prescriptions. Notification and outreach to the residents and neighborhoods before new collectives begin operations. (9) Model of enforcement, Staffing, impacts and costs. Feedback on instances of path of travel applied. Analysis of how many collectives would still be in operation according to Mayor Reed's or Council Member Rocha's scenario, if not too labor intensive. Report back on the analysis of the Ballot initiative. Lay out a table of scenarios, if possible. (10) Do an analysis of property line to property line path of travel, front door to front door line of travel and how restrictive would that be. Would there be any ability to "grandfather" any collectives in. Better definition of the intent of Proposition 215, i.e. Residential Grow: what kind of language would Staff consider to better define the number of plants that would be appropriate to grow outside in a backyard. (11) Can Staff constrain sites and only allow dispensaries of cultivation to occur on sites using a route that is not a residential road but a major commercial road. Staff's position on allowing cultivation outside the City within the County with a strong agreement partnership with the County to ensure the Sheriff patrolling in those unincorporated areas where the growing might occur and using that as a means to reduce the risk of indoor cultivation in the City. (12) The level of enforcement on a model of onsite and offsite cultivation. Development of a map inclusive to the direction suggested in the memorandum from Council Member Rocha, dated May 12, 2014, eliminating the North San José Industrial Core Area and New Edenvale, mapping versus the table. (13) Regarding the recommendation that each member provide a valid Identification Card – what resources would be necessary if the County were to process that. Where would the County obtain the funds, and would that be an additional cost to the member or to the City. (14) Whether or not any of the initiatives that have been filed, if any, comply with the Federal Guidelines for a strong and effective regulatory system. Staff requested to answer the questions from the memorandum from Council Member Rocha, dated May 12, 2014, as indicated on Page 12 of this document, Item (4)(b), Items (1)-(7). (15) With regard to City tax revenue, Staff requested to analyze fiscal impacts and the real cost to the City and include feedback from the County, if possible; and whether some money should be dedicated to dealing with the affects and impacts that are being created by the dispensaries in the City, i.e. prevention, dealing with issues in schools, public safety, and other similar subjects. (11-0.)

PUBLIC HEARINGS

- 11.2 (a) **Adopt a resolution adopting the Mitigated Negative Declaration for the Brasilia Way Residential Development Project and a related Mitigation Monitoring and Reporting Program; and**
- (b) **Consideration of an ordinance rezoning the real property located on the west side of Almaden Expressway at the southern terminus of Brasilia Way (5827 Brasilia Way) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow for the development of up to 10 single-family detached residences on an approximately 7.95 gross acre site (Brasilia LLC, Owner).**

CEQA: Mitigated Negative Declaration to be considered for adoption. (Planning, Building and Code Enforcement)

PDC12-018 – District 10

Action: Deferred to June 10, 2014 in the Evening per Council Member Khamis.

ADJOURNMENT

The Council of the City of San José was adjourned at 10:42 p.m. in memory of Naranji Patel. (Khamis/Kalra)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

smd/05-13-14 MIN

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