



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, NOVEMBER 17, 2015

The Council of the City of San José convened in Regular Session at 9:09 a.m. in the Council Chambers at City Hall.

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

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 9:15 a.m. to a Closed Session in Room W133(A) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to anticipated litigation in three (3) matters; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation; (1) IAFF Local 230 v. City of San José; Names of Partie(s) Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-969-M; Amount of Money or Other Relief Sought: Damages According to Proof; (2) IFPTE Local 21 v. City of San José; Names of Partie(s) Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages According to Proof; (3) American Federation of State, County & Municipal Employees, et al. v. City; Names of Partie(s) Involved: American Federation of State, County & Municipal Employees, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof; (4) OE#3 v. City of San José; Names

CLOSED SESSION (Cont'd.)

Of Partic(s) Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-900-M; (5) 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. (6) 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 Petition for Writ of Mandate. (7) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (8) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (9) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: City of San José, John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B; (11) People of the State of California, et al. v. City of San José, et al.; Names of Partic(s) Involved: The People of the State of California ex rel. San José Police Officers Association, City of San José, City Council of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-13-CV-245503; Amount of Money or Other Relief Sought: Verified Complaint In Quo Warranto; (12) San José Retired Employees Association, et al. v. City of San José, et al; Names of Partic(s) Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City of San José, the Board of Administration for the Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-268085;

CLOSED SESSION (Cont'd.)

Amount of Money or Other Relief Sought: Change to City medical plan; (C) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc.; Name of Existing Wages Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; (12) Unit 99 Unrepresented Employees; 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 11:44 p.m. and reconvened to Regular Session at 1:30 p.m. in the Council Chambers.

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

Absent: Councilmembers - All Present.

INVOCATION

Andy Gridley, Campus Pastor, WestGate Church, South Hills Campus, presented the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Johnny Khamis and carried unanimously, the Orders of the Day and the Amended Agenda were approved unanimously, and included a Sunshine Waiver for Item 2.2, and the request by Vice Mayor Rose Herrera that this meeting be adjourned in honor of victims of the recent terrorist attacks in Paris, France and Beirut, Lebanon. (11-0.)

CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation in support of the Shop San José Campaign to Women Impacting Public Policy and representatives of San José's neighborhood business associations declaring November 28, 2015 as "Small Business Saturday" in the City of San José. (Herrera/Economic Development)**

Mayor Sam Liccardo and Vice Mayor Rose Herrera presented a proclamation in support of the Shop San José Campaign to Women Impacting Public Policy and representatives of San José's neighborhood business associations.

- 1.2 Presentation of a commendation celebrating the achievements of volunteers with the Silicon Valley Talent Partnership that regularly innovate government services within the City of San José. (Mayor)**

Mayor Sam Liccardo and Councilmember Ash Kalra recognized and celebrated the achievements of volunteers with the Silicon Valley Talent Partnership that regularly innovate government services within the City of San José.

CONSENT CALENDAR

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

2.1 Approval of Minutes.

None provided.

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 29601** – An ordinance amending Title 17 of the San José Municipal Code to implement Assembly Bill 2188 by creating an expedited, streamlined permitting process for small residential rooftop solar systems. CEQA: Exempt, Guidelines Section 15268. Ministerial Projects. File No. PP15-073.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29601 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29601 was adopted. (11-0.)

- (b) **ORD. NO. 29607** – An ordinance rezoning certain real property of approximately 3.69 acres at the southeast corner of Monterey Highway and East Alma Avenue (1402 Monterey Highway), from the HI Heavy Industrial Zoning District and LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District. CEQA: Section 15168, Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041).

Documents Filed: Proof of Publication of the Title of Ordinance No. 29607 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29607 was adopted. (11-0.)

- (c) **ORD. NO. 29608** – An ordinance rezoning certain real property of approximately 0.3 gross acre situated approximately 300 feet north of Heather Drive on the east side of Warwick Road (15350 Warwick Road) from the R-1-2 Single-Family Residence Zoning District to the R-1-5 Single-Family Residence Zoning District. CEQA: Section 15168, Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041).

Documents Filed: Proof of Publication of the Title of Ordinance No. 29608 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29608 was adopted. (11-0.)

- (d) **ORD. NO. 29614** – An ordinance establishing a temporary six (6) month moratorium on the closure or conversion of Mobilehome Parks to any other use, through February 25, 2016 pending the review and possible amendment of land use regulations related to Mobilehome Park conversions, setting forth the findings to support the temporary moratorium. CEQA: Exempt, Guidelines Sections 15061 (b)(3)

2.2 (d) (Cont'd.)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29614 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29614 was adopted. (11-0.)

- (e) **ORD. NO. 29616** – An ordinance rezoning certain real property of approximately 3.34 gross acres situated at the southern terminus of Dove Hill Road, approximately 1,890 feet southerly of Yerba Buena Road (3830 Dove Hill Road) from the Agricultural Zoning District to the R-1-2 Single-Family Residence Zoning District. CEQA: Addendum to the Envision San José 2040 General Plan Final Program EIR (Resolution No 76041).

Documents Filed: Proof of Publication of the Title of Ordinance No. 29616 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29616 was adopted. (11-0.)

- (f) **ORD. NO. 29617** – An ordinance rezoning certain real property of approximately 0.4 gross acre on the northeast corner of Lincoln Avenue and Savaker Street (590 Lincoln Avenue) from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041).

Documents Filed: Proof of Publication of the Title of Ordinance No. 29617 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29617 was adopted. (11-0.)

- (g) **ORD. NO. 29618** – An ordinance rezoning certain real property of approximately 5.54 gross acres on the southwesterly corner of McLaughlin Avenue and Carnelian Drive (1523 McLaughlin Avenue) from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi Public Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76014).

Documents Filed: Proof of Publication of the Title of Ordinance No. 29618 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29618 was adopted. (11-0.)

2.2 (Cont'd.)

- (h) **ORD. NO. 29619** – An ordinance rezoning certain real property of approximately 42.53 acres situated on the southeast corner of Winchester and Stevens Creek boulevards (Santana Row) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. CEQA: Santana Row Expansion Project Environmental Impact Report (Resolution No. 77532), File No. PDC13-050.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29619 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29619 was adopted. (11-0.)

- (i) **ORD. NO. 29620** – An ordinance rezoning certain real property of approximately 0.72 gross acre situated at the northwest corner of North Capitol Avenue and Hostetter Road (1601 North Capitol Avenue) from the A(PD) Planned Development Zoning District to the CN(PD) Planned Development Zoning District. CEQA: Exempt, Guidelines Section 15303(c) for New Construction of Small Structures.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29620 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29620 was adopted. (11-0.)

- 2.2 (j) **ORD. NO. 29622** – An ordinance conforming the public right-of-way on portions of Ocala Avenue, Adrian Way, Alfred Way and Berona Way that form Hillview Park to reflect the existing, as-built street widths. CEQA: Exempt, Guidelines Section 15301(c), Existing Facilities. File No. PP15-082.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29622 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29622 was adopted. (11-0.)

- (k) **ORD. NO. 29623** – An ordinance rezoning certain real property of approximately 0.16 acre situated on the north side of South Almaden Avenue approximately 100 feet west of Sutter Street (863 South Almaden Avenue), from the CN Commercial Neighborhood Zoning District to the R-M Multiple Residence Zoning District. CEQA: Exempt, Guidelines Section 15303 New Construction or Conversion of Small Structures. File No. C15-015.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29623 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29623 was adopted. (11-0.)

- (l) **ORD. NO. 29631** – An ordinance amending Title 20 of the San José Municipal Code to add new Sections 20.70.140 and 20.70.150 and to amend Sections 20.70.020 and 20.70.100 of Chapter 20.70; to add new Sections 20.200.111.5, 20.200.625 and 20.200.835 and amend Sections 20.200.070, 20.200.100, 20.200.700, 20.200.1090 and 20.200.1110 of Chapter 20.200 to add and regulate Art Display Structures and Lighting Displays as allowable uses and modify the permitting process for Amusement Game Arcades in the DC-Downtown Primary Commercial Zoning District, to add auction, second-hand stores, photography studios, weight loss centers, interior decorating, auditoriums and community centers as allowable uses in the DG-Downtown Ground-floor Overlay Area, to clarify that residential uses are only allowed in the Downtown Zoning Districts where the General Plan designation for a Site supports Residential Use, to add new definitions related to Outdoor Art, Art Display Structure and Lighting Displays and to clarify definitions related to Adult Entertainment Establishments, Amusement Game Arcades, Lot Line, Front Setback Area and Side Setback Area. CEQA: Addendum, Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), Downtown Strategy EIR (Resolution No. 72767), Diridon Station Area Plan EIR (Resolution No. 77096).

Documents Filed: Proof of Publication of the Title of Ordinance No. 29631 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29631 was adopted. (11-0.)

- (m) **ORD. NO. 29633** – An ordinance granting a Commercial Solid Waste and Recyclables Collection Franchise to Bay Area Dumpsters. CEQA: Exempt Guidelines Section 15308. Actions by Regulatory Agencies for the Protection of the Environment. File No. PP08-228.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29633 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29633 was adopted. (11-0.)

- (n) **ORD. NO. 29635** – An ordinance conforming the public right-of-way on Saint John Street between Market Street and San Pedro Street to reflect the existing alignment and width of Saint John Street. CEQA: Exempt, Guidelines Section 15301(c) Existing Facilities, File No. PP15-083.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29635 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29635 was adopted. (11-0.)

- (o) **ORD. NO. 29637** – An ordinance rezoning certain real property located at the northwesterly corner of East Santa Clara Street and North 5th Street (33 North 5th Street) from the CG Commercial General and R-M Multiple Residence Zoning Districts to the DC Downtown Primary Commercial Zoning District on an approximately 1.4 acre site. CEQA: Addendum, Envision San José 2040 General Final Program EIR (Resolution No. 76041 adopted November 1, 2011), File No. C15-039.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29637 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29637 was adopted. (11-0.)

- (p) **ORD. NO. 29638** – An ordinance rezoning certain real property located on the east side of Monterey Road, approximately 300 feet south of East Alma Avenue (1420-1600 Monterey Road) from the CG(PD) Planned Development Zoning District to the CG(PD) Planned Development Zoning District on an approximately 19.74 gross acre site. CEQA: Determination of Consistency with the Sun Garden Redevelopment Project Final EIR, (Resolution No. 75929 adopted June 21, 2011), File No. PDC15-037.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29638 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29638 was adopted. (11-0.)

- (q) **ORD. NO. 29639** – An ordinance pre-zoning certain real property located on the northeast corner of Roehampton Avenue and Story Road (14335 Story Road) from Unincorporated to the PQP Public/Quasi-Public Zoning District on an approximately 0.78 gross acre site. CEQA: Addendum, Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041 adopted November 1, 2011), File No. C15-012.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29639 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29639 was adopted. (11-0.)

- (r) **ORD. NO. 29640** – An ordinance rezoning certain real property located north of East Hamilton Avenue and east of South Bascom Avenue (2055, 2085, 2105, 2125, and 2145 East Hamilton Avenue and 1550 South Bascom Avenue) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District on an approximately 24.6 acre site. CEQA Addendum to the PDC83-034 Greylands Business Park EIR (Resolution No. 56883), File No. PDC15-030 & PD15-026.

2.2 (Cont'd.)

- (r) Documents Filed: Proof of Publication of the Title of Ordinance No. 29640 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29640 was adopted. (11-0.)

- (s) **ORD. NO. 29642 – An ordinance amending Sections 12.02.040, 12.02.050, 12.02.070, and 12.02.090 of Chapter 12.02, Sections 12.04.025, 12.04.060, 12.04.100, and 12.04.120 of Chapter 12.04, Section 12.05.080 of Chapter 12.05, Sections 12.06.210, 12.06.290, 12.06.295, 12.06.600, 12.06.610, 12.06.710, 12.06.720, 12.06.910, 12.06.920, 12.06.930, 12.06.1000, 12.06.1010, and deleting Section 12.06.140 and Part 5 of Chapter 12.06 and 12.06.620 of Title 12 of the San José Municipal Code relating to municipal elections and campaign and officeholder contributions. CEQA: Not a Project, File No. PP10-068(c), Code or Policy change that involve no change in the physical environment.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29642 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29642 was adopted. (11-0.)

- (t) **ORD. NO. 29644 – An ordinance rezoning certain real property of approximately 2.6 gross acres situated on the east side of Edenvale Avenue approximately 1,000 feet north of Chynoweth Avenue (APN 685-03-002) from the LI Light Industrial Zoning District to the A(PD) Planned Development Zoning District. CEQA: Mitigated Negative Declaration, File No. PDC14-060/PD15-019/PT15-023.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29644 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29644 was adopted. (11-0.)

- (u) **ORD. NO. 29645 – An ordinance amending Chapter 9.10 of Title 9 of the San José Municipal Code to add new Sections 9.10.151 and 9.10.545 to add the definition of illegal dumping and language prohibiting illegal dumping. CEQA: Not a Project, File No. PP10-068, General procedure and policy making that involve no change in the environment. CEQA: Not a Project, File No. PP10-068, General procedure and policy making that involve no change in the environment.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29645 executed on November 9, 2015, submitted by the City Clerk.

Action: Ordinance No. 29645 was adopted. (11-0.)

- (v) **ORD. NO. 29641** – An ordinance rezoning certain real property of approximately 0.47 acre situated at the southeast corner of Meridian Avenue and Fruitdale Avenue from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District. CEQA: An Addendum to the Envision San José 2040 General Plan EIR (Resolution No. 76041, adopted November 1, 2011).

Documents Filed: Proof of Publication of the Title of Ordinance No. 29641 executed on November 9, 2015, and on November 12, 2015, submitted by the City Clerk.

Action: Ordinance No. 29641 was adopted. (11-0.)

2.3 Approval of Council Committee Minutes.

- (a) **Rules and Open Government Committee Minutes of October 28, 2015.**
(Mayor)

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities that involve no physical change to the environment.

Documents Filed: Rules and Open Government Committee Minutes dated October 28, 2015.

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

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Appoint Elizabeth Plancarte to the District 5 Seat to a term expiring May 31, 2017.
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities that involve no physical change to the environment. (City Clerk)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated November 6, 2015, transmitting the recommendation from Councilmember Magdalena Carrasco for a vacant seat on the Youth Commission.

Action: The appointment of Elizabeth Plancarte to the District 5 Seat on the Youth Commission to a term expiring May 31, 2017, was accepted. (11-0.)

- 2.8 Approve the First Amendment to the Agreement between the City of San José and Waste Connections of California, Inc. d/b/a GreenTeam of San José to exempt multi-family large item collection service from the annual maximum compensation limit and to add an optional compactor service rate for City facility collection services. CEQA: Negative Declaration, File No. PP10-055. (ESD)**

Documents Filed: City Council Action Request from Assistant City Manager Dave Sykes, dated November 17, 2015, recommending a First Amendment to an Agreement.

Action: The First Amendment to the Agreement between the City of San José and Waste Connections of California, Inc. d/b/a GreenTeam of San José to exempt multi-family large item collection service from the annual maximum compensation limit, with additional contingencies, was approved. (11-0.)

- 2.9 Adopt a resolution authorizing the City Manager to execute the Second Amendment to the Agreement with Tutor.com, Inc. (New York, NY) for live online homework help services, to exercise up to two additional one-year options to extend the term from December 2008 through November 30, 2017 for a not to exceed amount of \$158,813 each year, subject to the appropriation of funds. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts that involve no physical change to the environment. (Finance)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated October 26, 2015, recommending adoption of a resolution.

Item 2.9 was pulled by Mayor Sam Liccardo to request clarification regarding Tutor.com.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Johnny Khamis and carried unanimously, Resolution No. 77582, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Second Amendment to the Agreement with Tutor.com, Inc. for Live Online Homework Help Services to Exercise up to Two Additional One-Year Options to Extend the Term from December 2008 through November 30, 2017 for a Not to Exceed Amount of \$158,813 Each Year, Subject to Appropriation of Funds", was adopted. (9-0-2. Absent: Kalra, Peralez).

- 2.10 (a) Report on bids and award of contract for the 6767-Doerr Parkway Project to the low bidder, Suarez and Muñoz, in the amount of \$274,800 and approval of a ten percent contingency in the amount of \$27,480.**
- (b) Adopt the following 2015-2016 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:**
- (1) Establish the Trail: Doerr Parkway project to the Parks, Recreation and Neighborhood Services Department in the amount of \$245,000**
- (2) Decrease the Trail: Doerr Parkway Reserve by \$220,000; and**
- (3) Decrease the Trail: Doerr Parkway Real Estate Services by \$25,000.**
- (c) Adopt the following 2015-2016 Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes CD #9:**

2.10 (Cont'd.)

- (c) (1) **Establish the Trail: Doerr Parkway project to the Parks, Recreation and Neighborhood Services Department in the amount of \$115,000; and**
(2) **Decrease the Ending Fund Balance by \$115,000.**

CEQA: Exempt, Guidelines Section 15303. New Construction or Conversion of Small Structures, File No. PP15-019. Council District 9. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

Documents Filed: Memorandum from Director of Public Works Barry Ng, Director of Parks, Recreation and Neighborhood Services, Angel Rios, and Senior Deputy City Manager Jennifer Maguire, dated October 26, 2015, recommending acceptance of a report on bids and award of a contract and recommending adoption appropriation ordinance amendments.

Action: A report on bids and award of contract for the 6767-Doerr Parkway Project to the low bidder, Suarez and Muñoz, in the amount of \$274,800, with related contingencies was accepted, and Ordinance No. 29647, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the Subdivision Park Trust Fund for the Trail: Doerr Parkway Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; and Ordinance No. 29648, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #9 for the Trail: Doerr Parkway Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (11-0.)

- 2.11 As recommended by the Rules and Open Government Committee on November 4, 2015, approve the adjusted campaign contribution limits and adopt a resolution approving the adjusted campaign contribution limits in accordance with San José Municipal Code Section 12.06.210.C. CEQA: Not a Project, File No. PP10-069 City Administrative Activities that involve no impact to the physical environment. (City Clerk)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated November 5, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: Resolution No. 77583, entitled: “A Resolution of the Council of the City of San José Approving the Adjusted Campaign Contribution Limits in Accordance with San José Municipal Code Section 12.06.210C”, was adopted. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.3 As recommended by the Rules and Open Government Committee on October 7, 2015, adopt a resolution:

- (a) Authorizing parcels that are located in both unincorporated Santa Clara County and within the Sphere of Influence of the City of San José to be eligible for incentives under the County's Urban Agriculture Incentive Zone Ordinance; and
- (b) Consenting to establishment of the Urban Agriculture Incentive Zones (UAIZ) in certain Unincorporated County areas in the City of San Jose's Urban Service Area/Urban Growth Boundary (USA/UGB) consistent with State Assembly Bill 551 and subject to the following conditions:
 - (1) The UAIZ shall not be established in areas that are outside the City of San José's USA/UGB.
 - (2) The UAIZ shall be established only in areas and for parcels where the land use designation under the City of San José General Plan supports agriculture or urban agriculture use including but not limited to Open Hillside, Lower Hillside, Rural Residential, Residential Neighborhood, and Neighborhood/Community Commercial.
 - (3) Parcels that are identified as adequate sites for housing in the Housing Element Inventory of the City of San José General Plan Housing Element certified by the California Department of Housing and Community Development (HCD) shall not be included within a UAIZ.
- (b) (4) In compliance with the Santa Clara County Code of Ordinances, including but not limited to Section 5.20.060 (City General Plan Conformance), Section 5.20.070 (Properties Subject to Annexation), and Section C1-52 (Properties Subject to Annexation), the County shall complete or require the completion of a Contiguity/Annexation Statement form and refer the proposal for the UAIZ incentive and contract for such parcels to the City of San José for the City's determination as to whether the proposed use will require annexation.
- (5) The production, cultivation, growing and harvesting of marijuana shall be prohibited in the UAIZ.
- (6) The raising of livestock (except poultry for egg laying), fur-bearing animals, and dairy-producing animals shall be prohibited in the UAIZ.

**CEQA: Exempt, Guideline Section 15304, Minor Alterations to Land, File No. PP15-108. (City Attorney/Planning, Building and Code Enforcement)
[Rules and Open Government Committee referral 10/07/15 - Item g(4)]
(Deferred from 10/27/15 – Item 3.3 and 11/10/15 – Item 3.3)**

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, dated October 15, 2015, transmitting the recommendations of the Rules and Open Government Committee. (2) Supplemental memorandum from Director of Planning, Building and Code Enforcement, Harry Freitas, dated November 12, 2015 summarizing staff's follow-up analysis. (3) Letters from SPUR, Veggielution and Garden to Table, each dated

3.3 (Cont'd.)

Documents Filed (Cont'd.): November 17, 2015 providing support to the proposed resolution. (4) Email correspondence from Danielle Arostegui offering support to the passage of Urban Agriculture Incentive Zones.

Director of Planning, Building and Code Enforcement, Harry Freitas provided a brief background on urban agriculture in San José, and Council discussion followed.

Public Comment: Offering support to the proposed resolution but expressing disagreement with certain conditions presented were Jamie Chin, Martha Barahona, Erin Healy (the Health Trust), Mary Helen Doherty (Healthy Food Partner) and Brent Caravallo (Garden to Table).

Action: Upon motion by Councilmember Raul Peralez, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77584, entitled: "A Resolution of the Council of the City of San José Consenting to the Establishment of Urban Agriculture Incentive Zones in Certain Unincorporated County Areas that are Within the Sphere of Influence of the City of San José Subject to Conditions and Consistent with the Urban Agriculture Incentive Zones Act (Assembly Bill 551)", was adopted. (11-0.)

3.4 **Adopt a Statement of Policy and City Council Questions related to the selection of a permanent Director of Transportation as described in the memorandum to Council, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions that involve no impact to the physical environment. (City Manager)**

Documents Filed: Memorandum from City Manager Norberto Dueñas, dated November 6, 2015, recommending adoption of a Statement of Policy.

Motion: Vice Mayor Rose Herrera moved approval of the staff's recommendations, including nominees' ideas for accomplishing goals with the "Walk n' Roll" program. Councilmember Johnny Khamis seconded the motion.

Councilmember Raul Peralez requested an amendment to the motion to include questions regarding the NACTO Urban Bikeway Design Guidelines, and San José's Transportation Innovation Zone. Vice Mayor Rose Herrera and Councilmember Johnny Khamis agreed to the amendment to the motion.

Action: On a call for the question, the motion carried unanimously, and a Statement of Policy and City Council Questions related to the selection of a permanent Director of Transportation as described in the memorandum to Council, in compliance with City Charter Section 411.1, was adopted, including nominees' ideas for accomplishing goals with the "Walk n' Roll" program, NACTO Urban Bikeway Design Guidelines, and San José's Transportation Innovation Zone. (11-0.)

- 3.5 (a) **Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs.**
- (b) **Adopt a resolution:**
- (1) **Confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report; and**
 - (2) **Directing the recording of liens and the placement of charges as set forth therein on the 2016-2017 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs.**

CEQA: Not a Project, File No. PP10-067(a), Specific Funding Mechanism for Increase of Adjustment to Fees, Rates and Fares. This activity involves no change in the physical environment. (Finance)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated October 26, 2015, recommending conducting a public hearing and adoption of a resolution.

Interim Director of Transportation Jim Ortbal responded to questions from Council.

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

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, Resolution No. 77585, entitled: "A Resolution of the Council of the City of San José Approving the Report of the Director of Finance on the Reimbursement of Cost for Sidewalk Repairs, Confirming the Assessments Contained in the Report and Directing the Recording of Liens on the Property Tax Roll for the Cost of Sidewalk Repairs", was adopted. (11-0.)

- 3.6 **Approve the First Amendment to the Master Agreement with AN West, Inc. and MTH Engineers, Inc., a Joint Venture for various City projects to: (1) increase the total compensation by \$600,000 for a total agreement amount not to exceed \$1,100,000, and (2) extend the term of the agreement from December 31, 2015 to December 31, 2018. CEQA: Statutorily Exempt, File No. PP10-066(d), CEQA Guidelines Section 15262, Feasibility and Planning Studies that involve no impact to the physical environment. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated October 26, 2015, recommending approval of a First Amendment to a Master Agreement.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Chappie Jones and carried unanimously, the First Amendment to the Master Agreement with AN West, Inc. and MTH Engineers, Inc., a Joint Venture for various City projects to: (1) increase the total compensation by \$600,000 for a total agreement amount not to exceed \$1,100,000, and (2) extend the term of the agreement from December 31, 2015 to December 31, 2018, was approved. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Accept the report on the Request for Proposal (“RFP”) for consultants to assist with the development of the City’s Urban Village Master Plans and other City projects including adoption of a resolution authorizing the City Manager to:

(a) Negotiate and Execute Master Agreements for consultants to provide Urban Village Master Plan and other City projects in seven technical areas: 1) Urban Design, 2) Circulation Improvements, 3) Environmental Review Analysis, 4) Online Engagement, 5) Public Finance, 6) Public Art, and 7) Traffic Impact Analysis, for an initial five-year term ending November 2020, with the various consultants and respective amounts listed below, for a maximum aggregate compensation not to exceed \$12,580,000 for all Agreements, subject to the appropriation of funds.

Vendor Name	Maximum Compensation
(1) AECOM, Inc. (San Diego, CA)	\$1,000,000
(2) Alta Planning & Design (San José, CA)	\$500,000
(3) Bottomley (Oakland, CA)	\$500,000
(4) Circlepoint (San José, CA)	\$270,000
(5) David J. Powers (San José, CA)	\$1,000,000
(6) Dyett & Bhatia (San Francisco, CA)	\$500,000
(7) Economic & Planning (Oakland, CA)	\$500,000
(8) ESA Associates (San Francisco, CA)	\$1,000,000
(9) Fehr & Peers (San José, CA)	\$500,000
(10) Gehl Studio (San Francisco, CA)	\$270,000
(11) Hexagon (San José, CA)	\$270,000
(12) HKS Architects (Dallas, TX)	\$500,000
(13) Keyser Marston (San Francisco, CA)	\$500,000
(14) Kimley & Horn (San José, CA)	\$500,000
(15) Metropolitan Planning (Mountain View, CA)	\$270,000
(16) Moore Iacofano Goltsman (Berkeley, CA)	\$1,000,000
(17) Nelson\Nygaard (San Francisco, CA)	\$500,000
(18) Opticos Design (Berkeley, CA)	\$500,000
(19) Placeworks (Berkeley, CA)	\$500,000
(20) Skidmore, Owings & Merrill New York, NY)	\$500,000
(21) Strategic Economics (Berkeley, CA)	\$500,000
(22) Wallace, Roberts & Todd (San Francisco, CA)	\$500,000
(23) ZGF (Portland, OR)	\$500,000

(b) Execute amendments to the Master Agreements to increase or decrease the maximum compensation of each agreement, not to exceed the aggregate compensation amount for all of the Agreements.

(c) Execute three one-year options to extend the term of the Agreements, after the initial five-year term through November 30, 2023, subject to the appropriation of funds.

**CEQA: Exempt, CEQA Guidelines Section 15262. Feasibility and Planning Studies. (Planning, Building and Code Enforcement/Finance)
(Deferred from 11/10/15 – Item 4.3)**

4.1 (Cont'd.)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated November 16, 2015, recommending approval of staff recommendations with modifications. (2) Replacement memorandum from Director of Finance Julia H. Cooper and Director of Planning, Building and Code Enforcement, Harry Freitas, dated November 13, 2015, incorporating additional information regarding requirements for federal grant-funded projects.

Director of Planning, Building and Code Enforcement, Harry Freitas, Director of Finance Julia H. Cooper and Planning, Building and Code Enforcement Senior Planner, Lesley Xavier offered a presentation on the Urban Village Master Plan.

Upon clarification of the staff recommendations, Mayor Sam Liccardo asked to modify his direction as outlined in his memorandum of November 16, 2015, to procure consultant services in a maximum aggregate compensation not to exceed \$3,000,000 for a 5-year term, and to exclude item "b" from this memorandum.

Motion: Councilmember Johnny Khamis moved approval of the staff recommendations, including Mayor Sam Liccardo's memorandum November 16, 2015, as modified. Vice Mayor Rose Herrera seconded the motion.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77586, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Negotiate and Execute Master Agreements for Consultants to Provide Consultant Services in Seven Technical Areas for the Urban Village Master Plan and Other City Projects for an Initial Five-Year Term Ending November 2020 for a Maximum Aggregate Compensation Not to Exceed \$3,000,000, Subject to the Appropriation of Funds; (2) Execute Amendments to the Master Agreements to Increase or Decrease the Maximum Compensation of Each Agreement Not to Exceed the Aggregate Compensation for all of the Agreements; and (3) Execute Up to Three One-Year Options to Extend the Term of the Agreements, After the Initial Five-Year Term Through November 2023, Subject to the Appropriation of Funds", was adopted, including Item (a) from Mayor Sam Liccardo's memorandum dated November 16, 2015, modified as follows: "Authorizing the City Manager to procure consultant services in a maximum aggregate compensation not to exceed \$3,000,000 for a 5-year term". (11-0.)

NEIGHBORHOOD SERVICES

Note: Item 5.1 was heard last during the evening session.

- 5.1 As recommended by the Neighborhood Services and Education Committee on September 10, 2015, accept the report with information on the causes of decline in net operating and maintenance income to the Golf Course Fund. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments, and Annual Reports. (City Auditor)**
[Neighborhood Services and Education Committee referral 9/10/15 – Item d(1)]

5.1 (Cont'd.)

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, Councilmember Magdalena Carrasco, Councilmember Manh Nguyen and Councilmember Tam Nguyen, dated November 13, 2015, recommending acceptance of the audit with additional direction. (2) Memorandum from Councilmember Donald Rocha, dated November 16, 2015, recommending acceptance of the audit with alternative recommendations. (3) Memorandum from City Clerk Toni J. Taber, CMC, dated November 5, 2015, transmitting recommendations of the Neighborhood Services and Education Committee. (4) Letter from Sergio Jimenez, Chair, Parks and Recreation Commission, providing recommendations of the Commission. (5) Thirty-three letters and email correspondence from members of the public urging preservation of the golf courses in question.

City Auditor Sharon Erickson and Director of Parks, Recreation and Neighborhood Services, Angel Rios provided a presentation.

Public Comment: Forty-four (44) members of the public spoke on the importance of the Rancho del Pueblo and Los Lagos golf courses and urging Council to keep the properties for public's use and enjoyment as parklands, golf or for other community uses.

Motion: Councilmember Tam Nguyen moved approval of the golf course audit, including direction as outlined in the memorandum he coauthored with Mayor Sam Liccardo, Councilmember Magdalena Carrasco and Councilmember Manh Nguyen, dated November 13, 2015, including a strong emphasis on broadening an outreach process. Councilmember Magdalena Carrasco seconded the motion.

Councilmember Donald Rocha requested an amendment to the motion to accept his memorandum dated November 16, 2015. Councilmember Magdalena Carrasco and Councilmember Tam Nguyen respectfully declined inclusion of his memorandum.

Action: On a call for the question, the motion carried, and the Report from the Office of the City Auditor "Golf Courses: Loss of Customers and Revenues Requires a New Strategy", was accepted, including recommendations as outlined in the joint memorandum from Mayor Sam Liccardo, Councilmember Magdalena Carrasco, Councilmember Manh Nguyen and Councilmember Tam Nguyen, dated November 13, 2015, and with an emphasis on broadening the outreach process. (10-1. Noes: Rocha.)

TRANSPORTATION & AVIATION SERVICES

6.1 As recommended by the Transportation and Environment Committee on October 5, 2015, accept the report regarding Citywide taxicab regulations and operations of taxicabs and Transportation Network Companies (TNC) at the Airport. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

**[Transportation and Environment Committee referral from 10/5/15 – Item (d)(5)]
(Deferred from 11/3/15 – Item 6.1 and 11/10/15 – Item 6.1)**

6.1 (Cont'd.)

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, and Councilmembers Peralez, Rocha and Khamis, dated November 13, 2015, recommending acceptance of Staff recommendations with additional direction. (2) Memorandum from City Clerk Toni J. Taber, dated October 22, 2015, transmitting the recommendations of the Transportation and Environment Committee. (3) Supplemental memorandum from Director of Aviation Kimberly J. Becker, dated November 12, 2015, providing additional information regarding administrative fees. (4) Letter from Larry Silva, Yellow Checker Cab Company, dated October 23, 2015 regarding the Staff's status report. (5) Letter from the Airport Ground Transportation Association, dated September 30, 2015, regarding ground transportation permits. (6) Letter from Diana Bailey, Green Cab Company, dated November 5, 2015, regarding ground transportation permits. (7) Letter from John Doherty, Tech Net, dated November 9, 2015 supporting staff recommendations regarding the operation of transportation network companies. (8) Eighteen (18) email dated November 10, 2015 urging support to allow ridesharing companies to operate at the Norman Y. Mineta San José International Airport.

Director of Aviation Kimberly J. Becker provided an overview of the Citywide Taxicab regulations and operations of taxicabs at the airport. Extensive Council discussion followed.

Public Comment: A.J. Borade offered comments regarding cab companies. The following offered support to the joint memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Councilmembers Peralez, Rocha and Khamis in agreement with reducing costs and regulations on taxis and offered additional comments: Tony Alexander, Abdulkani Said, Ricky Shakur and Larry Silva, Yellow Cab Company; Seyoum Asrat and Kirpal Bajwa, Taxi Workers Alliance; Baldev Sorial, Said Ibrahim Ali, and Sunm Bhardwan, Green Cab Company; Shalur Buni, Taxi Association; Harpal Chahal, Silver Cab Company; Kebede Kaba, Kinderjit Grewac, Durrani Iqbal, Rahul Malik, Tesfahau Biwota, Fiseha Bizuneh, Gurpreet Singh, Engida, Bikram Jeet Singh, Kesete Takele, Alireza Mirzamani, Kamlachu Bizunch, and Zehahem.

Motion: Vice Mayor Rose Herrera moved approval of the memorandum she coauthored with Mayor Sam Liccardo and Councilmembers Peralez, Rocha and Khamis, dated November 13, 2015, including a permit allocation as indicated below in "Action". Councilmember Ash Kalra seconded the motion.

Action: On a call for the question, the motion carried, and the report regarding Citywide taxicab regulations and operations of taxicabs and Transportation Network Companies (TNC) at the Airport was accepted, including the memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Councilmembers Peralez, Rocha and Khamis, dated November 13, 2015, with permits allocated, 50-50, between taxi companies and individual drivers, until May 2016, with a 60-40 split following the Transportation and Environment Committee check-in in May 2016, the existing waiting list for permits is to be reactivated. (9-1-1. Noes: Khamis. Absent: Oliverio.)

REDEVELOPMENT – SUCCESSOR AGENCY

- 9.1 Approve a First Amendment to Assignment Agreement between the County of Santa Clara (“County”) and the Successor Agency to the Redevelopment Agency of the City of San José (“Successor Agency”) assigning a portion of the Successor Agency’s remaining interest in the Net Sales Proceeds from the sale of real property for the North San Pedro Project to the County in exchange for the release of the lien of the County Deed of Trust from the following Successor Agency owned properties: 201 N. Market Street (Old Fire Station No. 1); 226 Balbach Avenue; and 96 South Almaden Avenue (former Plaza Hotel). CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts that involve no change to the physical environment. Council District 3. (Finance/Successor Agency)

Action: Deferred to December 1, 2015 per Administration.

OPEN FORUM

Expressing concerns that the Renters Advisory Committee Meeting did not allow individual speakers adequate time to express their views on revisions to the rent control ordinance and urging more open dialog; a need for strong “just cause” eviction policies, citing the impact on marginalized communities; and the need for rent control were: Victor Locha III and Ben O’Hara, NASW and South Bay Tenant’s Union; Brittany Simons, and Katie Martin.

ADJOURNMENT

The Council of the City of San José adjourned the afternoon session at 6:36 p.m.

RECESS/RECONVENE

The City Council recessed at 6:36 p.m. from the morning Council Session and reconvened at 7:00 p.m. in the Council Chamber, City Hall.

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

Absent: Council Members - All Present.

CEREMONIAL ITEMS

1.3 Administer the Oath of Office to the Youth Commissioner. (City Clerk)

City Clerk Toni J. Taber, CMC, administered the Oath of Office to Youth Commissioner Elizabeth Plancarte.

1.4 Presentation of a commendation to Geography for Tomorrow for their contributions to East San José youth. (Carrasco)

Mayor Sam Liccardo and Councilmember Magdalena Carrasco presented a commendation to Geography for Tomorrow for their contributions on teaching East San José youth about our beautiful earth.

PUBLIC HEARINGS ON CONSENT CALENDAR

- 11.1 (a) **Rezoning the Real Property Located at 2090 Mount Pleasant Road. Consideration of an ordinance rezoning the real property located at 2090 Mount Pleasant Road from the R-1-5 Single-Family Residence Zoning District to the R-1-8 Single-Family Residence Zoning District on a 0.8 gross acre site (Dan Smith, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR, File No. C15-036, Resolution No. 76041, and Addendum thereto. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. (Planning, Building and Code Enforcement)**
C15-036 – District 8

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C15-036, dated October 26, 2015. (2) Proof of Publication of Notice of Public Hearing executed on October 30, 2015, submitted by the City Clerk.

Mayor Liccardo opened the public hearing.

Public Comment: Ray Hashimoto, representing the applicant, Daniel Smith, responded to questions and ensured the road will be widened and safety factors will improve. Offering opposition to the rezoning recommendations were: Mary Dickens Wilson, Joe Saxe, Willy Solzit, Mark Wilson and Jorge Rodriguez.

Mayor Liccardo closed the public hearing.

Action: Upon motion by Councilmember Tam Nguyen, seconded by Councilmember Johnny Khamis, and carried unanimously, Ordinance No. 29649, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.75 Acre at 2090 Mount Pleasant Road from the R-1-5 Single-Family Residence Zoning District to the R-1-8 Single-Family Residence Zoning District", was passed for publication. (9-0-2. Absent: Kalra, Oliverio.)

- 11.1 (b) Rezoning the Real Property Located at 18590 Almaden Road.**
Consideration of an ordinance rezoning the real property located at 18590 Almaden Road from the R-1-1 Single-Family Residence Zoning District to the R-1-2 Single-Family Residence Zoning District on a 1.3 gross acre site (Bertelsen, David and Ping Li, Owners). CEQA: Envision San José 2040 General Plan Final Program EIR, File No. C15-040, Resolution No. 76041, and Addendum thereto. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. (Planning, Building and Code Enforcement).
C15-040 – District 10

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C15-040, dated October 29, 2015. (2) Proof of Publication of Notice of Public Hearing executed on October 30, 2015, submitted by the City Clerk.

Vice Mayor Rose Herrera pulled Item 11.1(b) for clarification from Staff.

Director of Planning, Building and Code Enforcement, Harry Freitas responded to questions regarding the zoning protest.

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

Action: Upon motion by Councilmember Tam Nguyen, seconded by Councilmember Johnny Khamis, and carried unanimously, Ordinance No. 29650, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.3 Gross Acres on the Southeast Corner of Almaden Road and Burnside Drive (18590 Almaden Road) from the R-1-1 Single-Family Residence Zoning District to the R-1-2 Single-Family Residence Zoning District”, was passed for publication. (9-0-2. Absent: Kalra, Oliverio.)

END OF CONSENT CALENDAR

- 11.2 Consideration of an ordinance rezoning the real property located at 696 North 6th Street from the R-M Multiple Residence Zoning District to the CP(PD) Planned Development Zoning District to allow up to 600 residential units, up to 25,000 square feet of commercial space and a private community center on a 5.25 gross acre site (City of San José, Owner). CEQA: Japantown Corporation Yard Redevelopment Project EIR, File No. PDC15-018, Resolution No. 74384, and Addenda thereto. Planning Commission recommends approval (5-0-1) (Bit-Badal absent). (Planning, Building and Code Enforcement) PDC15-018 – District 3**

11.2 (Cont'd.)

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo and Councilmember Raul Peralez, dated November 13, 2015, recommending approval of the Planning Commission and staff recommendations. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC15-018, dated September 29, 2015. (3) Memorandum from Planning Commission Secretary Harry Freitas, dated October 26, 2015, transmitting the Planning Commission recommendation. (4) Supplemental memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, dated November 16, 2015, providing additional information. (5) Supplemental memorandum from Director of Planning, Building and Code Enforcement, Harry Freitas, dated November 16, 2015, providing additional staff responses to the law firm for "Residents for Responsible Development". (6) Letter from Christina Caro for the Law firm of Adams, Broadwell, Joseph & Cardoza, dated November 17, 2015, writing on behalf of San José Residents for Responsible Development. (7) Proof of Publication of Notice of Public Hearing executed on September 18, 2015, submitted by the City Clerk.

Mayor Liccardo opened the public hearing.

Public Comment: Offering support to the rezoning ordinance, were Don Gagliardi, speaking on behalf of the Association, Connie Martinez (SV Creates), Helen Hayashi (Japantown Community Congress), Wisa Hemura (San José Taiko), Tamara Alvarado (School of Arts & Culture at MHP), Peter Delevett, Victoria Taketa and Manny Diaz.

Mayor Liccardo closed the public hearing.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pierluigi Oliverio and carried unanimously, Ordinance No. 29651, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 5.23 Gross Acres Bounded by North Sixth Street, East Taylor Street, North Seventh Street, and Jackson Street (696 North Sixth Street), from the R-M Multiple Residence Zoning District to the CP(PD) Planned Development Zoning District", was passed for publication. (11-0.)

- 11.3 Consideration of an ordinance rezoning the real property located on the east side of South Cypress Avenue, across from Alden Way, approximately 485 feet south of Stevens Creek Boulevard (356 South Cypress Avenue) from the R-M Multiple Residence Zoning District to the RM(PD) Planned Development Zoning District to allow up to four single-family detached residences in a courthome configuration with on-site parking on a 0.23 gross acre site (Tran Xuan Nhut Trustee & Et Al, Owner). CEQA: Exempt, Guidelines Section 15303(b). New Construction of Small Structures. File No. PDC14-070. Planning Commission recommends approval (5-0-1) (Bit-Badal absent). (Planning Building and Code Enforcement). PDC14-070 – District 1**

11.3 (Cont'd.)

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC14-070, dated September 25, 2015. (2) Memorandum from Planning Commission Secretary Harry Freitas, dated October 26, 2015, transmitting the Planning Commission recommendation. (3) Proof of Publication of Notice of Public Hearing executed on September 18, 2015, submitted by the City Clerk.

Director of Planning, Building and Code Enforcement, Harry Freitas offered an overview.

Mayor Liccardo opened the public hearing.

Public Comment: Martin Quintana, representing the applicant, thanked the Council and Staff for their support.

Mayor Liccardo closed the public hearing.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Magdalena Carrasco, and carried unanimously, Ordinance No. 29652, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.23 Gross Acre Situated on the East Side of South Cypress Avenue, Across from Alden Way, Approximately 485 Feet South of Stevens Creek Boulevard (356 South Cypress Avenue) from the RM Multiple Residence Zoning District to the RM(PD) Planned Development Zoning District", was passed for publication. (11-0.)

11.4 **Consideration of an ordinance rezoning the real property located on the southeast corner of Stevens Creek Boulevard and Clover Avenue (2850 Stevens Creek Boulevard) from the CN Neighborhood Commercial Zoning District to the CP Pedestrian Commercial Zoning District on a 0.57 gross acre site (Villa Developers and Investors LLC, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Final Program EIR, File No. C15-043, Resolution No. 76041. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. (Planning, Building and Code Enforcement).**

C15-043 – District 6

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C15-043, dated October 26, 2015. (2) Proof of Publication of Notice of Public Hearing executed on October 23, 2015, submitted by the City Clerk.

Director of Planning, Building and Code Enforcement, Harry Freitas provided an overview.

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

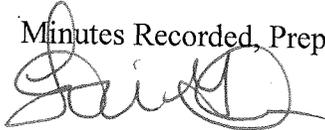
11.4 (Cont'd.)

Action: Upon motion by Councilmember Pierluigi Oliverio seconded by Vice Mayor Rose Herrera and carried unanimously, Ordinance No. 29653, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.57 Gross Acre on the Southeast Corner of Stevens Creek Boulevard and Clover Avenue (2850 Stevens Creek Blvd) from the CN Commercial Neighborhood Zoning District to the CP Commercial Pedestrian Zoning District", was passed for publication. (11-0.)

ADJOURNMENT

The Council of the City of San José adjourned at 11:18 p.m. in honor of victims of the recent terrorist attacks in Paris, France and Beirut, Lebanon.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC
City Clerk

rmk/11-17-15MIN