



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, DECEMBER 08, 2015

The Council of the City of San José convened in Regular Session at 9:07 a.m. in the Council Chamber at City Hall.

Present: Council Members - 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 9:14 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54957 with respect to Public Employment/Public Employee Recruitment/Appointment: Department of Transportation; Title: Transportation Director. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9 subsection (c) with respect to initiation of litigation in one (1) matter. (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) In re: Claim of Creighton. Amount of Money or Other Relief Sought: Administrative Appeal. (2) In re: Claim of Reinhardt. Amount of Money or Other Relief Sought: Administrative Appeal. (3) IAFF Local 230 v. City of San José; Names of Parties Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages according to proof. (4) IFPTE Local 21 v. City of San José; Names of Parties Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages according to proof. (5) American Federation of State, County and Municipal Employment Relations Board; Case No: SF-CE-924-M; Amount of Money or Other

CLOSED SESSION (Cont'd.)

Relief Sought: Damages According to Proof. (6) OE#3 v. City of San José; Names of Parties Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-900-M. (7) 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, H040979, H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (8) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660, H040979, H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (9) 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, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) 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, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) 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 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. (12) 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. (13) People of the State of California, et al. v. City of San José, et al. Names of Parties 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 the State of California for the County of Santa Clara; Case No: 1-13-CV-245503; Amount of Money or Other Relief Sought: Verified Complaint in Quo Warranto. (14) San José Retired Employees Association, et al v. City of San José, et al. Names of Parties Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City

CLOSED SESSION (Cont'd.)

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-2680085; Amount of Money or Other Relief Sought: Change to City Medical Plan. (D) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Designee 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 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. (12) Unit 99 Unrepresented Employees; Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.

By unanimous consent, Council recessed from the Closed Session at 10:55 a.m. and reconvened to Regular Session at 11:04 a.m. in the Council Chamber.

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

Absent: Council Members - All Present.

INVOCATION

Pastor Shinya Goto, San José First United Methodist Church offered the Invocation.
(Mayor)

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 3.6 heard no earlier than 2:00 p.m. (11-0.)

CONSENT CALENDAR

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

2.1 Approval of Council Minutes.

There were none.

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 29657** – An ordinance to provide for the designation of specified areas of the City of San José as a Special Event Zone to prohibit certain activities on public property including peddling, distribution of merchandise, goods or coupons for a commercial purpose, the sale of counterfeit merchandise, and the flying of unmanned aircraft systems within the Special Event Zone and to provide for the temporary suspension of the authority of the Director of the Office of Cultural Affairs under Part 16 of Chapter 20.80 of Title 20 of the San José Municipal Code to issue permits for temporary outdoor uses of private property within the Special Event Zone during the time period beginning at six o'clock (6:00) a.m. on Monday, February 1, 2016 and ending at six o'clock (6:00) p.m. on Tuesday, February 9, 2016, relative to the use of these areas in conjunction with the 2016 National Football League's Super Bowl 50 related activities and events. CEQA: Not a Project, File No. PP10-068(e), Municipal Code or Policy amendments that involve no changes in the physical environment.

2.2 (a) (Cont'd.)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29657 executed on December 4, 2015, submitted by the City Clerk.

Action: Ordinance No. 29657 was adopted. (11-0.)

2.3 **Approval of Council Committee Minutes.**

(a) **Community and Economic Development Committee Meeting Minutes of November 16, 2015. (Khamis)**

(b) **Public Safety, Finance, and Strategic Support Committee Meeting Minutes November 19, 2015. (Oliverio)**

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities that involve no approvals of any City actions with a potential to impact the physical environment.

Documents Filed: (1) The Community and Economic Development Committee Minutes dated November 16, 2015. (2) The Public Safety, Finance and Strategic Support Committee Minutes dated November 19, 2015.

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

2.4 **Mayor and Council Excused Absence Requests.**

There were none.

2.5 **City Council Travel Reports.**

(a) **Travel Report on Council Member Carrasco's attendance at National League of Cities Annual Conference. (Carrasco)**

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities that involve no approvals of any City actions with a potential to impact the physical environment.

Documents Filed: Memorandum from Council Member Magdalena Carrasco, dated December 8, 2015, providing a travel report summary.

Council Member Magdalena Carrasco presented highlights of her attendance on November 3 through 5, 2015 at the National League of Cities Annual Conference in "Music City" Nashville, Tennessee.

Action: Upon motion by Council Member Magdalena Carrasco, seconded by Vice Mayor Rose Herrera and carried unanimously, the travel report and summary was received. (11-0.)

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

There were none.

- 2.7 (a) Approve a Second Amendment to the Lease of Airport Premises between the City of San José and Sky Chefs, Inc. (“Sky Chefs”) to:
- (1) Extend the term of the Lease for one year with two renewal options of one year each.
 - (2) Increase the Minimum Annual Guarantee (MAG) floor to be paid by Sky Chefs from \$500,000 to \$550,000 annually with an annual MAG adjustment made based on gross sales. In no event will the MAG be reduced below \$550,000 per year.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute up to two one-year amendments to extend the term of the Lease through February 14, 2019 on the same terms and conditions.

CEQA: Not a Project, File No. PP10-066(f), Lease of equipment or existing space for the same use and will involve no physical changes to the environment. (Airport)

Action: Deferred to December 15, 2015 Per Administration.

- 2.8 Approve a Fifth Amendment to the Airport Advertising Concession Agreement between the City of San José and Clear Channel Outdoor, Inc. to:
- (a) Add additional Director approved advertising sites;
 - (b) Modify the percentage fee for these sites to 25% in addition to the existing \$4,200,000 Minimum Annual Guarantee (MAG); and
 - (c) Effective July 1, 2017, when the MAG decreases to \$1,800,000, increase the percentage fee on the additional sites to the standard amount of 65%.

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

Documents Filed: Memorandum from Director of Aviation Services Kimberly J. Becker, dated November 16, 2015, recommending approval of the Fifth Amendment to the Agreement.

Action: A Fifth Amendment to the Airport Advertising Concession Agreement between the City of San José and Clear Channel Outdoor, Inc. was approved, as indicated above in Item 2.8(a)-(c). (11-0.)

- 2.9 As recommended by the Rules and Open Government Committee on November 18, 2015:
- (a) Approve the East San José Holiday Celebration for December 2015 as a City Council sponsored Event and approve the expenditure of funds; and
 - (b) Approve and accept donation from various individuals, businesses or community groups to support the event.

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

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated November 25 2015, transmitting the recommendations of the Rules and Open Government Committee.

2.9 (Cont'd.)

Action: The East San José Holiday Celebration for December 2015 as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

2.10 Approve a settlement in the amount of \$150,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of *Longtin v. City of San José*.

CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney)

Documents Filed: Memorandum from City Attorney Richard Doyle, dated November 24, 2015, recommending approval of the settlement.

Action: A settlement in the amount of \$150,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of *Longtin v. City of San José* was approved. (11-0.)

2.11 Approve a settlement in the amount of \$70,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of *Seacrist v. City of San José*, a lawsuit for personal injuries.

CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney)

Documents Filed: Memorandum from City Attorney Richard Doyle, dated November 20, 2015, recommending approval of the settlement.

Action: A settlement in the amount of \$70,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of *Seacrist v. City of San José*, a lawsuit for personal injuries was approved. (11-0.)

2.12 Adopt a resolution calling for a Regular Municipal Election on June 7, 2016 and Run-Off Municipal Election on November 8, 2016, if need be, for the purpose of electing Council Members for Districts 2, 4, 6, 8, and 10 and requesting consolidation with the County of Santa Clara.

CEQA: Exempt, Guidelines Section 15061(b)(3). Actions with no possible impact on the physical environment. (City Clerk)

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated November 17, 2015, recommending adoption of a resolution.

2.12 (Cont'd.)

Action: Resolution No. 77595, entitled: “A Resolution of the Council of the City of San José Calling and Giving Notice of a Regular Primary Municipal Election To Be Held in the City of San Jose on June 7, 2016, and, If Necessary, a Regular Run-Off Municipal Election on November 8, 2016, For the Purpose of Electing One Person Each from Council Districts Two, Four, Six, Eight and Ten to the Council of the City of San Jose For Full Four-Year Terms; Requesting the Consolidation of the Primary Election With the Statewide Direct Primary Election To Be Held in Santa Clara County on June 7, 2016 and the Run-Off Election With the General Election To Be Held in Santa Clara County on November 8, 2016; Requesting the Board of Supervisors of the County of Santa Clara To Canvass the Returns of Said Elections and To Permit the County Registrar of Voters To Render Certain Services to the City of San Jose Relating To the Conduct of Said Elections; and Directing That Certain Other Actions Be Taken with Regard to the Election”, was adopted. (11-0.)

- 2.13 **Adopt a resolution authorizing the City Attorney to execute a Continuation and Third Amendment to Agreement between the City of San José and Hanson Bridgett, LLP to provide legal and investigative services as the Evaluator to the San José Ethics Commission extending the agreement through January 31, 2016 to pay for services rendered through June 30, 2015 and increasing compensation by \$7,625 for a total amount of compensation not to exceed \$317,625. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Clerk/ City Attorney)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated November 24, 2015, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, Resolution No. 77596, entitled: “A Resolution of the Council of the City of San José Authorizing the City Attorney to Execute a Continuation and Third Amendment to the Agreement with Hanson Bridgett LLP for Legal and Investigative Services as the Evaluator to the San José Ethics Committee”, was adopted. (Vote: 10-0-0-1. Abstain: M. Nguyen.)

- 2.14 **Adopt a resolution standing against human trafficking in the Bay Area before the 2016 Super Bowl and beyond. CEQA: Exempt, Guidelines Section 15061(b)(3). Actions with no possible impact on the physical environment. (City Manager)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Donald Rocha, dated November 24, 2015, recommending supporting the resolution. (2) City Council Action Request from Chief of Police Larry Esquivel, dated November 24, 2015, recommending adoption of a resolution.

2.14 (Cont'd.)

Motion: Vice Mayor Rose Herrera moved approval of the memorandum she cosigned with Mayor Sam Liccardo and Council Member Donald Rocha, dated November 24, 2015, in support of the resolution "Standing Against Human Trafficking". Council Member Donald Rocha seconded the motion.

Vice Mayor Rose Herrera affirmed that she definitely supports the resolution against human trafficking before the 2016 Super Bowl and beyond.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Donald Rocha, dated November 24, 2015, was approved, in Support of the City of San José Resolution "Standing Against Human Trafficking" and Resolution No. 77597, entitled: "A Resolution of the Council of the City of San José Standing Against Human Trafficking in the Bay Area Before the 2016 Super Bowl and Beyond", was adopted. (11-0.)

2.15 Adopt a resolution to provide as follows:

- (a) **Approve the terms of agreements with the bargaining units listed below that would modify retiree healthcare funding effective December 20, 2015, by extending the current retiree healthcare contribution rates until implementation of an alternative pension reform settlement and authorize the City Manager to execute said agreements, pending ratification by their memberships. If an alternative pension reform settlement has not been implemented by June 19, 2016, the City may choose to increase the funding of retiree healthcare to the annual required contribution:**
 - (1) *Association of Building, Mechanical and Electrical Inspectors (ABMEI) was excluded per Staff.*
 - (2) Association of Engineers and Architects, IFPTE Local 21 (AEA Units 41/42 and 43)
 - (3) Association of Legal Professionals (ALP)
 - (4) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP)
 - (5) City Association of Management Personnel, IFPTE Local 21 (CAMP)
 - (6) Confidential Employees' Organization, AFSCME Local 101 (CEO)
 - (7) International Brotherhood of Electrical Workers, Local No. 332 (IBEW)
 - (8) Municipal Employees' Federation, AFSCME Local 101 (MEF)
 - (9) International Union of Operating Engineers, Local No. 3 (OE#3)

- 2.15 (b) **Approve modifications to the retiree healthcare funding phase-in for Executive Management and Professional Employees (Unit 99) effective December 20, 2015, by extending the current retiree healthcare contribution rates until implementation of an alternative pension reform settlement. If an alternative pension reform settlement has not been implemented by June 19, 2016, the City may choose to increase the funding of retiree healthcare to the annual required contribution.**

CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)

Documents Filed: (1) Memorandum from Director of Employee Relations Jennifer Schembri, dated November 24, 2015, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Employee Relations Jennifer Schembri, dated December 4, 2015, including signed Tentative Agreements with ALP, AMSP, CAMP and IBEW and ABMEI has not signed an agreement as of yet.

Assistant City Manager David Sykes clarified that Item (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI) will be excluded at this time.

Action: Upon motion by Council Member Donald Rocha, seconded by Council Member Johnny Khamis and carried unanimously, Resolution No. 77598, entitled: "A Resolution of the Council of the City of San José Implementing Changes to the Retiree Healthcare Funding Phase-In for the Bargaining Units Representing Employees in the 1975 Federated Employees Retirement Plan and Modifications for Employees in Unit 99, Effective December 20, 2015", was adopted. *Note: Item(a)(1) Association of Building, Mechanical and Electrical Inspectors (ABMEI) was excluded per Staff. (11-0.)*

- 2.16 (a) **Report on bids and award of contract for the 7796 - Cadwallader Reservoir Rehabilitation Project to the low bidder, Blastco, Inc., in the amount of \$1,695,880 and approve a contingency in the amount of \$169,588.**
- (b) **Adopt the following 2015-2016 Appropriation Ordinance Amendments to the Water Utility Capital Fund:**
- (1) **Increase the appropriation to the Environmental Services Department for the Cadwallader Reservoir Rehabilitation by \$263,000.**
 - (2) **Decrease the Unrestricted Ending Fund Balance by \$263,000.**

CEQA: Exempt, File No. PP15-016. Council District 8. (Environmental Services/ City Manager)

Documents Filed: Memorandum from Director of Environmental Services Kerrie Romanow and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated November 16, 2015, recommending award of the contract to the low bidder and adoption of appropriation ordinance amendments.

2.16 (Cont'd.)

Action: The report on bids and award of contract for the 7796 - Cadwallader Reservoir Rehabilitation Project to the low bidder, Blastco, Inc., in the amount of \$1,695,880 with related contingency was approved and Ordinance No. 29659, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the Water Utility Fund for the Cadwallader Reservoir Rehabilitation; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. (11-0.)

- 2.17 (a) Adopt a resolution accepting the Fiscal Year 2015 Internet Crimes Against Children Task Force Award in the amount of \$200,000 and authorize the City Manager to execute the Grant Agreement and all related documents and to execute additional amendments and related documents without further Council action.**
- (b) Adopt the following 2015-2016 Appropriation Ordinance and the Funding Sources Resolution amendments in the General Fund:**
- (1) Establish a City-Wide appropriation to the Police Department for the Internet Crimes Against Children State Grant 2015-2016 in the amount of \$200,000.**
 - (2) Increase the estimate for Revenue from the State of California by \$200,000.**

CEQA: Not a Project, File No. PP10-066 Agreements and Contracts with no changes to the physical environment. (Police/City Manager)

Documents Filed: Memorandum from Chief of Police Larry Esquivel and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated November 16, 2015, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Action: Resolution No. 77599, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Accept an Internet Crimes Against Children Task Force Grant Award from the Governor's Office of Emergency Services In An Amount Not To Exceed \$200,000 and Execute Related Documents"; Ordinance No. 29660, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the General Fund for the Internet Crimes Against Children State Grant 2015-2016; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 77600, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 77423 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2015-2016 to Adjust Revenues in the General Fund", were adopted. (11-0.)

- 2.18 Reports on bids and award of contract for the 6728 – Stevens Creek Boulevard Sanitary Sewer Improvement Project to the low bidder, Ranger Pipelines, Inc., in the amount of \$2,371,765, and approve a contingency in the amount of \$237,176. CEQA: Exempt, File Nos. PP12-076 and PP13-076. Council District 1. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated November 16, 2015, recommending award of the contract to the low bidder.

Action: The reports on bids and award of contract for the 6728 – Stevens Creek Boulevard Sanitary Sewer Improvement Project to the low bidder, Ranger Pipelines, Inc., in the amount of \$2,371,765 with related contingency was approved. (11-0.)

- 2.19 Report on bids and award of a Construction Contract for the 8052-2016 CDBG ADA Accessibility Ramps Project to the low bidder, JJR Construction, Inc., in the amount of \$571,177 and approve a contingency in the amount of \$57,118. CEQA: Exempt, Guidelines Section 15301, Existing Facilities, File No. PP13-051. Council Districts 3, 5 and 7. (Transportation)**

Documents Filed: City Council Action Request from Director of Transportation James Ortbal, dated November 24, 2015, recommending award of the contract to the low bidder.

Action: The report on bids and award of a Construction Contract for the 8052-2016 CDBG ADA Accessibility Ramps Project to the low bidder, JJR Construction, Inc., in the amount of \$571,177, with related contingency was approved. (11-0.)

- 2.20 (a) Adopt a resolution by the City Council amending the Conflict of Interest Code for the City of San José.**
(b) Adopt a resolution by the City Council, as the code reviewing body pursuant to the California Political Reform Act, amending the Conflict of Interest Code for the Successor Agency to the Redevelopment Agency of the City of San José.

CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Clerk)

Note: Item 2.20 was renumbered From Item 9.2.

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated November 25, 2015, recommending adoption of resolutions.

Action: Resolution No. 77601, entitled: “A Resolution of the Council of the City of San José Amending the Conflict of Interest Code for the City of San José” and Resolution No. 77602, entitled: “A Resolution of the Council of the City of San José As the Code Reviewing Body Pursuant to the California Political Reform Act, Amending the Conflict of Code for the Successor Agency to the Redevelopment Agency of the City of San José and the Oversight Board of the Successor Agency”, were adopted. (11-0.)

2.21 Appoint Matt Loesch as the employee representative to the Board of Administration for the Federated City Employee retirement System to a term ending November 30, 2019.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities that involve no approval of City actions with a potential change in the environment. (City Clerk)

Documents Filed: Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated December 4, 2015, transmitting certain relevant facts and recommending appointing Matt Loesch.

Action: Matt Loesch was appointed as the employee representative to the Board of Administration for the Federated City Employee retirement System to a term ending November 30, 2019. (11-0.)

- 2.22 (a) Approve the Purchase Agreement with Reed & Graham Inc., in the amount of \$2,314,260 for the purchase of land located at West Home Street, San José, CA, Assessor Parcel Numbers (APN) 264-11-024, 264-11-026, 264-11-027, 264-11-028, 264-11-106 (portion only), and 264-11-111 for the future expansion of the Del Monte Park.**
- (b) Adopt a resolution authorizing the City Manager to execute the purchase agreement and all other documents necessary to complete the transaction, and to settle any relocation claims stemming from the City's purchase of the properties up to a maximum of \$120,740.**
- (c) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (375):**
- (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$2,435,000 for the West Home Street Land Acquisition.**
 - (2) Decrease the Future PDO/PIO Projects Reserve by \$2,435,000.**

CEQA: Exempt, File No. PP08-220. Council District 6. (Economic Development/Parks Recreation and Neighborhood Services/City Manager)

Note: Item 2.2 was renumbered From Item 5.1.

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Welsh, Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated November 16, 2015, recommending approval of the purchase agreement, adoption of a resolution and appropriation ordinance amendments.

2.22 (Cont'd.)

Action: The Purchase Agreement with Reed & Graham Inc., in the amount of \$2,314,260 for the purchase of land located at West Home Street, San José, CA, Assessor Parcel Numbers (APN) 264-11-024, 264-11-026, 264-11-027, 264-11-028, 264-11-106 (portion only), and 264-11-111 for the future expansion of the Del Monte Park was approved; Resolution No. 77603, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Purchase Agreement with Reed & Graham Inc. for the Purchase of Land Located at West Home Street in the Amount of \$2,314,260 and To Execute All Other Documents Necessary to Complete the Transaction and To Settle Any Relocation Claims and Closing Costs Stemming from the City's Purchase of the Properties Up To A Maximum Amount of \$120,740" and Ordinance No. 29661, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the Subdivision Park Trust Fund for the West Home Street Land Acquisition; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. (11-0.)

2.23 As recommended by the Rules and Open Government Committee on November 18, 2015, appoint Council Member Charles "Chappie" Jones to represent the City of San José on the State Route 85 Policy Advisory Board. (Mayor)

CEQA: Not a Project, File No. PP15-069(c), City Administrative Activities that involve no approvals of any City actions with a potential to impact the physical environment.

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated December 2, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action Council Member Charles Chappie Jones was appointed to represent the City of San José on the State Route 85 Policy Advisory Board. (11-0.)

END OF CONSENT CALENDAR

REDEVELOPMENT – SUCCESSOR AGENCY CONSENT CALENDAR

Redevelopment – Successor Agency Consent Calendar was heard following the City Council Consent Calendar.

Mayor Sam Liccardo convened the Successor Agency to the Redevelopment Agency of the City of San José at 11:21 a.m.

9.1 Successor Agency Board approve the Third Amendment to the Amended and Restated Lease with the Comedy Club of San José, LLC for the use of the Jose Theater located at 62 South Second Street. CEQA: New Century Block Project Supplemental EIR, Resolution No. 67721. (Successor Agency)

9.1 (Cont'd.)

Documents Filed: Memorandum from Successor to the Redevelopment Agency Managing Director Richard A. Keit, dated November 19, 2015, recommending approval of the third amendment to the amended and restated lease.

Successor to the Redevelopment Agency Managing Director Richard A. Keit responded to Council questions and concerns.

Action: Upon motion by Council Member Raul Peralez, seconded by Vice Mayor Rose Herrera and carried unanimously, the Third Amendment to the Amended and Restated Lease with the Comedy Club of San José, LLC for the use of the Jose Theater located at 62 South Second Street was approved. (10-0-1. Absent: Oliverio.)

- 9.2 (a) **Adopt a resolution by the City Council amending the Conflict of Interest Code for the City of San José.**
- (b) **Adopt a resolution by the City Council, as the code reviewing body pursuant to the California Political Reform Act, amending the Conflict of Interest Code for the Successor Agency to the Redevelopment Agency of the City of San José.**

CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Clerk)

Item 9.2 was renumbered to Item 2.20. See Item 2.20 for Action.

Mayor Sam Liccardo adjourned the Successor Agency to the Redevelopment Agency of the City of San José at 11:25 a.m.

STRATEGIC SUPPORT SERVICES

- 3.3 **As recommended by the Rules and Open Government Committee on November 18, 2015:**

- (a) **Adopt a resolution to amend the City of San José Pay Plan to create a salary range for the City Manager U (1689) classification.**
- (b) **Direct the City Manager to:**
- (1) **Conduct a salary survey for the remaining Council Appointees (City Attorney, City Clerk, Independent Police Auditor and City Auditor) and report back to the City Council by March 2016.**
 - (2) **Bring the Salary Setting Commission Report and their recommendations to City Council, along with a supplemental memorandum describing the extent of City workforce pay increases since 2010-2011, by December 31, 2015. To the extent possible, the analysis should cover all general wage increases, step increases, and management pay for performance increases.**

CEQA: Not a Project, File No. PP10-068(b), General Procedure and Policy Making Municipal Code, Title 3, Personnel. (Mayor)

3.3 (Cont'd.)

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated November 25, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis and carried unanimously, Resolution No. 77604, entitled: "A Resolution of the Council of the City of San José Amending the City of San José Pay Plan for City Manager Classification", was adopted. The City Manager was directed to: (1) Conduct a salary survey for the remaining Council Appointees (City Attorney, City Clerk, Independent Police Auditor and City Auditor) and report back to the City Council by March 2016. (2) Bring the Salary Setting Commission Report and their recommendations to City Council, along with a supplemental memorandum describing the extent of City workforce pay increases since 2010-2011, by December 31, 2015. To the extent possible, the analysis should cover all general wage increases, step increases, and management pay for performance increases. (10-0-1. Absent: Oliverio.)

3.4 Adopt a resolution to:

- (a) Amend the City of San José Pay Plan effective December 8, 2015, to create the following classifications:
 - (1) Network Technician I FT/PT (1324/1325)
 - (2) Network Technician I C FT/PT (8551/8552)
 - (3) Buyer III (1544)
 - (4) Parking Manager II (1694)
 - (5) Senior Deputy City Manager U (1685)
- (b) Amend the City of San José Pay Plan effective December 8, 2015, to change the title for the following classifications:
 - (1) Network Technician II FT/PT (1326/1327) (formerly Network Technician I FT/PT)
 - (2) Network Technician II C FT/PT (8553/8554) (formerly Network Technician I C FT/PT)
 - (3) Network Technician III FT/PT (1323/1321) (formerly Network Technician II FT/PT)
 - (4) Network Technician III C FT/PT (8550/8557) (formerly Network Technician II C FT/PT)
 - (5) Parking Manager I (1691) (formerly Parking Manager)
 - (6) Economic Development Manager (1997) (formerly Manager of Corporate Outreach)
- (c) Amend the City of San José Pay Plan effective December 8, 2015, to change the salary range for the following classifications:
 - (1) Assistant City Manager U (1688)
 - (2) Deputy City Manager U (1686)

CEQA: Not a Project, File No. PP10-068(b), General Procedure and Policy Making Municipal Code, Title 3, Personnel. (Human Resources)

3.4 (Cont'd.)

Documents Filed: Memorandum from Director of Human Resources Joseph Angelo, dated November 20, 2015, recommending adoption of a resolution.

Action: Upon motion by Council Member Johnny Khamis, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77605, entitled: "A Resolution of the Council of the City of San José Amending the City of San José Pay Plan for Various Job Classifications", was adopted. (11-0.)

3.5 (a) Approve new items for the Council Priority list.

(b) Rank items on Council Priority list.

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

Action: Deferred to December 15, 2015 Per Administration.

PUBLIC SAFETY SERVICES

8.1 Approve an ordinance of the City of San José Amending Chapter 6.44 of the San José Municipal Code to add a purpose section, add additional and clarifying definitions, require all massage therapists to be certified by the California Massage Therapy Council, require massage businesses to provide the Police Chief with copies of massage therapist certificates, require mandatory reporting to the Police Chief and to make other technical and required revisions to be consistent with State law. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (Police)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Pierluigi Oliverio, dated December 4, 2015, recommending approval of an ordinance and direction to the City Manager as described in "Action". (2) Memorandum from Council Member Raul Peralez, dated December 8, 2015, recommending approval of the Staff recommendations with direction to Staff as described in "Action". (3) Memorandum from Chief of Police Larry Esquivel, dated November 23, 2015, recommending approval of an ordinance. (4) Staff presentation dated December 8, 2015 summarizing the Massage Ordinance.

Sergeant Todd Trayer, Vice Unit presented the Staff Report and responded to Council questions and concerns.

Motion: Council Member Pierluigi Oliverio moved approval of the memorandum he cosigned with Mayor Sam Liccardo and Vice Mayor Rose Herrera, dated December 4, 2015, recommending approval of an ordinance and direction to the City Manager as described in "Action". Vice Mayor Rose Herrera seconded the motion.

8.1 (Cont'd.)

Council Member Raul Peralez requested to amend the motion to include his memorandum dated December 8, 2015.

City Attorney Richard Doyle suggested that Staff explore the Item (b) from the memorandum from Council Member Raul Peralez, dated December 8, 2015: (b) Prohibit the opening of a massage parlor in the same location as one that has been closed due to trafficking/prostitution activity.

Mayor Sam Liccardo suggested that Staff return to the Public Safety, Finance and Strategic Support Committee in 2016 with a report and recommendation, along with overconcentration of massage parlors.

The amendments as described in “Action” were accepted by Council Member Pierluigi Oliverio and Vice Mayor Rose Herrera.

Action: On a call for the question, the motion carried unanimously, Ordinance No. 29662, entitled: “An Ordinance of the City of San José Amending Chapter 6.44 of the San José Municipal Code to Add a Purpose Section, Add Additional and Clarifying Definitions, Require All Massage Therapists To Be Certified by the California Massage Therapy Council, Require Massage Businesses To Provide the Police Chief with Copies of Massage Therapist Certificates, Require Mandatory Reporting to the Police Chief, Specify Operational Requirements and Make Other Clarifying and Required Revisions in Accordance With State Law”, was passed for publication, as amended: (a) The memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Pierluigi Oliverio, dated December 4, 2015, was approved: (1) Approving an Ordinance of the City of San José Amending Chapter 4.4 of the San José Municipal Code to better regulate Massage Parlors. (2) Direct the City Manager to evaluate the overconcentration of massage parlors in neighborhoods and return to the Public Safety, Finance and Strategic Support Committee and Council in 2016 with a report and recommendation. (b) The memorandum from Council Member Raul Peralez, dated December 8, 2015, was approved: (1) Approve the Staff recommendation. (2) Direct Staff to work with Code Enforcement to review Santa Clara County’s recently approved massage parlor establishment Ordinance No. 78289 (*County of Santa, California: Ordinance 78289: “Adoption of Ordinance No. NS-516.4 Amending Division 22 of Title B of the Santa Clara County Ordinance Code relating to massage establishments, massage therapists and massage practitioners”, 6 October 2015*) and include the following into the City of San José’s regulation changes: (a) A human trafficking conviction or arrest as a basis for the denial, suspension or revocation of a massage parlor establishment permit. (b) See Page 20 for direction on Item (b). (c) Require that massage parlor clients enter only through the front door. (d) Require that massage parlor table be at least two feet from each wall. (e) Ban sleeping quarters in massage establishments. The City Attorney was directed to explore the Item (b) from the memorandum from Council Member Raul Peralez, dated December 8, 2015 and to return to Public Safety, Finance and Strategic Support Committee in 2016 with a report and recommendation, along with overconcentration of massage parlors: (b) *Prohibit the opening of a massage parlor in the same location as one that has been closed due to trafficking/prostitution activity.* (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) Adopt a resolution declaring the existence of a shelter crisis in the City of San José pursuant to and in accordance with the provisions of California Government Code section 8698 et seq. and designating the following four City owned facilities to be occupied as overnight warming facilities by homeless individuals during the crisis:
- (1) Bascom Community Center, 1000 S Bascom Ave, San José, CA 95128.
 - (2) Tully Community Library, 880 Tully Rd, San José, CA 95111.
 - (3) Washington United Youth Center, 921 S 1st St, San José, CA 95110.
 - (4) Biblioteca Branch Library, 921 S 1st St, San José, CA 95110.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with HomeFirst to serve as the administrator of the overnight warming center program and provide other shelter and services for homeless individuals during periods of inclement weather from December 15, 2015 through March 31, 2016 for an amount not to exceed \$430,000.
- (c) *Direct staff to create a pilot Temporary Church Shelter Program and authorize the following:*
- (1) *Waive the public outreach requirement in Council Policy 6-30.*
 - (2) *Fund all related expenses through the General Fund (001) Homeless Rapid Rehousing appropriation. Not Approved.*
- (d) Adopt an urgency ordinance amending Part 17 of Chapter 20. 80 of Title 20 of the San José Municipal Code to suspend Sections 20.80.1600 and 20.80.1610 until June 30, 2016 and to amend Section 20.80.1620 to allow a church/religious assembly which is a legal use to provide temporary shelter to homeless persons without obtaining a special use or conditional use permit subject to the existing limitations specified in Section 20.80.1620.

CEQA: Exempt, Guidelines Section 15301, Existing Facilities, File No. PP15-119. (Housing)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Members Peralez and Oliverio, dated December 4, 2015, recommending acceptance of the report. (2) Memorandum from Director of Housing Jacky Morales-Ferrand, dated November 23, 2015, recommending adoption of a resolution, approval of a sole course agreement with HomeFirst and direction to Staff. (3) Supplemental memorandum from Director of Housing Jacky Morales-Ferrand and Director of Planning, Building and Code Enforcement Harry Freitas, dated December 7, 2015, returning to Council with an urgency ordinance as directed. (4) Petition dated December 8, 2015, signed by one hundred sixteen people, in support to the Staff recommendations.

Director of Housing Jacky Morales-Ferrand presented introductory remarks.

Mayor Sam Liccardo opened the floor for public testimony.

4.1 (Cont'd.)

Public Comments: The following speakers expressed comments in support, in opposition and offered various suggestions to the Shelter Crisis in the City of San José. Deacon Ruben Solorio, Diocese of San José; Ray Moreno, Louis Chicoine, Abode Services; Robert Aguirre, Lisa Jacob, United Methodist Church; Phil Mastrocola, Ramon Johnson, Housing For All Alliance; Blair Beekman, Anthony T. King, Jolene Jones, Lisa Jacobs, Rowan Fairgrove, Winter Faith Collaborative; Martha Carrasco, John Rinaldo, Catholic Charities; Damaris Triana, Adriana Leon, Arcelia Patron, Rosalinda Aguilar, Washington School; Andrew Lanier, Casa De Clara; Bob Fields, Holy Spirit Parish, Shaunn Cartwright, Merylee Shelton, Paul Knapp, Julie Kane, San José City College; Gail Osmer, Ray Perez, Kristin Sarah, Camille Llares-Fontanilla, Somas Mayor; Phil Omstead, Chris Peacock, Brian Rodriguez, Sandy Perry, Affordable Housing Network; Randy Rodriguez, Mike Ferrero, Bruce Roberts, Andrea Urton, HomeFirst and Maria Marcelo. The following residents filled out a speaker card but were not present to speak: Pastor Susan Smith, Pastor Rebecca Ireland, Willow Glen United Methodist Church and Jeff Hancock, San José City College.

Director of Housing Jacky Morales-Ferrand, Homelessness Response Team Manager Ray Bramson and Deputy City Attorney Shasta Greene responded to Council questions and concerns.

Motion: Council Member Pierluigi Oliverio moved approval of the Staff recommendations Items 4.1(a) and (b). Vice Mayor Rose Herrera seconded the motion.

Council Member Pierluigi Oliverio moved approval of Item 4.1(d). Vice Mayor Rose Herrera seconded the motion.

Mayor Sam Liccardo noted that Council will return to this item after the Ceremonial Items in the evening.

Extensive Council discussion ensued.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77606, entitled: "A Resolution of the Council of the City of San José Declaring the Existence of a Shelter Crisis in the City of San José and Designating Four City Owned Facilities To Be Occupied as Shelters During the Crisis"; Resolution No. 77607, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement With HomeFirst To Serve as the Administrator of the Overnight Warming Center Program" and Urgency Ordinance No. 29663, entitled: "An Urgency Ordinance of the City of San José Amending Part 17 of Chapter 20.80 of Title 20 of the San José Municipal Code to Suspend Sections 20.80.1600 and 20.80.1610 Until June 30, 2016 and To Amend Section 20.80.1620 and Setting Forth the Facts Constituting Such Urgency", was adopted. (11-0.)

RECESS/RECONVENE

The City Council recessed at 12:52 p.m. from the afternoon Council Session and reconvened at 1:40 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

1.1 Presentation of a commendation to Choicelunch San José for their dedication to environmental stewardship and successful implementation of the Wet/Dry collection program. (Peralez)

Mayor Sam Liccardo and Council Member Raul Peralez recognized and commended Choicelunch San José for their commitment and accomplishments.

1.4 Presentation of a commendation to attorney, artist and community leader Jennie Do, in recognition of her contributions to the City of San José. (Kalra)

Heard at 3:30 p.m.

Mayor Sam Liccardo and Council Member Ash Kalra recognized and commended Jennie Do for her outstanding contributions to the City of San José.

1.5 Presentation of a commendation to the Rast Family, recognizing their contributions to the Japantown community of San José. (Mayor)

Mayor Sam Liccardo and Council Member Raul Peralez recognized and commended the Rast Family for their amazing contributions to the Japantown community of San José.

CLOSED SESSION REPORT

City Manager Norberto Dueñas disclosed the following Closed Session action of December 8, 2015.

A. Public Employment/Public Employee Recruitment/Appointment Pursuant to Government Code Section 54957:

- 1. Title: Director of Transportation
- Name: James Ortbal

(Action Continued on the Next Page)

CLOSED SESSION REPORT (Cont'd.)

A. 1. Council Vote:

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

Noes: None.

Abstain: None.

Not Present: None.

STRATEGIC SUPPORT SERVICES

- 3.6 (a) **Approve an ordinance of the City of San José amending Chapter 6.88 of Title 6 of the San José Municipal Code to add Section 6.88.295 to add the definition of transport; to add Section 6.88.425 to require collective owners, managers and operators to wear an identification badge issued by the Chief of Police; to add Section 6.88.445 to expressly prohibit deliveries of medical marijuana; to add Section 6.88.465 to allow a registered collective to transfer medical marijuana to other collectives who are registered with the City; to amend Sections 6.88.212, 6.88.235, 6.88.242, 6.88.310, 6.88.330, 6.88.420, 6.88.430, 6.88.435, 6.88.440, 6.88.460 and 6.88.900 to allow registered collectives to manufacture medical marijuana products at their off-site cultivation location, clarify disqualification from the registration process, revise the requirements for cultivation, decrease the time required for storing video from surveillance cameras from 90 to 30 days, limit the square footage used at a residence for personal use cultivation, and to make other technical, nonsubstantive, or typographical changes to Chapter 6.88 of Title 6 of the San José Municipal Code.**
- (b) **Accept staff's report regarding the creation within the City of a Division of Marijuana Control.**

CEQA: Addendum to a Negative Declaration, File No. PP11-076. (City Manager)

Note: Some of the changes may require review under California Environmental Quality Act (CEQA), Planning Commission review and public outreach per Council Policy. Such outreach will include outreach to medical marijuana patients and the industry.

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Members Johnny Khamis and Pierluigi Oliverio, dated December 8, 2015, recommending approval of the Staff recommendations with further direction. (2) Memorandum from Council Members Kalra, Jones, T. Nguyen and Carrasco, dated December 4, 2015, recommending approval as described in "Action". (3) Memorandum from Council Member Donald Rocha, dated December 8, 2015, recommending approval of the memorandum from Council Members Kalra, Jones, T. Nguyen and Carrasco, dated December 4, 2015 with amendments. (4) Memorandum from Assistant to the City

3.6 (Cont'd.)

Documents Filed: (Cont'd.) Manager Angelique Assistant to the City Manager Angelique Gaeta, dated November 20, 2014, recommending amendments as described above in Item 3.6(a)(b). (5) Supplemental memorandum from Assistant to the City Manager Angelique Gaeta, dated November 24, 2015, about Collectives that dispense medical marijuana products obtained from third party vendors. (6) Supplemental memorandum from Assistant to the City Manager Angelique Assistant to the City Manager Angelique Gaeta, dated December 4, 2015, providing a summary of conversations the Administration recently had with Collectives that remain in the process to register with the City. (7) Letter from Stephen A. Horner, Attorney at Law, dated November 30, 2015, regarding the proposed amendments to the San José Municipal Code regarding medical marijuana. (8) Letter from Elemental Wellness Center, dated December 5, 2015, regarding the proposed amendments to the San José Municipal Code regarding medical marijuana. (9) Letter from Ben Roth, Treasurer, Keep Marijuana Out of Our Neighborhoods and Away from Our Kids Committee, dated November 23, 2015, regarding the proposed amendments to the San José Municipal Code regarding medical marijuana. (10) Letter dated December 3, 2015, signed by eleven residents regarding the proposed amendments to the San José Municipal Code regarding medical marijuana.

Assistant to the City Manager Angelique Gaeta presented a brief overview on the proposed amendments to the San José Municipal Code pertaining to Medical Marijuana.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Presenting comments and suggestions pro and con were Susan M. Landry, Larry Tacker, Caliva; Steve Zavaka, Bonnie Montgomery, James Anthony, Matt Lucero, Buddy's Cannabis; Erin Peavey, Benson Hausman, MD, Elemental Wellness Center; Gabrielle Antolovich, Voices United; John Lee, Shaunn Cartwright and Daniel Phillips, Mother Humboldt's Inc.

Mayor Sam Liccardo and Council Member Johnny Khamis provided meeting disclosures.

Sergeant David Woolsey, Director of Planning, Building and Code Enforcement Harry Freitas, and Assistant to the City Manager Angelique Gaeta responded to Council questions and concerns.

Motion: Council Member Johnny Khamis moved approval of the memorandum from Council Member Donald Rocha as described in "Action." Council Member Donald Rocha seconded the motion. Note: All amendments to the motion were accepted by Council Member Johnny Khamis and Council Member Donald Rocha and are described in detail in "Action" on Pages 25 and 26.

Extensive Council discussion ensued.

3.6 (Cont'd.)

Action: On a call for the question, the motion carried, The memorandum from Council Member Donald Rocha, dated December 8, 2015, was approved, accepting the memorandum from Council Members Kalra, Jones, T. Nguyen and Carrasco, dated December 4, 2015, with the following amendments: (1) Provide direction that the City take a position against any State regulation that would preempt the local taxation of medical marijuana cultivation, processing, transfers and sales, and charter powers, including policing and land use. (2) Amend Recommendation 6 in the memorandum signed by from Council Members Kalra, Jones, T. Nguyen and Carrasco to read as follows: “allow for greenhouse but not sun-grown cultivation in appropriately zoned locations (as is currently permitted for out-of-the-City cultivation) which is more environmentally friendly.” The memorandum from Council Members Kalra, Jones, T. Nguyen and Carrasco, dated December 4, 2015, was approved, with direction to Staff to return in March 2016 with analysis and recommendations on potential changes to the Medical Marijuana Program discussion in the memorandum: (1) Recommendation (a) in the Staff memorandum dated November 20, 2015, “Amendments to Medical Marijuana Regulatory Ordinance” was approved. (2) Regarding recommendation (b) in the Staff memorandum dated November 20, 2015, “Amendments to Medical Marijuana Regulatory Ordinance”, direct Staff to return in March 2016 with the cost of creating a Division of Medical Marijuana Control and sources of funding. (3) Direct Staff to return in March 2016 with their analysis on allowing Transactions/Transfers with Registered and Licensed/Permitted Cultivators and Manufacturers of Cannabis products throughout the State of California. In addition, accept the Staff recommendation from the supplemental memorandum dated November 24, 2015, recommending that Collectives be provided a carryover period beginning December 18, 2015 but have the carryover period extended until December 18, 2016. (4) Allow for dispensaries to make quarterly payments of the annual licensing fees consistent with a prior request made by the City Council in December 2014 for Staff to incorporate into the ordinance. Staff directed to return to Council in March 2016 with analysis and recommendations regarding the following potential changes to Title 20: (5) Whether to allow Secondary/Multiple Locations for Cultivation, Manufacturing and Extraction for the certified dispensaries (not at retail locations). (a) Whether to allow Collectives to locate offsite facilities for Cultivation, Manufacturing and Extraction throughout the State of California because the contiguous counties currently allowed by San José at present have banned or placed a moratorium or prohibit its existence – Collectives should be charged the Staff time and expense to do the inspections. (b) Whether to permit Collectives to inhabit a single location/site for multiple separate grows. (c) Whether to remove the 50-foot restriction for cultivation and manufacturing but keep it in place for retail dispensary locations. (6) Whether to allow for greenhouse, but not sun-grown cultivation, in appropriately zoned locations (as is currently permitted for out-of-the-City cultivation) which is more environmentally friendly. Ordinance No. 29664, entitled: “An Ordinance of the City of San José Amending Chapter 6.88 of Title 6 of the San José Municipal Code As Follows: To Add Section 6.88.295 To Add the Definition of Transport; To Add Section 6.88.425 To Require Identification Badges To Be Worn; To Add Section 6.88.445 To Expressly Prohibit Deliveries Of Medical Marijuana; To Add Section 6.88.465 To Allow a Registered Collective To Transfer Medical Marijuana To Other Collectives Who Are

3.6 (Action Cont'd.)

Registered with The City; To Amend Sections 6.88.212, 6.88.235, 6.88.242, 6.88.310, 6.88.330, 6.88.380, 6.88.420, 6.88.430, 6.88.435, 6.88.440, 6.88.460 and 6.88.900 To Allow Registered Collectives To Manufacture Medical Marijuana Products At Their Off-Site Cultivation Location, Clarify Disqualification From The Registration Process, Revise The Requirements For Cultivation, Decrease The Time Required For Storing Video From Surveillance Cameras From 90 To 30 Days, Impose New Restrictions On Cultivation For Personal Use, and To Make Other Technical, Nonsubstantive, Or Typographical Changes,” was passed for publication, as amended. The Staff Report regarding the creation within the City of a Division of Marijuana Control was accepted. (10-1. Noes: M. Nguyen.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.2 (a) Adopt a resolution:

- (1) Approving an Amended and Restated Disposition and Development Agreement for the 868 Delmas Avenue development with Habitat for Humanity East Bay/Silicon Valley, the resulting entity from a merger of Habitat for Humanity Silicon Valley and Habitat for Humanity East Bay.
 - (2) Approving a funding commitment for a conditional grant of up to \$325,000 of Low and Moderate Income Housing Asset Funds to Habitat for the 868 Delmas Avenue development.
- (b) Adopt the following Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:
- (1) Increase the Housing Loans and Grants appropriation to the Housing Department in the amount of \$325,000.
 - (2) Decrease the Housing Project Reserve appropriation in the amount of \$325,000.

CEQA: Exempt, File No. PP06-144. Council District 3. (Housing/City Manager)

Action: Item 4.2 was dropped.

NEIGHBORHOOD SERVICES

- 5.1 (a) Approve the Purchase Agreement with Reed & Graham Inc., in the amount of \$2,314,260 for the purchase of land located at West Home Street, San José, CA, Assessor Parcel Numbers (APN) 264-11-024, 264-11-026, 264-11-027, 264-11-028, 264-11-106 (portion only), and 264-11-111 for the future expansion of the Del Monte Park.
- (b) Adopt a resolution authorizing the City Manager to execute the purchase agreement and all other documents necessary to complete the transaction, and to settle any relocation claims stemming from the City’s purchase of the properties up to a maximum of \$120,740.

5.1 (c) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (375):

(1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$2,435,000 for the West Home Street Land Acquisition.

(2) Decrease the Future PDO/PIO Projects Reserve by \$2,435,000.

CEQA: Exempt, File No. PP08-220. Council District 6. (Economic Development/Parks Recreation and Neighborhood Services/City Manager)

Item 5.1 was renumbered to Item 2.22. See Item 2.22 for Action.

OPEN FORUM

Thomas Monary presented his ideas and solutions for homelessness.

Mayor Sam Liccardo asked Assistant City Manager David Sykes to speak with Mr. Monary after the afternoon Council Session break.

ADJOURNMENT

Mayor Sam Liccardo adjourned the afternoon session at 6:13 p.m.

RECESS/RECONVENE

The City Council recessed at 6.13 p.m. from the afternoon Council Session and reconvened at 7:02 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.

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

CEREMONIAL ITEMS

1.2 Presentation of a commendation to the Santa Clara Valley Science and Engineering Fair Association honoring participants of the 2015 Synopsys Championship Science Fair in San José. (Kalra)

Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Ash Kalra and former Council Member Forrest Williams recognized and commended Santa Clara Valley Science and Engineering Fair Association honoring participants of the 2015 Synopsys Championship Science Fair.

1.3 Presentation of a commendation to Americorps NCCC Blue 2 Team for their work with community partners and the City of San José in removing over 10 tons of trash from our creeks, planting trees and conducting trail maintenance along Coyote Creek, Los Gatos Creek and the Guadalupe River. (T. Nguyen)

Mayor Sam Liccardo and Council Member Tam Nguyen recognized and commended Americorps NCCC Blue 2 Team for their excellent work.

COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Accept the Envision San José 2040 General Plan Annual Performance Review report. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City actions. (Planning, Building and Code Enforcement)

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated November 17, 2015, recommending acceptance of the report. (2) Staff presentation dated December 8, 2015 summarizing Envision San José 2040 Annual Performance Review.

4.3 (Cont'd.)

Director of Planning, Building and Code Enforcement Harry Freitas presented introductory remarks. Division Manager Michael Brilliot offered the report.

Council discussion ensued.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Chappie Jones and carried unanimously, the Envision San José 2040 General Plan Annual Performance Review Report was accepted. (10-0-1. Absent: Carrasco.)

GENERAL PLAN PUBLIC HEARINGS

10.1 (a) General Plan Text Amendment: Increase in Floor Area Ratio (FAR) for the Downtown Land Use Designation.

Recommendation:

(a) **Consideration of determination of consistency with Envision San José 2040 General Plan EIR, Resolution No. 76041.**

(b) **Tentative approval of the City-initiated General Plan Text Amendment to increase Floor Area Ration (FAR) from up to 15.0 FAR to up to 20.0 FAR for the Downtown Land Use Designation.**

Planning Commission recommends approval (6-0-1) (Ballard absent). (Planning, Building and Code Enforcement)

GPT15-001 – Citywide

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated November 16, 2015, transmitting the Planning Commission recommendation. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GPT15-001 dated October 27, 2015. (3) Proof of Publication of Notice of Public Hearing, executed on October 2, 2015, submitted by the City Clerk.

Mayor Sam Liccardo opened the Public Hearing.

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

Mayor Sam Liccardo recommended setting the cap at 30.0 FAR.

Division Manager Michael Brilliot responded to Council questions and concerns.

Action: Upon motion by Council Member Raul Peralez, seconded by Vice Mayor Rose Herrera and carried unanimously, the City Council tentatively approved the proposed General Plan Amendment. Staff was directed to increase the cap up to 30.0 FAR. (11-0.)

10.1 (b) General Plan Text Amendment: Consider City Initiated Land Use and Text Amendments No More Than Four Times a Year.

(a) Consideration of determination of consistency with Envision San José 2040 General Plan EIR, Resolution No. 76041.

(b) Tentative approval of the City-initiated General Plan Text Amendment to allow the San José City Council to consider City-initiated General Plan land use and/or text amendments up to four times a year.

Planning Commission recommends approval (5-1-1) (Yesney opposed, Ballard absent). (Planning, Building and Code Enforcement)

GPT15-003 – Citywide

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated November 16, 2015, transmitting the Planning Commission recommendation. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GPT15-003 dated October 26, 2015. (3) Proof of Publication of Notice of Public Hearing, executed on October 2, 2015, submitted by the City Clerk.

Mayor Sam Liccardo opened the Public Hearing.

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

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, the City Council tentatively approved the proposed General Plan Amendment. (11-0.)

(c) General Plan Text Amendment: Compliance with California Government Code Section 65302 and Complete Streets Act of 2008.

(a) Consideration of determination of consistency with Envision San José 2040 General Plan EIR, Resolution No. 76041.

(b) Tentative approval of the City-initiated General Plan Text Amendment to include text referencing California Government Code Section 65302 and Complete Streets Act of 2008.

Planning Commission recommends approval (5-0-2) (Yob and Pham absent). (Planning, Building and Code Enforcement)

GPT15-004 – Citywide

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated November 16, 2015, transmitting the Planning Commission recommendation. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GPT15-004 dated October 13, 2015. (3) Proof of Publication of Notice of Public Hearing, executed on October 2, 2015, submitted by the City Clerk.

Mayor Sam Liccardo opened the Public Hearing.

10.1 (c) (Cont'd.)

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

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, the City Council tentatively approved the proposed General Plan Amendment. (11-0.)

10.2 (a) **Adopt a resolution approving the Edenvale East General Plan Amendment and Rezoning Project Negative Declaration (File Numbers GP15-002 and C15-011).**

(b) **Tentative approval of a General Plan Amendment request to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Industrial Park to Light Industrial on a 4.48 gross acre site located on the north of Silver Creek Valley Road, approximately 210 feet north of Hellyer Avenue (5880 Hellyer Avenue). (Ag Key, LLC, Owner).**

Director of Planning, Building and Code Enforcement and Planning Commission (5-0-2) (Yob and Pham absent) recommended approval. (Planning, Building and Code Enforcement)

GP15-002 – District 2

Note: Item 10.2 was heard jointly with Item 11.10.

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated November 16, 2015, transmitting the Planning Commission recommendation. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP15-002 dated October 13, 2015. (3) Proof of Publication of Notice of Public Hearing, executed on October 2, 2015, submitted by the City Clerk.

Director of Planning, Building and Code Enforcement Harry Freitas offered a brief report and responded to Council questions and concerns.

Mayor Sam Liccardo provided meeting disclosures and opened the Public Hearing.

Public Comments: Mark Lazzarini, Ag Key LLC, spoke to the merits of the project and to the Staff Report.

Mayor Sam Liccardo closed the Public Hearing.

Action: Upon motion by Council Member Ash Kalra, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77608, entitled: “A Resolution of the Council of the City of San José Adopting the Edenvale East General Plan Amendment and Rezoning Project Negative Declaration, For Which an Initial Study Was Prepared, All in Accordance with the California Environmental Quality Act, As Amended”, was tentatively adopted by the City Council and tentatively approved the proposed General Plan Amendment. (11-0.)

- 10.3 (a) **Adopt a resolution approving the Cannery Park/Hanover Project Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program (File Nos. GP15-001, PDC15-001, PD15-004 and PT15-001).**
- (b) **Tentative approval of a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood to Urban Residential and Combined Industrial/Commercial and a Text Amendment to the Jackson-Taylor Residential Strategy on an 11.43 gross acre site located on the northwest corner of North 10th Street and East Taylor Street (Libitzky Holdings, LP, Owner).**

Director of Planning, Building and Code Enforcement and Planning Commission (5-1-1) (Bit-Badal opposed, Ballard abstained) recommended approval. (Planning, Building and Code Enforcement)

GP15-001 – District 3

Note: Item 10.3 was heard jointly with Item 11.11.

Documents Filed: (1) Memorandum from Mayor Sam Liccardo and Council Member Raul Peralez, dated December 4, 2015, recommending approving the Planning Commission recommendations as outlined on Page 2 of the memorandum dated November 17, 2015. (2) Memorandum from Planning Commission Secretary Harry Freitas, dated November 17, 2015, transmitting the Planning Commission recommendation. (3) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP15-001 dated October 13, 2015. (4) Supplemental memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated December 2, 2015, transmitting additional information to the Council. (5) Proof of Publication of Notice of Public Hearing, executed on October 2, 2015, submitted by the City Clerk. (6) Letter from Jonathan D. Roux, dated October 19, 2015, regarding the Cannery Park Mixed Use Development. (7) Letter from Victoria Taketa, President, Japantown Neighborhood Association, dated October 20, 2015, expressing support to the Staff recommendations. (7) Letter from Michelle Thomasson, dated December 3, 2015, expressing support to the Staff recommendations.

Mayor Sam Liccardo and Council Member Raul Peralez provided meeting disclosures.

Director of Planning, Building and Code Enforcement Harry Freitas pointed out that Staff was recommending approval. Planning, Building and Code Enforcement Division Manager Sylvia Do summarized the Staff Report.

Motion: Council Member Raul Peralez moved approval of the memorandum he cosigned with Mayor Sam Liccardo. Vice Mayor Rose Herrera seconded the motion.

Mayor Sam Liccardo opened the Public Hearing.

Erik Schoennauer, representing Hanover Company, the Applicant, expressed agreement with the Staff recommendations.

10.3 (Cont'd.)

Public Comments: Kevin Dayton, Coalition for Fair Employment in Construction and Kevin Perkins, Libitzky Holdings, expressed opposition to the Cannery Park/Hanover Project Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program.

Mayor Sam Liccardo closed the Public Hearing.

Council discussion ensued.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77609, entitled: "A Resolution of the Council of the City of San José Adopting the Cannery Park/Hanover Project Mitigated Negative Declaration, For Which An Initial Study Was Prepared, All in Accordance with the California Environmental Quality Act, As Amended, and Adopting a Related Mitigation Monitoring and Reporting Program", was tentatively adopted by the City Council. The memorandum from Mayor Sam Liccardo and Council Member Raul Peralez, dated December 4, 2015, was approved, tentatively approving the Planning Commission recommendations outlined on Page 2 of the memorandum dated November 17, 2015. The City Council tentatively approved the proposed General Plan Amendment. (11-0.)

- 10.4 (a) **Adopt a resolution approving the Redmond Avenue General Plan Amendment Negative Declaration.**
- (b) **Tentative approval of a General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood on a 0.91 gross acre site located at the southeast corner of Redmond Avenue and Mancuso Street (12360 Redmond Avenue). (Redmond Road Fam LP Faz Ulla, Owner).**

Director of Planning, Building and Code Enforcement and Planning Commission (5-0-2) (Yob and Pham absent) recommend approval. (Planning, Building and Code Enforcement)

GP15-003 – District 10

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated November 16, 2015, transmitting the Planning Commission recommendation. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP15-003 dated October 13, 2015. (3) Proof of Publication of Notice of Public Hearing, executed on October 2, 2015, submitted by the City Clerk.

Director of Planning, Building and Code Enforcement Harry Freitas presented introductory comments. Division Manager Michael Brilliot presented the report.

Mayor Sam Liccardo opened the Public Hearing.

Public Comments: Kim Tschanti, representing Richard Zhou, the Applicant expressed support to the Staff recommendations.

10.4 (Cont'd.)

Mayor Sam Liccardo closed the Public Hearing.

Action: Upon motion by Council Member Johnny Khamis, seconded by Council Member Donald Rocha and carried unanimously, Resolution No. 77612, entitled: "A Resolution of the Council of the City of San José Adopting the 12360 Redmond Avenue General Plan Amendment Project Negative Declaration, For Which an Initial Study Was Prepared, All in Accordance with the California Environmental Quality Act, As Amended", was tentatively adopted by the City Council. The City Council tentatively approved the proposed General Plan Amendment. (11-0.)

- 10.5 Tentative approval of a General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Public/Quasi-Public to Mixed Use Neighborhood on an approximately 3.6 gross acre site, located on the east side of St. Elizabeth Drive south of McKinley Street (950 St. Elizabeth Drive) (St. Elizabeth Day Home, Owner). CEQA: Negative Declaration to be adopted. (Planning, Building and Code Enforcement)
GP15-006 – District 6**

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on October 2, 2015, submitted by the City Clerk.

Action: Dropped per Applicant Request.

- 10.6 (a) Adopt a resolution approving the 2898 Joseph Avenue General Plan Amendment Negative Declaration.**
(b) Tentative approval of a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Mixed Use Neighborhood and to remove the site from the Urban Village Boundary, with the subject 0.19 acre site located on the northeast corner of Joseph Avenue and Shamrock Drive (2898 Joseph Avenue) (Schwartz, Jeffrey A. and Barry, Cynthia Trustee, Owners).

Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-0-2-1) (Yob and Pham absent; Abelite abstain). (Planning, Building and Code Enforcement)

GP15-005 - District 9

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated November 17, 2015, transmitting the Planning Commission recommendation. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP15-005 dated October 13, 2015. (3) Proof of Publication of Notice of Public Hearing, executed on October 9, 2015, submitted by the City Clerk.

Director of Planning, Building and Code Enforcement Harry Freitas presented introductory remarks and responded to Council questions and concerns.

10.6 (Cont'd.)

Mayor Sam Liccardo opened the Public Hearing.

Cynthia Barry, Owner/Applicant, expressed her support to the Staff recommendations.

Public Comments: Steve Duffy expressed opposition to converting the commercial land to residential.

Mayor Sam Liccardo closed the Public Hearing.

Motion: Council Member Donald Rocha moved approval of the Staff recommendations. Council Member Magdalena Carrasco seconded the motion.

Brief Council discussion followed.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77613, entitled: "A Resolution of the Council of the City of San José Adopting the 2898 Joseph Avenue General Plan Amendment Project Negative Declaration, For Which An Initial Study Was Prepared, All in Accordance With the California Environmental Quality Act, As Amended, was tentatively adopted by the City Council. The City Council tentatively approved the proposed General Plan Amendment. (9-2. Noes: Herrera; Liccardo.)

10.7 Continue General Plan Hearing to December 15, 2015 for Final Adoption.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, the General Plan Hearing was continued to December 15, 2015. (11-0.)

PUBLIC HEARINGS ON CONSENT CALENDAR

Upon motion by Council Member Chappie Jones, seconded by Council Member Tam Nguyen and carried unanimously, the Public Hearings on the Consent Calendar were approved and the below listed actions were taken as indicated. (11-0)

- 11.1 (a) **Rezoning the Real Property Located on the West Side of South De Anza Boulevard, Approximately 120 Feet West of the Intersection of South De Anza Boulevard and Rainbow Drive.**
- (1) **Adoption of a resolution approving the 1191-1195 De Anza Boulevard Retail Project Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program (Project File Nos. H15-006 and C15006).**

- 11.1 (a) (2) **Consideration of an ordinance rezoning the real property located on the west side of South De Anza Boulevard, approximately 120 feet west of the intersection of South De Anza Boulevard and Rainbow Drive from the A(PD) Planned Development Zoning District to the Commercial Pedestrian (CP) Zoning District on a 0.13 gross acre site (Vigagold Inc., Owner).**
Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)
C15-006 and H15-006 – District 1

Note: Item 11.1(a) was renumbered from Item 11.4.

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated November 17, 2015, transmitting the Planning Commission recommendation. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C15-006 and H15-006 dated June 23, 2015. (3) Proof of Publication of Notice of Public Hearing, executed on October 16, 2015, submitted by the City Clerk.

Mayor Sam Liccardo opened the Public Hearing.

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

Action: Resolution No. 77614, entitled: “A Resolution of the Council of the City of San José Adopting the 1191-1195 De Anza Boulevard Retail Conventional Rezoning Project Mitigated Negative Declaration, For Which an Initial Study Was Prepared, All in Accordance with the California Environmental Quality Act, As Amended, and Adopting a Mitigation Monitoring and Reporting Program”, was adopted and Ordinance No. 29668, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.13 Gross Acre Situated on the West Side of South De Anza Boulevard, Approximately 120 Feet West of the Intersection of South De Anza Boulevard and Rainbow Drive (1193 South De Anza Boulevard) from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District”, was passed for publication. (11-0.)

- 11.1 (b) **Rezoning Certain Real Properties Located on the Northwest Corner of West San Carlos and Delmas Avenue.**
Consideration of an ordinance rezoning four properties located on the northwest corner of West San Carlos and Delmas Avenue (267 and 279 Delmas Avenue and 405 West San Carlos Street) from LI Light Industrial to the DC Downtown Primary Commercial Zoning District on an approximately 0.47 gross acre site (San Carlos Parts LLC, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), and addenda thereto, including Addendum File No. C15-042. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)
C15-042 – District 3

11.1 (b) (Cont'd.)

Note: Item 11.1(b) was renumbered from 11.6.

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated November 16, 2015, transmitting the Planning Commission recommendation. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C15-042 dated October 26, 2015. (3) Proof of Publication of Notice of Public Hearing, executed on October 9, 2015, submitted by the City Clerk.

Mayor Sam Liccardo opened the Public Hearing.

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

Action: Ordinance No. 29669, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.47 Acres Situated at the Northwest Corner of West San Carlos Street and Delmas Avenue (267 and 279 Delmas Avenue; 405 West San Carlos Street) from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District", was passed for publication. (11-0.)

END OF CONSENT CALENDAR

PUBLIC HEARINGS

11.2 Consideration of a resolution approving a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol at a small retail establishment of approximately 2,100 square feet, on a 0.15 gross acre site, located at 1093 Minnesota Avenue (Jasvir Kaur, Owner).

CEQA: Exempt, Guidelines Section 15301, Existing Facilities. Planning Commission recommends approval (5-0-2) (Yob and Pham absent). (Planning, Building and Code Enforcement)

CP15-007/ABC15-002 – District 6

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated November 16, 2015, transmitting the Planning Commission recommendation. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. cp15-007/ABC15-002 dated October 8, 2015. (3) Proof of Publication of Notice of Public Hearing, executed on October 9, 2015, submitted by the City Clerk.

Mayor Sam Liccardo opened the Public Hearing.

Public Comments: Ken Haynes, Quick Draw ATM, Inc. expressed support to the Staff recommendations.

Mayor Sam Liccardo closed the Public Hearing.

11.2 (Cont'd.)

Planning, Building and Code Enforcement Division Manager Sylvia Do responded to questions from Council Member Pierluigi Oliverio.

Council Member Pierluigi Oliverio affirmed that this is not a public necessity and would not be making a motion. A Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol at a small retail establishment of approximately 2,100 square feet, on a 0.15 gross acre site, located at 1093 Minnesota Avenue (Jasvir Kaur, Owner) was not approved.

There was no action.

11.3 Consideration of a resolution approving a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol at a 38,204 square foot grocery store (Food Maxx) on an approximately 3.87 gross acre site, in the CP Commercial Pedestrian Zoning District, located at 3002 Story Road (Save Mart Supermarkets, Owner).

CEQA: Exempt, Guidelines Section 15301, Existing Facilities. Planning Commission recommends approval (5-0-2) (Yob and Pham absent). (Planning, Building and Code Enforcement)

CP15-042/ABC15-009 – District 5

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated November 16, 2015, transmitting the Planning Commission recommendation. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP15-042/ABC15-009 dated October 8, 2015. (3) Proof of Publication of Notice of Public Hearing, executed on October 9, 2015, submitted by the City Clerk.

Director of Planning, Building and Code Enforcement Harry Freitas responded to questions from Council Member Magdalena Carrasco.

Mayor Sam Liccardo opened the Public Hearing.

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

Action: Upon motion by Council Member Magdalena Carrasco, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77615, entitled: "A Resolution of the Council of the City of San José Approving, Subject to Conditions, A Conditional Use Permit and Granting a Determination of Public Convenience or Necessity To Allow the Off-Sale of a Full Range of Alcoholic Beverages at a Grocery Store of Approximately 39,000 Square Feet, On A 3.87 Gross Acre Site Located at the Southwest Corner of Story Road and South White Road (3002 Story Road)", was adopted. (11-0.)

- 11.4 (a) Adoption of a resolution approving the 1191-1195 De Anza Boulevard Retail Project Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program (Project File No. C15006).
- (b) Consideration of an ordinance rezoning the real property located on the west side of South De Anza Boulevard, approximately 120 feet west of the intersection of South De Anza Boulevard and Rainbow Drive from the A(PD) Planned Development Zoning District to the Commercial Pedestrian (CP) Zoning District on a 0.13 gross acre site (Vigagold Inc., Owner).
- Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)
- C15-006 – District 1

Note: Item 11. 4 was renumbered to 11.1(a). See Item 11.1(a) for Action.

- 11.5 (a) Adopt a resolution approving the 1707 Ringwood Avenue Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program.
- (b) Consideration of an ordinance rezoning the real property located at 1707 Ringwood Avenue from the A Agricultural Zoning District to the A(PD) Planned Development Zoning District to allow four residential units (two attached units and two detached units) on an approximately 0.29 gross acre site (JWC Investments, Inc., Owner).
- (Planning, Building and Code Enforcement)
- PDC14-038 – District 4

Action: Deferred to January 26, 2016 Per Administration.

- 11.6 Consideration of an ordinance rezoning four properties located on the northwest corner of West San Carlos and Delmas Avenue (267 and 279 Delmas Avenue and 405 West San Carlos Street) from LI Light Industrial to the DC Downtown Primary Commercial Zoning District on an approximately 0.47 gross acre site (San Carlos Parts LLC, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), and addenda thereto, including Addendum File No. C15-042. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)
- C15-042 – District 3

Note: Item 11.6 was renumbered to 11.1(b). See Item 11.1(b) for Action.

- 11.7 Consideration of adoption of a resolution approving a Conditional Use Permit to allow the late-night use until 2:00 a.m. at a drinking establishment (for more than 250 people) on a 0.05 gross acre site, located at 65 Post Street (Joel Wyrick, Owner). CEQA: Exempt, Guidelines Section 15301, Existing Facilities. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)
- CP15-051 – District 3

11.7 (Cont'd.)

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated November 17, 2015, transmitting the Planning Commission recommendation. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP15-051 dated October 13, 2015. (3) Proof of Publication of Notice of Public Hearing, executed on October 23, 2015, submitted by the City Clerk.

Mayor Sam Liccardo opened the Public Hearing.

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

Planning, Building and Code Enforcement Division Manager Sylvia Do responded to Council questions and concerns.

Action: Upon motion by Council Member Raul Peralez, seconded by Mayor Sam Liccardo and carried unanimously, Resolution No. 77616, entitled: "A Resolution of the Council of the City of San José Granting, Subject to Conditions, A Conditional Use Permit to Allow a Drinking Establishment With More than 250 People With Late Night Use Until 2:00 a.m. on a 0.05 Gross Acre Site, Located on the Northeasterly Corner of Post Street and Lightson Alley (65 Post Street), was adopted. (11-0.)

- 11.8 (a) **Consider the Addendum to the North San José Development Policies Update Environmental Impact Report and adopt a related Mitigation Monitoring and Reporting Program for the Oakland Road Self-Storage Project (Files No. PDC15-017).**
- (b) **Consideration of an ordinance rezoning the real property located at 1785 Oakland Road from the A(PD) Planned Development Zoning District to the IP(PD) Planned Development Zoning District to allow uses of the IP Industrial Park Zoning District and miniwarehouse/ministorage uses on an approximately 1.25 gross acre site (Union Carbide Industrial Gases Inc., Owner).**

Planning Commission recommends approval (6-0-1) (Bit-Badal absent). (Planning, Building and Code Enforcement)

PDC15-017 – District 4

Documents Filed: (1) Memorandum from Council Member Tam Nguyen, dated December 4, 2015, recommending approval of the Staff recommendations. (2) Memorandum from Planning Commission Secretary Harry Freitas, dated November 23, 2015, transmitting the Planning Commission recommendation. (3) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP15-017 dated November 10, 2015. (4) Mitigation Monitoring and Reporting Program dated November 2015 pertaining to the Oakland Road Self Storage. (5) Proof of Publication of Notice of Public Hearing, executed on October 30, 2015, submitted by the City Clerk.

11.8 (Cont'd.)

Mayor Sam Liccardo opened the Public Hearing.

Public Comments: Erik Schoennauer, representing Hudson Industrial Equities, Inc., the Applicant, spoke to the merits of the project.

Mayor Sam Liccardo closed the Public Hearing.

Director of Planning, Building and Code Enforcement Harry Freitas responded to questions from Council.

Action: Upon motion by Council Member Manh Nguyen, seconded by Council Member Chappie Jones and carried unanimously, the Addendum to the North San José Development Policies Update Environmental Impact Report and adopt a related Mitigation Monitoring and Reporting Program for the Oakland Road Self-Storage Project was approved. The memorandum from Council Member Manh Nguyen, dated December 4, 2015, was approved, and Ordinance No. 29670, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.25 Gross Acres Situated on the West Side of Oakland Road Approximately 325 Feet Northwesterly of McKay Drive, From the A(PD) Planned Development Zoning District to the IP(PD) Industrial Park Zoning District (1785 Oakland Road), was passed for publication. (11-0.)

- 11.9 (a) **Adopt a resolution approving the Rocketship Public Charter Elementary School Project Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program (File Nos. SP15-027 and C15-020).**
- (b) **Consideration of an ordinance rezoning the real property located at the southwest corner of Senter Road and East Capitol Expressway at 3167 Senter Road from the CP Commercial Pedestrian Zoning District to the PQP Public/Quasi-Public Zoning District for consideration of education land uses on a 1.58 gross acre site (Arnold Perez, Owner).**

Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. (Planning, Building and Code Enforcement) C15-020 – District 7

Documents Filed: (1) Memorandum from Mayor Sam Liccardo and Council Member Tam Nguyen, dated December 4, 2015, recommending acceptance of the Staff recommendations with the modification as described in “Action”. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C15-020 dated November 17, 2015. (3) Proof of Publication of Notice of Public Hearing, executed on November 20, 2015, submitted by the City Clerk.

Director of Planning, Building and Code Enforcement Harry Freitas presented a brief Staff Report.

11.9 (Cont'd.)

Mayor Sam Liccardo opened the Public Hearing.

Erik Schoennauer, Representing Rocketship Education, the Applicant, pointed that the Council decision is approval for a zoning change and a Special Use Permit.

Public Comments: The-Vu Nguyen expressed support to the Staff recommendations.

Mayor Sam Liccardo closed the Public Hearing.

Motion: Council Member Tam Nguyen moved approval of the memorandum he cosigned with Mayor Sam Liccardo, dated December 4, 2015 as described in “Action” below. Mayor Sam Liccardo seconded the motion.

Mayor Sam Liccardo provided meeting disclosures.

Council Member Donald Rocha expressed reservations about the project.

Action: On a call for the question, the motion carried, the memorandum from Mayor Sam Liccardo and Council Member Tam Nguyen, dated December 4, 2015, recommending acceptance of the Staff recommendation to approve the Conventional Conforming Rezoning with the following modification, was approved; and that the applicant be conditioned during the Special Use Permit process to contribute \$100,000 towards mitigation of traffic impacts in the vicinity of the development. Resolution No. 77611, entitled: “A Resolution of the Council of the City of San José Adopting the 3167 Senter Road Rezoning Mitigated Negative Declaration, For Which An Initial Study Was Prepared, All In Accordance With the California Environmental Quality Act, As Amended, and Adopting a Related Mitigation Monitoring or Reporting Program”, was adopted and Ordinance No. 29667, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.58 Gross Acres, Situated on the Southwest Corner of Senter Road and East Capitol Expressway (3167 Senter Road) from the CP Commercial Pedestrian Zoning District to PQP Public/Quasi-Public Zoning District”, was passed for publication. (10-1. Noes: Rocha.)

11.10 Recommendation: Consideration of an ordinance to rezone from IP Industrial Park to LI Light Industrial Zoning District on a 4.48 gross acre site, located on the north of Silver Creek Valley Road, approximately 210 feet north of Hellyer Avenue at 5880 Hellyer Avenue (AgKey, LLC, Owner).

CEQA: Edenvale East General Plan Amendment and Rezoning Project Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission (5-0-2) (Yob and Pham absent) recommend approval. (Planning, Building and Code Enforcement)

C15-011 – District 2

Item 11.10 was heard jointly with Item 10.2.

11.10 (Cont'd.)

Documents Filed: See Item 10.2.

Action: Upon motion by Council Member Ash Kalra, seconded by Vice Mayor Rose Herrera and carried unanimously, Ordinance No. 29665, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 4.84 Acres, Located on the North Side of Silver Creek Valley Road Approximately 210 Feet North of Hellyer Avenue (5880 Hellyer Avenue) from the IP Industrial Park Zoning District to the LI Light Industrial Zoning District" was passed for publication. (11-0.)

- 11.11 (a) Consideration of an ordinance rezoning the real property located at the northwest corner of North 10th Street and East Taylor Street from A(PD) Planned Development Zoning District to CIC(PD) Planned Development Zoning District to allow up to 403 residential units and up to 5,000 square foot of retail space, the uses of the CIC Combined Industrial Commercial Zoning District (with mini storage per applicant). (Libitzky Holdings, LP, Owner).**

PDC15-001 – District 3

- (b) Consideration of a resolution to approve a Master Planned Development Permit to allow construction of up to 403 residential units and up to 5,000 square foot of retail space, the uses of the CIC Combined Industrial Commercial Zoning District, the demolition of three existing industrial buildings, and the removal of seven ordinance sized trees on an 11.43 gross acre site located on the northwest corner of North 10th Street and East Taylor Street. (Libitzky Holdings, LP, Owner). If Council approves the rezoning ordinance in subsection (b), continue the Planned Development Permit for approval on the same date as the final adoption of the rezoning ordinance in accordance with Title 20 of the Municipal Code.**

CEQA: Cannery Park/Hanover Project Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission (5-1-1) (Bit-Badal opposed, Ballard absent) recommend approval. (Planning, Building and Code Enforcement)

PD15-004 – District 3

Item 11.11 was heard jointly with Item 10.3.

Note: Item 11.11(b) was continued to December 15, 2015.

Documents Filed: See Item 10.3.

11.11 (Cont'd.)

Action: Upon motion by Council Member Raul Peralez, seconded by Vice Mayor Rose Herrera and carried unanimously, Ordinance No. 29666, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 11.4 Gross Acres Situated on the Northwest Corner of North 10th Street and East Taylor Street (357-395 East Taylor Street and 401-775 North Tenth Street) from the A(PD) Planned Development Zoning District to the CIC(PD) Planned Development Zoning District", was passed for publication. Item 11.11(b) was continued to December 15, 2015 for adoption. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.4 **Accept the staff report on a plan to explore a pilot sanctioned encampment in San José.**

CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City actions. (Housing)

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated December 7, 2015, providing an analysis for Sanctioned Tent Camping for the Homeless. (2) Memorandum from Director of Housing Jacky Morales-Ferrand, dated December 4, 2015, regarding pilot sanctioned encampment considerations. (3) Supplemental memorandum from Director of Housing Jacky Morales-Ferrand, dated December 7, 2015, responding to the direction from Council to explore a pilot sanctioned encampment in San José.

Director of Housing Jacky Morales-Ferrand presented the report on a plan to explore Pilot Sanctioned Encampment in San José.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing support to the Pilot Sanctioned Encampment were Phil Olmstead, Robert Aguirre, Ron Johnson, Andrew Lanier, Casa De Clara; Matthew Reed, Sacred Heart Community Service; Anthony T. King, Victor Lecha III, South Bay Social Justice; Sandy Perry, Affordable Housing Network; Ramon Johnson, Sheryl Clifford, Maren Bick-Maurischat, Jolene Jones, Phil Mastrocola, Housing For All Alliance; Farris Johnson, Stuart Hayden, Grace Baptist Church; Andrea Rodriguez, Brian Rodriguez, David Bick-Maurischat, Shaunn Cartwright, Brian Darby, Alesia Kim Johnson-Grandy, Katie Martin, Joanie Santos and Mike Ziemer.

4.4 (Cont'd.)

Director of Housing Jacky Morales-Ferrand, Homelessness Response Team Manager Ray Bramson, Division Manager Michael Brilliot and Supervising Planner, Ordinance and Policy Team Jenny Nusbaum responded to Council questions and concerns.

Motion: Council Member Johnny Khamis moved approval of the Staff recommendations. Vice Mayor Rose Herrera seconded the motion.

Extensive Council discussion ensued.

Substitute Motion: Council Member Donald Rocha moved to continue this item for discussion next week, preferably at the end of the Agenda. Council Member Chappie Jones seconded the motion.

City Attorney Richard Doyle requested to amend the substitute motion and clarified that item be placed on the Agenda and to recommend direction to Staff to explore sanctioned encampments. The amendment was accepted by Council Member Donald Rocha and Council Member Chappie Jones.

Mayor Sam Liccardo recommended that Staff should not do any more work on this project and suggested that if the County does not participate the item will return next week.

Council Member Johnny Khamis declared that he was not in favor of a sanctioned encampment.

Action: On a call for the question, the motion carried, the Staff Report on a plan to explore a pilot sanctioned encampment in San José was accepted. Staff was directed to report back via information memorandum on Monday, December 14, 2015, whether or not the County has allowed the City to include language regarding sanctioned encampments in San José. (9-2. Noes: Khamis, Oliverio.)

OPEN FORUM

- (1) James McDonald voiced his own personal issues.

Mayor Sam Liccardo asked the City Manager to speak with Mr. McDonald after the Council Meeting.

- (2) Blair Beekman provided his input regarding homeless sanctioned encampments.
- (3) Brian Darby expressed concerns about the mobilehome parks, particularly the one on Williams and Winchester.

ADJOURNMENT

The Council of the City of San José was adjourned at 12:31 a.m.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC
City Clerk

smd/12-08-15 MIN

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