



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MAY 17, 2016

The Council of the City of San José convened in Regular Session at 1:32 p.m. in the Council Chambers at City Hall.

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

Absent: Councilmembers - All Present.

CLOSED SESSION

Closed Session was canceled per Administration.

INVOCATION

Pastor Jason Reynolds, Emmanuel Baptist Church, provided the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance joined by students from Sakamoto Elementary School.

ORDERS OF THE DAY

Upon motion by Councilmember Rose Herrera, seconded by Council Member Chappie Jones and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 5.1 deferred to June 14, 2016. (10-0-1. Absent: T. Nguyen.)

CEREMONIAL ITEMS

1.1 Presentation of a proclamation recognizing the week of May 15 - 21, 2016 as “National Public Works Week” in the City of San José. (Public Works/M. Nguyen)

Mayor Sam Liccardo and Councilmember Manh Nguyen recognized the week of May 15 - 21, 2016 as “National Public Works Week” in the City of San José.

1.5 Presentation of a proclamation recognizing the week of May 13-20, 2016 as “Affordable Housing Week” in the City of San José. (Rocha)

Mayor Sam Liccardo and Councilmember Donald Rocha recognized the week of May 13-20, 2016 as “Affordable Housing Week” in the City of San José.

1.6 Presentation of a commendation to Viet Thanh Nguyen, the winner of the 2016 Pulitzer Prize for Fiction and San José native. (M. Nguyen)

Mayor Sam Liccardo and Councilmembers Manh Nguyen and Tam Nguyen honored Viet Thanh Nguyen, the winner of the 2016 Pulitzer Prize for Fiction.

CONSENT CALENDAR

Upon motion by Councilmember Rose Herrera, seconded by Councilmember Johnny Khamis and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: T. Nguyen.)

2.1 Approval of minutes:

- (a) **Regular Minutes of February 2, 2016.**
 - (b) **Study Session Minutes of February 8, 2016 on the San José Regional Wastewater Facility Capital Improvement Program.**
 - (c) **Regular Minutes of February 9, 2016.**
 - (d) **Study Session Minutes of February 16, 2016 on Civic Innovation in Smart Cities and Big Data Analytics.**
 - (e) **Regular Minutes of February 23, 2016.**
- CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.**

Documents Filed: (1) Regular Minutes of February 2, 9 and February 23, 2016. (2) Study Session Minutes of February 8, 2016 on the San José Regional Wastewater Facility Capital Improvement Program. (3) Study Session Minutes of February 16, 2016 on Civic Innovation in Smart Cities and Big Data Analytics.

Action: The Council Minutes were approved. (10-0-1. Absent: T. Nguyen.)

2.2 Final Adoption of Ordinances.

- (a) **ORD. NO. 29730** – An ordinance of the City of San José adding Part 8 to Chapter 17.23 of Title 17 of the San José Municipal Code to provide an interim reduction in certain rent increases and pause in filings for pass through petitions. CEQA: Exempt, Section 15061(b)(3), No potential for causing a significant effect on the environment, File No. PP16-051.

Action: Ordinance No. 29730 was adopted. (10-0-1. Absent: T. Nguyen.)

2.3 Approval of Council Committee Minutes.

- (a) **Rules and Open Government Committee Minutes of April 20, 2016. (Mayor)**
(b) **Community and Economic Development Committee Minutes of April 25, 2016. (Khamis)**

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

Documents Filed: (1) Rules and Open Government Committee Minutes dated April 20, 2016. (2) Community and Economic Development Committee Minutes of April 25, 2016.

Action: The Council Committee Minutes were approved. (10-0-1. Absent: T. Nguyen.)

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

Documents Filed: Memorandum from Councilmember Raul Peralez providing an information memorandum regarding his Dublin, Ireland Sister Cities visit.

Vice Mayor Rose Herrera offered a presentation on the USA/Ireland Sister Cities Summit “Independence & Interdependence, San José – Dublin, Celebrating 30 Years”, and she and Councilmembers Raul Peralez and Magdalena Carrasco offered highlights and reflections on their Sister Cities trip to Dublin.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Approve the First Amendment to Turnkey Parkland Agreement with Essex Portfolio, L.P. for Tentative Map PT08-046, to extend the date of parkland dedication from Certificate of Occupancy for the 692nd unit to the earlier approval of park construction plans or two years from the effective date of this amendment. CEQA: Addendum to North San José Development Policies Update Final EIR, File No. PDC06-067. Council District 4. (Parks, Recreation and Neighborhood Services)

Documents Filed: City Council Action Request from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated May 17, 2016, recommending approval of a First Amendment.

2.7 (Cont'd.)

Action: A First Amendment to Turnkey Parkland Agreement with Essex Portfolio, L.P. for Tentative Map PT08-046, to extend the date of parkland dedication from Certificate of Occupancy for the 692nd unit to the earlier approval of park construction plans or two years from the effective date of this amendment, was approved. (10-0-1. Absent: T. Nguyen.)

2.8 Approve the proposed Fiscal Year 2015/16 – 2020/21 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program and the Fiscal Year 2014-2015 Rule 20B (In-Lieu Fee) Undergrounding Master Plan. CEQA: Not a Project, File No. PP10-069(a), Staff Report that involves no approvals of any City Actions. (Public Works)

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 6, 2016, recommending approval of a Work Plan.

Action: The proposed Fiscal Year 2015/16 – 2020/21 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program and the Fiscal Year 2014-2015 Rule 20B (In-Lieu Fee) Undergrounding Master Plan was approved. (10-0-1. Absent: T. Nguyen.)

2.9 Adopt a resolution:

- (a) Authorizing the City Manager or designee to submit a request to the Metropolitan Transportation Commission (MTC) for the allocation of Fiscal Year 2016-17 Transportation Development Act, Article 3 (TDA3) State grant funding in the amount of \$790,288 for bicycle and pedestrian projects;**
- (b) Making the certifications and assurances required under the grant program as explained in the memorandum to Council; and**
- (c) Authorizing the City Manager or designee to accept TDA3 grant funding awarded from MTC and to negotiate and execute any grant documents to effectuate the grant.**

Documents Filed: (1) Memorandum from Director of Transportation, Jim Orbal, dated May 4, 2016, recommending adoption of a resolution. (2) Letter from Blair Beekman, dated May 16, 2016, regarding bicycle improvements.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 77741, entitled: "A Resolution of the Council of the City of San José (1) Authorizing the City Manager or Designee to Submit a Request to the Metropolitan Transportation Commission (MTC) for the Allocation of Fiscal Year 2016-2017 Transportation Development Act, Article 3 (TDA3) State Grant Funding in the Amount of \$790,288 for Citywide Bicycle and Pedestrian Projects; (2) Making the Certifications and Assurances Required Under the Grant Program; and (3) Authorizing the City Manager or Designee to Accept any Grant Funding Awarded from MTC and to Negotiate and Execute Any Grant Documents Necessary to Effectuate the Grant", was adopted. (11-0.)

- 2.10 (a) **Report on re-bid and award of contract for the 6955 - Penitencia Creek Trail Reach 1B Rebid Project to the low bidder, Wattis Construction Co., Inc. for the base bid of \$1,027,755 and approval of a ten percent contingency in the amount of \$102,776.**
- (b) **Adopt the following 2015-2016 Appropriation Ordinance Amendment in the Subdivision Park Trust Fund:**
- (1) **Increase the TRAIL: Penitencia Creek Reach 1B (Noble to Dorel Drive) Appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$54,000; and**
 - (2) **Decrease the Future PDO/PIO Projects Reserve by \$54,000.**

CEQA: Addendum to the Penitencia Creek Trail Reach 1 Master Plan Mitigated Negative Declaration, File No. PP13-031. Council District: 4. (Public Works/Parks, Recreation & Neighborhood Services/City Manager's Office)

Documents Filed: (1) Memorandum from Director of Public Works Barry Ng and Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated May 5, 2016, providing a report on a re-bid project. (2) Supplemental joint memorandum from Director of Public Works Barry Ng, Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Budget Director Jennifer A. Maguire, dated May 11, 2016, providing additional information after opening bids.

Action: The report on re-bid and award of contract for the 6955 - Penitencia Creek Trail Reach 1B Rebid Project to the low bidder, Wattis Construction Co., Inc. for the base bid of \$1,027,755, with related contingencies, was approved; and Ordinance No. 29731, entitled "An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the Subdivision Park Trust Fund for the Trail: Penitencia Creek Reach 1B (Noble Avenue to Dorel Drive); and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).

No update provided. Councilmember Pierluigi Oliverio requested an informational memorandum from the City Manager's Office/Intergovernmental Relations regarding the status of legislation before Governor Brown which may affect local land use issues regarding land use by right.

3.4 Accept the report on Welcoming San José Immigrant Integration Plan. CEQA: Not a Project, File No. PP10-069(a), Staff Report that involves no approvals of any City Actions. (City Manager)

Documents Filed: Memorandum from City Manager Norberto Dueñas, dated May 6, 2016, recommending acceptance of the Welcoming San José Immigrant Integration Plan.

City Manager Norberto Dueñas provided opening comments, and Deputy City Manager Julie Edmonds-Mares offered a presentation. Assistant to the City Manager, Zulma Maciel provided comments, and Maria Love, representing the Office of Immigrant Relations, County of Santa Clara; Sarah Rubin, Institute for Local Government; Jorge Escobar, City College, and Wendy Ho, Silicon Valley Council of Non-Profits, all provided goals of the program. Staff responded to questions from Council.

Motion: Councilmember Ash Kalra moved approval of the plan as recommended by staff. Councilmember Magdalena Carrasco seconded the motion.

Councilmember Raul Peralez requested an amendment to the motion, directing staff to provide a status report in the March timeframe and provide a report in the Fall defining focus areas. Councilmembers Kalra and Carrasco accepted the amendment to the motion.

San José Police Captain Tony Mata offered input regarding ICE and discussed relations with the immigrant community.

Councilmember Johnny Khamis offered that he could not support the motion on the floor.

Public Comments: Offering support to the Plan, were Salvador Villalobos, Eunice Hernandez, Soledad Tellez, Lia Hernandez, Flor Tello and Anali Mendoza, representing Sacred Heart Community Service.

Action: On a call for the question, the motion carried, and the report on Welcoming San José Immigrant Integration Plan was accepted, with staff directed to follow up in the Fall by identifying primary actions to demonstrate a measurable process and impact, best use of resources, and to provide a status report in the March timeframe in regard to funding. (9-2. Noes: Khamis, Oliverio.)

3.5 Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Infor Public Sector, Inc. (Rancho Cordova, CA) for the purchase of software for a hosted Enterprise Asset Management System (EAM) for the Parks, Recreation, and Neighborhood Services (PRNS) Department, including implementation, migration, testing, training, support, maintenance, and other related professional services for an initial three-year term commencing on or about June 1, 2016 and ending on or about May 31, 2019, with a maximum compensation not-to-exceed \$464,408 for the initial three-year term, subject to the appropriation of funds;**
- (b) Execute change orders to cover any additional requirements or to purchase additional subscriptions at the same contract prices during the initial term, including related incremental hosting and support services for a not-to-exceed contingency amount of \$50,000, subject to the appropriation of funds;**
- (c) Execute five one-year options to extend the term of the Agreement to provide ongoing software subscription, hosting, technical support services, and to purchase additional subscriptions as required after the initial three-year term, subject to the annual appropriation of funds; and**
- (d) Negotiate and execute additional agreements for the purchase of a hosted EAM for the Environmental Services (Municipal Water) and Aviation Departments, subject to the same terms and conditions as the Agreement for the PRNS Department, for an initial three year term, with a combined maximum compensation not to exceed \$700,000 and execute five one-year options to extend the term of the agreements, subject to the appropriation of funds.**

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for professional services that involve no changes to the physical environment. (Finance)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated May 6, 2016, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Chappie Jones and carried unanimously, Resolution No. 77742, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Negotiate and Execute an Agreement with Infor Public Sector, Inc. for the Purchase of Software for a Hosted Enterprise Asset Management System for the Parks, Recreation, and Neighborhood Services Department; (2) Execute Change Orders to Cover Any Additional Requirements or to Purchase Additional Subscriptions; (3) Execute Up to Five One-Year Options to Extend the Term; and (4) Negotiate and Execute Additional Agreements for the Purchase of a Hosted EAM for the Environmental Services (Municipal Water) and Aviation Departments, All Subject to the Appropriation of Funds", was adopted. (9-0-2. Absent: M. Nguyen, Rocha.)

3.6 As recommended by the Rules and Open Government Committee on May 4, 2016, adopt a resolution:

- (a) Banning non-essential city travel and business within the states of North Carolina and Mississippi;**
- (b) Prohibiting the use of City funds in travel to North Carolina and Mississippi for attendance of conventions, meetings, or other events there; and**
- (c) To the extent practicable, and in instances where there is no conflict with law, to refrain from entering into any new or amended City contracts to purchase goods or services from any company that is headquartered in North Carolina and Mississippi.**

Such measures would remain in effect until a legislative or judicial change to overturn existing discriminatory policies on sexual orientation is passed.

CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities. (T. Nguyen/Kalra/Carrasco)

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, and Councilmembers Ash Kalra, Magdalena Carrasco and Tam Nguyen, dated May 13, 2016, recommending approval of a resolution. (2) Memorandum from City Clerk Toni J. Taber, dated May 5, 2016, transmitting the recommendations of the Rules and Open Government Committee. (3) Supplemental memorandum from City Manager Norberto Dueñas, dated May 13, 2016, providing information on business relationships with companies in North Carolina and Mississippi.

Motion: Vice Mayor Rose Herrera moved approval of the recommendations as outlined in the memorandum she coauthored with Mayor Sam Liccardo and Councilmembers Tam Nguyen, Ash Kalra and Magdalena Carrasco. The motion was seconded by Councilmember Tam Nguyen.

Council Member Pierluigi Oliverio offered that he consistently refrains from voting on items not within the purview of the City government, and therefore cannot support the motion on the floor.

Councilmember Johnny Khamis indicated that he does not feel this item falls within the purview of City government, but will, nonetheless, offer his support.

Vice Mayor Rose Herrera requested an amendment to the motion on the floor, recommending removal of the words “and business” from the recommendation. Councilmember Tam Nguyen approved the amendment.

Action: On a call for the question, the motion carried, and Resolution No. 77743, entitled: “A Resolution of the Council of the City of San José Prohibiting All Non-Essential City Travel to the States of North Carolina and Mississippi”, was adopted, including the joint memorandum from Councilmembers Tam Nguyen, Ash Kalra and Magdalena Carrasco, dated April 27, 2016, as amended under item #1 “Bring forward a resolution to ban all non-essential city travel ~~and business~~ within the states of North Carolina and Mississippi.” (9-1-1. Noes: Oliverio. Absent: T. Nguyen.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 As recommended by the Rules and Open Government Committee on April 6, 2016, accept the staff report regarding the scope, workload assessment and budget for the potential establishment of a Business Development Commission (BDC). CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions. (Economic Development)**

Documents Filed: (1) Joint memorandum from Councilmembers Chappie Jones, Johnny Khamis, Manh Nguyen, Ash Kalra and Don Rocha, dated May 13, 2016, recommending acceptance of the staff report with direction. (2) Memorandum from City Clerk Toni J. Taber, dated April 21, 2016, transmitting the recommendations of the Rules and Open Government Committee. (3) Letter from Helen Wang, dated May 17, 2016, offering support.

Deputy City Manager/Director of Economic Development Kim Walesh provided a presentation on the workload assessment and responded to questions from the Council.

Public Comments: Offering comments and support regarding establishment of a Business Development Commission, were: Reginald Swilley and Walter Wilson, Minority Business Consortium; Wilbur Jackson, Silicon Valley Black Chamber of Commerce; and Dennis King, Hispanic Chamber of Commerce.

Motion: Councilmember Chappie Jones moved approval of the staff report, including direction as outlined below in "Action". The motion was seconded by Councilmember Ash Kalra.

Action: On a call for the question, the motion carried unanimously, and the staff report was accepted, with the Office of Economic Development directed to return with recommendations for a body aligned with a task force format, participant managed and driven by members of the business community, which would have direct reporting to the City, and setting their own agenda with marginal support from the City; thereby giving more ownership to the community. Recommendations would then be reported out to the Community & Economic Development Committee (CED) before returning to Council for consideration. (11-0.)

- 4.2 As recommended by the Community and Economic Development Committee on April 25, 2016, accept the staff report on the Development Services Process Improvement Workplan and Development Services Staffing. 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) Joint memorandum from Mayor Sam Liccardo, and Councilmembers Jones, Khamis and Peralez, dated May 13, 2016, recommending acceptance of the staff report with recommendations. (2) Letter from Diana Castillo, Law Foundation of Silicon Valley, dated May 2, 2016, urging adoption of the proposed ordinance.

4.2 (Cont'd.)

Director of Planning, Building and Code Enforcement Harry Freitas provided an introduction, and Andy Belknap and Steve Toler from Management Partners provided a presentation.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, the staff's report on the Development Services Process Improvement Workplan and Development Services Staffing was accepted, including the joint memorandum from Mayor Sam Liccardo, and Councilmembers Jones, Khamis and Peralez, dated May 13, 2016, directing staff to deliver the following to Council in conjunction with the final report from Management Partners: (1) Report to Council through the budget process regarding the additional resources needed to implement a well-developed "change management" program, specifically to address training needs and implementation of new business processes, and empowering line staff to build and execute on a culture of continuous improvement; (2) Develop a revised set of performance metrics to accompany the implementation plan that will become a daily/weekly/monthly tool for managers to celebrate success, capture process improvements, address weaknesses, and incentivize department staff to break down silos between them. In addition, develop a base-line "performance dashboard" by most common project and permit types that Council, senior management, and the public can use to track progress towards process improvement goals; (3) Report to Council through the budget process on additional staff needed to implement a plan for code reform that will support the streamlining of current processes – e.g., by eliminating unnecessary permit requirements, eliminating hearing requirements where routinely not desired by the public, and reconciling conflicting mandates to reduce fees and liberate capacity for staff to work on more impactful projects; (4) Address additional questions during the Council hearing (as outlined in the May 13, 2016 memorandum noted above). (11-0.)

- 4.3
- (a) **Adopt a resolution authorizing the City Manager to negotiate and execute a Parking Improvement Agreement with San José Arena Management, LLC for the construction and operation of two parking lots.**
 - (b) **Direct staff to continue efforts to provide both short term and long term parking solutions near the SAP Center and the Greater Downtown.**
 - (c) **Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Purpose Parking Fund:**
 - (1) **Establish the Arena Area Parking Development appropriation in the amount of \$750,000; and**
 - (2) **Decrease the Unrestricted Ending Fund Balance by \$750,000**
- CEQA: Exempt, Section 15301(c), Existing Facilities, File No. PP16-054. (Economic Development)**

Action: Deferred to May 24, 2016 per Administration.

NEIGHBORHOOD SERVICES

- 5.1 As recommended by the Neighborhood Services & Education Committee on March 10, 2016:
- (a) Accept the report regarding Reducing Economic Barriers to Library Access; and
 - (b) Adopt a resolution to authorize the Library Director, in partnership with the Director of Finance, to implement one-time and ongoing programs that eliminate outstanding Library cardholder debt, provided that certain conditions are met, including:
 - (1) A one-month fee Amnesty for patrons who return items in “billed” status, to be implemented in 2016;
 - (2) Programs that allow patrons to have their Library cardholder debt reduced or eliminated when they replace “billed” items, volunteer on behalf of the Library, or participate in designated reading activities; and
 - (3) A one-time per patron forgiveness of overdue fines for patrons who register for the 2016 Summer Reading Challenge.

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

Action: Deferred to June 14, 2016 per Orders of the Day.

- 5.2 Adopt a resolution authorizing Parks, Recreation and Neighborhood Services to suspend parking fees at Alum Rock Park as a temporary pilot program. **CEQA: Not a Project, File No. PP10-067(a), Adjustment to Rates, Tolls, Fares and Charges. Council District 5. (Parks, Recreation and Neighborhood Services)**

Action: Deferred to May 24, 2016 per Administration.

- 5.3 (a) Report on re-bid and award of contract for the 6955 - Penitencia Creek Trail Reach 1B Rebid Project to the low bidder, Wattis Construction Co., Inc. for the base bid of \$1,027,755 and approval of a ten percent contingency in the amount of \$102,776.
- (b) Adopt the following 2015-2016 Appropriation Ordinance Amendment in the Subdivision Park Trust Fund:
- (1) Increase the TRAIL: Penitencia Creek Reach 1B (Noble to Dorel Drive) Appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$54,000; and
 - (2) Decrease the Future PDO/PIO Projects Reserve by \$54,000.

CEQA: Addendum to the Penitencia Creek Trail Reach 1 Master Plan Mitigated Negative Declaration, File No. PP13-031. Council District: 4. (Public Works/Parks, Recreation & Neighborhood Services/City Manager's Office)

Note: Renumbered to Item 2.10. See Item 2.10 for action.

REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Successor Agency Board adopt resolutions to:

- (a) Approve the Administrative Budget for July 1, 2016 through June 30, 2017;
- (b) Approve the Recognized Obligation Payment Schedule 16-17 and authorize payment of expenditures for items on ROPS 16-17, which details the obligations of the Successor Agency for the period of July 1, 2016 through June 30, 2017.

CEQA: Not a Project, File No. PP10-067, Non-project specific funding mechanism. (Successor Agency)

Documents Filed: Joint memorandum from Director of Finance Julia H. Cooper and Successor to the Redevelopment Agency Managing Director Richard A. Keit, dated May 5, 2016, recommending adoption of resolutions.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Johnny Khamis and carried unanimously, Successor Agency Resolution No. 7049, entitled: “A Resolution of the Successor Agency to the Redevelopment Agency of City of San José Approving the Administrative Budget for July 1, 2016 through June 30, 2017; and Successor Agency Resolution No. 7050, entitled: “A Resolution of the Successor Agency to the Redevelopment Agency of City of San José Approving the Recognized Obligation Payment Schedule 16-17 and Authorizing Payment of Expenditures for Items on ROPS 16-17, Which Details the Obligations of the Successor Agency for the Period of July 1, 2016 Through June 30, 2017”, were adopted. (11-0.)

9.2 Successor Agency Board adopt a resolution:

- (a) **Authorizing the execution and delivery, in substantially final form, of a Second Amendment to the Amended and Restated Reimbursement Agreement ("Second Amendment") with JPMorgan Chase Bank, NA ("JPMorgan") to extend the terms of the letters of credit (the "Letters of Credit") relating to the (1) Redevelopment Agency of the City of San José Merged Area Redevelopment Project Revenue Bonds, 1996 Series A and 1996 Series B and (2) Redevelopment Agency of the City of San José Merged Area Redevelopment Project Revenue Bonds, 2003 Series A and 2003 Series B and making other changes relating to the release of liens held by JPMorgan and the County of Santa Clara on Successor Agency owned properties and to secure payment of the Letters of Credit;**
- (b) **Authorizing the execution and delivery, in substantially final form, of an Amended and Restated Fee Letter regarding fees and charges for the Letters of Credit provided by JPMorgan under the Reimbursement Agreement in the amount of 2.10% of the aggregate outstanding face amounts of the Letters of Credit, assuming that two of the three ratings assigned by Moody's, Standard & Poor's, or Fitch on the senior lien Redevelopment Agency of the City of San José Merged Area Redevelopment Project Tax Allocation Bonds are not withdrawn suspended or otherwise become unavailable;**

- 9.2 (c) **Authorizing the Executive Officer, Chief Financial Officer of the Successor Agency, or their designee, to take any actions and execute the Second Amendment and the Fee Letter and any other documents necessary to complete this transaction; and**
- (d) **Authorizing the Executive Officer, Chief Financial Officer of the Successor Agency, or their designee, to take any actions and execute any and all documents necessary to extend and amend the Agreements at expiration, provided the fees and charges for the Letters of Credit provided by JPMorgan are equivalent to the Fee Agreement (2.10%) or better.**

CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts. (Successor Agency)

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, dated May 5, 2016, recommending adoption of a resolution. (2) Statement and Declaration of Conflict of Interest Form from Council Member Liccardo, dated May 17, 2016, disclosing ownership of J.P. Morgan stock.

Council Member Liccardo recused himself from participating in the Council discussion and action due to a conflict of interest.

Public Comments: Bill Baron, representing Brandenburg Family Foundation, and John McMillan, representing the San José Fire Museum, offered appreciation.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Raul Peralez and carried unanimously, Successor Agency Resolution No. 7051, entitled: "A Resolution of the Successor Agency to the Redevelopment Agency of City of San José Authorizing the Execution and Delivery, in Substantially Final Form, of a Second Amendment to the Amended and Restated Reimbursement Agreement and an Amended and Restated Fee Letter with JPMorgan Chase Bank, N.A.; Authorizing These Actions and Other Related Actions in Order to Provide for the Delivery of Extensions to Existing Credit Facilities for Four Series of Merged Area Redevelopment Project Revenue Bonds and Making Other Changes Related to the Release of Liens Held by JPMorgan and The County of Santa Clara on Successor Agency Owned Properties; and Authorizing the Executive Officer, Chief Financial Officer of the Successor Agency, or Their Designee, to Take Any Actions and to Execute the Second Amendment and the Fee Letter and Any Other Documents Necessary to Complete This Transaction and as Necessary to Extend and Amend the Agreements Upon the Expiration Thereof", was adopted. (9-0-1-1. Absent: M. Nguyen. Abstain: Liccardo.)

- 9.3 **Successor Agency Board approve the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller, and MVP San José 88 Garage, LLC, as buyer, to allow for the sale of the public parking garage located at 88 East San Fernando Street for a purchase price of \$3,575,500. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Successor Agency)**

9.3 (Cont'd.)

Documents Filed: (1) Memorandum from Successor to the Redevelopment Agency Managing Director Richard A. Keit, dated May 5, 2016, recommending approval of a Purchase and Sale Agreement. (2) Letter from Natalie Mattei, Albertson's Company, dated May 13, 2016, requesting a continuance of this item. (3) Letter from Dan Huberty, MVP Realty Advisors, dated May 16, 2016, regarding negotiation of a favorable validation program.

Public Comment: Erik Schoennauer, representing the Applicant, requested that staff establish a meeting with the buyer to encourage a mutually agreeable validation program.

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

Action: Upon motion by Councilmember Ash Kalra, seconded by Vice Mayor Rose Herrera and carried unanimously, the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller, and MVP San José 88 Garage, LLC, as buyer, to allow for the sale of the public parking garage located at 88 East San Fernando Street for a purchase price of \$3,575,500, was approved. (10-0-1. Absent: M. Nguyen.)

OPEN FORUM

Robert Lindo representing Casino M8trix offered that increased fees on the cardroom are unjustified and questioned the validity of the Impact Analysis Report.

ADJOURNMENT

Mayor Sam Liccardo adjourned the afternoon Council Meeting session at 6:56 p.m.

RECESS/RECONVENE

The City Council recessed at 6:56 p.m. from the afternoon Council Session and reconvened at 7:18 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.)

CONSENT CALENDAR

1.2 Presentation of a proclamation declaring May as Lupus Awareness Month in the City of San José. (Mayor)

Mayor Sam Liccardo proclaimed May as Lupus Awareness Month in the City of San José.

1.3 Presentation of a proclamation recognizing May as “Building Safety Month” in the City of San José. (Planning, Building and Code Enforcement/Khamis)

Mayor Sam Liccardo, Councilmember Johnny Khamis and Director of Planning, Building and Code Enforcement, Harry Freitas recognized May as “Building Safety Month” in the City of San José.

1.4 Presentation of a commendation to Jocelyn Woods, the Boys and Girls Club of Silicon Valley’s 2016 Youth of the Year. (Herrera)

Mayor Sam Liccardo and Vice Mayor Rose Herrera commended Jocelyn Woods, the Boys and Girls Club of Silicon Valley’s 2016 Youth of the Year, a title that embodies leadership service, academic excellence, and healthy lifestyle and exemplifies the critical impact that Boys and Girls Clubs of Silicon Valley have on the lives of young people.

STRATEGIC SUPPORT SERVICES

3.3 Conduct a Public Hearing on the City’s Proposed Operating and Capital Budgets for the Fiscal Year 2016-2017, the Proposed Five-Year Capital Improvement Program for 2017-2021, and the Proposed Fees and Charges Report for the Fiscal Year 2016-2017. CEQA: Not Project, File No. PP10-069(a), Reports that involve no approval of City Actions. (City Manager)

Documents Filed: (1) Proposed 2016-2017 Operation Budget; (2) Proposed 2016-2017 Capital Budget/2017-2021 Capital Improvement Program; (3) Proposed 2016-2017 Fees and Charges.

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

Action: No action required.

PUBLIC HEARINGS ON CONSENT CALENDAR

- 11.1 (a) Consideration of an ordinance rezoning the real property located on the northeasterly corner of West Julian Street and North Montgomery Street (549 West Julian Street) from the HI Heavy Industrial Zoning District to the TEC Transit Employment Center Zoning District on a 0.11 gross acre site (Angelo Segrato, Owner). Director of Planning, Building and Code Enforcement recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final EIR, (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)
C15-045 – Council District 3
- (b) Consideration of an ordinance rezoning the real property located on the northwest corner of North 1st Street and Highway 880 (1231 and 1233 North 1st Street) from the CO Commercial Office and R-2 Two-Family Residence Zoning Districts to the CP Commercial Pedestrian Zoning District on a 0.47 gross acre site. Director of Planning, Building and Code Enforcement recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution 76041). (Planning, Building and Code Enforcement)
C16-004 – Council District 3
- (c) Consideration of an ordinance rezoning the real property located on the south side of W. Julian Street, approximately 130 feet west of Stockton Avenue (706 West Julian Street) from the LI Light Industrial Zoning District to the CG Commercial General Zoning District on a 0.2 gross acre site (Imwalle Properties, LLC, Owner). Director of Planning, Building and Code Enforcement recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 general Plan (Resolution No. 76041). (Planning, Building and Code Enforcement)
C16-008 – Council District 6
- (d) Consideration of an ordinance rezoning the real property located on the south side of Umbarger Road, approximately 400 feet east of Aiello Drive (210 Umbarger Road) from the IP Industrial Zoning District to the LI Light Industrial Zoning District on a 2.41 gross acre site (Lola D Nielsen Trust, Owner). Director of Planning, Building and Code Enforcement recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)
C16-009 – Council District 7.
- (e) Consideration of an ordinance rezoning the real property located on the southwest side of Camden Avenue, approximately 350 feet northwest of Bascom Avenue (2272 Camden Avenue) from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District on a 0.28 gross acre site. Director of Planning, Building and Code Enforcement recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No 76041). (Planning, Building and Code Enforcement) (C15-066 – District 9)

11.1 (Cont'd.)

- (f) **Consideration of an ordinance rezoning the real property located at the northwesterly corner of Los Gatos – Almaden Road and Warwick Road (14861 Los Gatos – Almaden Road) from the R-1-2 Single-Family Residence Zoning District to the R-1-5 Single-Family Residence Zoning District, on a 0.49 gross acre site, for the purpose of allowing front, side, and rear yard setbacks for the subject property that are consistent with the existing setbacks in the surrounding neighborhood (Saeed Onbirbak, Owner). Director of Planning, Building and Code Enforcement recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)**
C16-010 – Council District 9

Documents Filed: (1) Six reports of the Staff of the Department of Planning, Building and Code Enforcement on Project File Numbers C15-045, C16-004, C16-008, C16-009, C15-066 and C16-010, each dated April 25, 2016. (2) Six Proof of Publication of Notices of Public Hearings, each executed on April 22, 2016, submitted by the City Clerk.

Public Comments: Mayor Sam Liccardo opened the public hearing. 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 Councilmember Raul Peralez and carried unanimously, Ordinance No. 29732, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.11 Acre Situated on the Northeastly Corner of West Julian Street and North Montgomery Street (549 West Julian Street) from the HI Heavy Industrial Zoning District to the TEC Transit Employment Center Zoning District”; Ordinance No. 29733, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.47 Acre Located on the Northwest Corner of North 1st Street and Interstate 880 (1231 & 1233 North 1st Street), from the CO Commercial Office and R-2 Two Family Residence Zoning Districts to the CP Commercial Pedestrian Zoning District”; Ordinance No. 29734, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.2 Acre, Situated on Approximately 130 Feet West Of the Intersection Of Julian Street and Stockton Avenue on the South Side of West Julian Street (706 West Julian Street), from the LI Light Industrial Zoning District to the CG Commercial General Zoning District; Ordinance No. 29735, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2.41 Acres, Situated on the South Side of Umbarger Road, Approximately 400 Feet East of Aiello Drive (210 Umbarger Road), from the IP Industrial Park Zoning District to the LI Light Industrial Zoning District”; Ordinance No. 29736, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.28 Acre, Located on the Southwest Side of Camden Avenue, Approximately 350 Feet Northwest of Bascom Avenue (2272 Camden Avenue), From the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning

11.1 (Cont'd.)

District”; and Ordinance No. 29737, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.49 Gross Acre, Situated on the Northwesterly Corner of Los Gatos-Almaden Road and Warwick Road (14861 Los Gatos-Almaden Road), from the R-1-2 Single-Family Residence Zoning District to the R-1-5 Single-Family Residence Zoning District”, were passed for publication. (10-0-1. Absent: Kalra.)

END OF CONSENT CALENDAR

- 11.2 (a) **Adopt a resolution adopting the Delmas Mixed-Use Development Project Addendum to the San José Water Land Company Planned Development Rezoning Final Environmental Impact Report, the Downtown Strategy 2000 Final Program Environmental Impact Report, and the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Environmental Impact Report, all in accordance with CEQA, as amended, and adopting a revised Mitigation Monitoring and Reporting Program (MMRP).**
- (b) **Adopt a resolution by 2/3 majority making certain findings required by California Public Utilities Code Section 21676 that Proposed Planned Development Rezoning Application File No. PDC15-051 (374 West Santa Clara Street) is consistent with the purposes set forth in California Public Utilities Code Section 21670 and overruling the Santa Clara County Airport Land Use Commission’s (ALUC) determination that the proposed project is inconsistent with the ALUC noise and height policies as defined by the Comprehensive Land Use Plan for the San José International Airport (CLUP). *Please note: Approval of this item requires 8 or more affirmative votes (2/3).***
- (c) **Consideration of an ordinance rezoning the real property located on the southwest corner of West Santa Clara Street and Delmas Avenue (374 West Santa Clara Street) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow a mixed use development with up to 1.04 million square feet for office/commercial space and up to 325 multi-family attached residences on a 8.93 gross acre site (Trammell Crow Company, Owner).**

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, and Councilmembers Raul Peralez and Pierluigi Oliverio, dated May 13, 2016, offering approval of staff recommendations with modifications. (2) Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated May 5, 2016, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC15-051 and PD15-061, and the Planning Commission recommendation. (3) Supplemental memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated May 16, 2016, providing recommendations provided by the Historic Landmarks Commission. (4) Letter and email correspondence from the Sierra Club and Santa Clara Valley Audubon Society, Sierra Club and 34 members of the public, citing impact to the migratory birds nesting adjacent to creek corridors.

11.2 (Cont'd.)

Mayor Sam Liccardo opened the public hearing.

Public Comments: Don Little, representing the Applicant, Trammell Crow; Scott Knies (Downtown Association), Laura Drock, Dustin Johnson and Genaro Diaz offered support to the project. Expressing environmental concerns and recommendations regarding detouring traffic during construction, were Kathy Sutherland, Calso Sandler, Shani Kleinhaus (Audubon Society), Jeanne Salander, Laura Tolkof (SPUR), and Prabha Venn.

Mayor Sam Liccardo closed the public hearing.

Director of Planning, Building and Code Enforcement Harry Freitas provided a presentation. Council discussion followed, and staff highlighted bird protection and detour issues during construction. A letter from Silicon Valley Law Group dated May 17, 2016 was read into the record.

Action: Upon motion by Councilmember Raul Peralez, seconded by Council Member Pierluigi Oliverio and carried unanimously, Resolution No. 77744, entitled: "A Resolution of the Council of the City of San José Adopting the Delmas Mixed-Use Development Project Addendum to the San José Water Land Company Planned Development Rezoning Final Environmental Impact Report, the Downtown Strategy 2000 Final Program Environmental Impact Report, and the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Environmental Impact Report, all in Accordance with the California Environmental Quality Acts, As Amended, and Adopting a Revised Mitigation Monitoring and Reporting Program"; and Resolution No. 77745 entitled: "A Resolution of the Council of the City of San José Making Certain Findings Required by California Public Utilities Code Section 21676 That Proposed Planned Development Rezoning Application File No. PDC15-051 (402 West Santa Clara Street) is Consistent with the Purposes Set Forth in California Public Utilities Code Section 21670 and Overruling the Santa Clara County Airport Land Use Commission's (ALUC) Determination that the Proposed Project is Inconsistent with the ALUC Noise and Height Policies as Defined by the "Comprehensive Land Use Plan for San José International Airport", were adopted, and Ordinance No. 29738, entitled "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 8.93 Gross Acres Situated on the Southwest and Southeast Corner of West Santa Clara and Delmas Avenue (374 West Santa Clara Street, et. al.), from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District", was passed for publication, including the memorandum from Mayor Sam Liccardo, Councilmember Raul Peralez and Councilmember Pierluigi Oliverio, dated May 13, 2016, approving recommendations as outlined in the May 5, 2016 staff report, with modifications to: (1) Accept the Applicant's offer to voluntarily: (a) Change balcony rails to a high quality, non-reflective material facing Los Gatos Creek; (b) Fund a two-year study to monitor bird collisions relating to the project. The City will determine the appropriate level of study and approve the consultant. Results of the study should be shared with the Administration and Audubon Society and brought to the City Council to aid future decision making and policy analysis. (c) Consider expanding the 50-foot riparian setback along Los Gatos Creek, if feasible, at

11.2 (Cont'd.)

the discretion of the Applicant. (2) Encourage the Applicant to continue to communicate with representatives of the: (a) Valley Transportation Authority, on the future design of the BART tunnel; (b) SAP Center and Silicon Valley Sports & Entertainment, on the impacts of the sequence of preconstruction and construction activities on parking, and on potential prospects of shared parking for Arena events; (c) Guadalupe River Park Conservancy, on opportunities to enhance the trail and/or open spaces in the vicinity of the proposed development; and, (d) Neighborhood associations, in the area adjacent to the development project on the timelines of construction activities. (11-0.)

- (d) **Adopt a resolution approving the Planned Development Permit to allow the construction of a mixed use development with up to 1.04 million square feet for office/commercial space and up to 325 multi-family attached residences on an 8.93 gross acre site located at the southeast and southwest corner of West Santa Clara Street and Delmas Avenue (374 & 402 West Santa Clara Street; 415 West San Fernando Street; 15, 35, 45, 55, 63, & 99 Delmas Avenue).**

CEQA: Addendum to the San José Water Land Company Planned Development Rezoning Final EIR (Resolution No. 71952) the Downtown Strategy 2000 Final Program EIR (Resolution No. 72767), and the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

PDC15-051 & PD15-061 – Council District 3

Note: Item 11.2(d), Adoption of Resolution No. 77746 was continued to May 24, 2016.

- 11.3 (a) **Adopt a resolution approving the Araujo Street Subdivision 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.**
- (b) **Consideration of an ordinance rezoning the real property located on the west side of Araujo Street approximately 300 feet southerly of the intersection of Townsend Park Circle and Araujo Street (1560 Oakland Road and 0 Araujo Street) from the A Agricultural Zoning District to a RM(PD) Planned Development Zoning District to allow 9 single-family detached residences (Villa Developers, LLC, Owner).**
- (c) **Adopt a resolution approving a Vesting Tentative Map to subdivided one parcel into nine parcels for residential uses and one lot for common uses.**
- (d) **Adopt a resolution approving a Planned Development Permit to allow the construction of nine single-family detached residences.**

Planning Commission recommends approval (7-0-0). CEQA: Araujo Street Subdivision Mitigated Negative Declaration. (Planning, Building and Code Enforcement)

PDC14-058, PD14-047, & PT14-047 – Council District 4

Action: Deferred to June 14, 2016 per Administration.

- 11.4 (a) **Adopt a resolution approving the Scotia Apartments 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.**
- (b) **Consideration of an ordinance rezoning the real property located on the west side of Almaden Road, approximately 410 feet south of Willow Glen Way (1777-1797 Almaden Road) from the R-M Multiple Residence Zoning District and the R-1-5 Single-Family Zoning District to the R-M(PD) Planned Development Zoning District to allow for up to 55 multi-family residential units (Royal Willow, LLC, Owner).**
- (c) **Adopt a resolution approving a Planned Development Permit to allow the demolition of eight existing residences totaling approximately 8,000 square feet, the removal of 12 ordinance-sized trees, and the construction of 55 multi-family residential units.**

**Planning Commission recommends approval (7-0-0). CEQA: Scotia Apartments, 1777 & 1797 Almaden Road Mitigated Negative Declaration.
PDC15-023 & PD16-001 – Council District 6**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated April 26, 2016, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC15-023 and PD16-001 and transmitting the Planning Commission recommendation. (2) Proof of Publication of Notice of Public Hearing, executed on March 25, 2016, submitted by the City Clerk. (3) Letter from CEO, Silicon Sage Builders, Sanjeev Acharya, dated April 13, 2016, offering support.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Tim Henderson, representing the Applicant, Cypress Group, and Amanda Montez, Silicon Valley Leadership Group, expressed support to the project. Patti Tallerico, owner of property adjacent to this project, expressed opposition.

Staff addressed Ms. Tallerico's concerns.

Mayor Sam Liccardo closed the public hearing.

Motion: Vice Mayor Rose Herrera moved approval of the staff recommendations. The motion was seconded by Council Member Pierluigi Oliverio.

Council Member Pierluigi Oliverio requested an amendment to the motion regarding traffic calming measures as outlined in "Action". Vice Mayor Rose Herrera agreed to the amendment to the motion.

Action: On a call for the question, the motion carried unanimously, and Ordinance No. 29739, entitled "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.99 Gross Acre Situated on the West Side of Almaden Road, Approximately 410 Feet South of Willow Glen Way (1777-1797 Almaden Road) from the

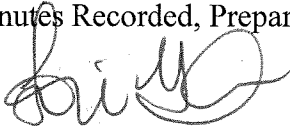
11.4 (Cont'd.)

R-M Multiple Residence and R-1-5 Single-Family Residence Zoning Districts to the R-M(PD) Planned Development Zoning District”, was passed for publication; Resolution No. 77747, entitled: “A Resolution of the Council of the City of San José Adopting the Scotia Apartments (1777-1797 Almaden Road) Planned Development 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 Related Mitigation Monitoring and Reporting Program”; and Resolution No. 77748, entitled: “A Resolution of the Council of the City of San José Approving a Planned Development Permit, Subject to Conditions, To Allow Demolition of 8 Single-Family Residences Totaling Approximately 8,000 Square Feet, the Removal of 12 Ordinance-Size Trees, and the Construction of Up to 55 Multi-Family Residential Units on an Approximately 0.99-Acre Site, Located on the West Side of Almaden Road, Approximately 410 Feet South of Willow Glen Way (1777-1797 Almaden Road)”; were adopted, including direction to staff to address traffic calming measures geared towards two radar speed signs, one on Willow Glen Way and one on Almaden Road. (11-0.)

ADJOURNMENT

The Council of the City of San José adjourned at 9:12 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC
City Clerk

rmk/05-17-16 MIN