

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, FEBRUARY 24, 2015

The Council of the City of San José convened in Regular Session at 9:05 a.m. in the Council Chambers at City Hall.

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

Absent: Council Members - All Present.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Jon Max Reger voiced comments on labor negotiations.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:06 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9 Subsection (d)(1) with respect to initiation of litigation in one (1) matter. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) In re: Claim of Meyers; Amount of Money or Other Relief Sought: Administrative Appeal. (2) Gonzales v. City of San José, et al; Names of Parties Involved: Mary Lou Gonzales, City of San José, as a municipal corporation, SJPD Detective Yvonne Delacruz in her official and individual capacity, SJPD Sgt. Archer, in his official and individual capacity, SJPD Homicide Detective Jamie (last name San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-969-M; Amount of Money or Other Relief Sought: Damages According to Proof. unknown) in his individual and official capacity, SJPD Officers Doe 1 to Doe 7 in their individual

CLOSED SESSION (Cont'd.)

and official capacities, SJPD Officers and Detectives and Employees Doe 8-50 in their individual and official capacities; Court: United States District Court, Northern District of California; Case No: 13-CV-00695-BLF (PSG); Amount of Money or Other Relief Sought: Damages according to proof. (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-969-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 Employees, et al. v. City; Names of Parties Involved: American Federation of State, County and Municipal Employees, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof. (6) American Federation of State, County and Municipal Employees, et al. v. City; Names of Parties Involved: American Federation of State, County and Municipal Employees, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-972-M; Amount of Money or Other Relief Sought: Damages According to Proof. (7) 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. (8) San José Police Officers' Association v. City, et al; Names of Parties Involved: San José Police Officers' Association, City of San José, Board of Administration for Police and Fire Department Retirement Plan of City of San José and Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225926; Amount of Money or Other Relief Sought: Declaratory and injunctive relief. (9) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (10) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (12) Mukhar, et al. v. City of San José, et al;

CLOSED SESSION (Cont'd.)

Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574; Amount of Money or Other Relief Sought: Challenge to Measure B. (13) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (C) to confer with Real Property Designated Representatives pursuant to Government Code Section 54956.8: (1) Property: San José Arena, 525 Santa Clara Street, San José, California. Negotiating Parties: Nanci Klein, Jim Shannon, Bill Hughes, Patricia Deignan for City of San José and Jim Goddard, Sean Morely, Lucy LoFrumento for San José Arena Management; Under Negotiation: The direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on comparable rental values. (2) Property: 88 East San Fernando Street, San José, California; Negotiation Parties: Jim Ortbal and Laura Wells for City of San José and Richard Keit for the Successor Agency to the Redevelopment Agency of the City of San José; Under Negotiation: The direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on comparable property values. (D) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Designee Jennifer Schembri; Interim 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:

CLOSED SESSION (Cont'd.)

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.

(E) to confer with Legal Council pertaining to Successor Agency to the Redevelopment Agency of the City of San José concerning initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code in one (1) matter.

By unanimous consent, Council recessed from the Closed Session at 11:07 a.m. and reconvened to Regular Session at 1:37 p.m. in the Council Chambers.

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

Absent: Council Members - All Present.

INVOCATION

Shamako Noble, Hip Hop Artist, organizer and author offered the Invocation. (District 2)

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 Chappie Jones and carried unanimously, The Orders of the Day and the Amended Agenda were approved. (11-0.)

CONSENT CALENDAR

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

2.1 Approval of Minutes.

There were none.

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 29531** – Rezoning certain real property of approximately 2.37 acres situated on the North Side of Thornwood Drive, east of Winfield Boulevard at 5340 and 5406 Thornwood Drive from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District. CEQA. Re-Use of Envision San José 2040 General Plan FEIR (Reso. No. 76041) Planning, Building, and Code Enforcement file number C14-066

Documents Filed: Proof of Publication of the Title of Ordinance No. 29531 executed on February 6, 2015, submitted by the City Clerk.

Action: Ordinance No. 29531 was adopted. (11-0.)

- (b) **ORD. NO. 29532** – Amending Section 10.32.010 of Chapter 10.32 Of Title 10 of the San José Municipal Code, to allow persons with a duly issued and approved wild pig depredation permits from the California Department Of Fish And Wildlife to discharge a firearm within the limits of the city under specified circumstances. CEQA. File no. PP13-103 - Use of the Santa Clara Valley Habitat Plan EIR for an urgency ordinance for the control of the wild pig population.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29532 executed on February 13, 2015, submitted by the City Clerk.

Council Members Kalra, Matthews and Rocha registered a no vote.

Action: Upon motion by Council Member Johnny Khamis, seconded by Council Member Pierluigi Oliverio and carried, Ordinance No. 29532 was adopted. (8-3. Noes: Kalra, Matthews, Rocha.)

2.3 Approval of Council Committee Reports.

- (a) **Community and Economic Development Committee Report of January 26, 2015. (Khamis)**
- (b) **Rules and Open Government Committee Report of January 28, 2015. (Mayor)**
- (c) **Transportation and Environment Committee Report of February 2, 2015. (Kalra)**
- (d) **Rules and Open Government Committee Report of February 4, 2015. (Mayor)**

2.3 (Cont'd.)

Documents Filed: (1) The Community and Economic Development Committee Report dated January 26, 2015. (2) The Rules and Open Government Committee Reports dated January 28, 2015 and February 4, 2015. (3) The Transportation and Environment Committee Report dated February 2, 2015.

Public Comments: David Wall presented comments on the Sanitary Flow Rate Study.

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

- 2.4 (a) **Request for an excused absence for Council Member Rocha from the Regular Meeting of the City Council on February 10, 2015 due to a family emergency. (Rocha)**
- (b) **Request for an excused absence for Council Member Carrasco from the Regular Meeting of the City Council on February 10, 2015 due to illness. (Carrasco)**
- (c) **Request for an excused absence for Council Member Carrasco from the Regular Meeting of the Rules and Open Government Committee and Committee as a Whole on February 11, 2015. (Carrasco)**
- (d) **Request for an excused absence for Council Member Carrasco from the Regular Meeting of Neighborhood Services and Education Committee on February 12, 2015. (Carrasco)**

Documents Filed: (1) Memorandum from Council Member Donald Rocha, dated February 10, 2015, requesting an excused absence due to a family emergency. (2) Memoranda from Council Member Magdalena Carrasco, all three dated February 12, 2015, requesting excused absences due to illness.

Action: The absences for Council Member Donald Rocha and Council Member Magdalena Carrasco were excused. (11-0.)

2.5 City Council Travel Reports.

Vice Mayor Rose Herrera presented highlights from her two recent trips representing the City of San José at the League of California Cities.

2.6 Report from the Council Liaison to the Retirement Boards.

Council Member Johnny Khamis provided a brief report on the Police and Fire and Federated Retirement Boards.

- 2.7 Approve the following Board and Commission appointments:**
- (a) Council Appointment Advisory Commission (CAAC):**
 - (1) Citywide: Appoint Omar Teutle to a term expiring 12/31/18.**
 - (2) District 8: Appoint Denise Belisle to a term expiring 12/31/18.**
 - (3) District 10: Appoint Joey Morley to a term expiring 12/31/18.**
 - (b) Housing and Community Development Commission:**
 - (1) District 4: Appoint Victoria Johnson to a term expiring 6/30/15, and appoint to a consecutive term expiring 6/30/19.**
 - (2) Mobilehome Resident Representative: Appoint Davlyn Jones to a term expiring 12/31/18 as nominated by the Council Appointment Advisory Commission Subcommittee.**
 - (c) Human Services Commission:**
 - (1) District 4: Appoint Shailesh Dubale to a term expiring 12/31/18.**
 - (2) District 8: Appoint Saeed Chaudhary to a term expiring 12/31/18.**
 - (d) Youth Commission:**
 - (1) District 6: Appoint Spencer Day to a term expiring 5/31/16.**
- (City Clerk)**

Documents Filed: (1) Memorandum from Council Member Margie Matthews, dated February 24, 2015, recommending the appointment of Victoria Johnson to Housing and Community Development Commission (HCDC) to complete the term expiring June 30, 2015 and to the following term expiring June 30, 2019. (2) Memorandum from Council Member Chappie Jones, dated February 24, 2015, recommending adjusting Victoria Johnson's term to expire on June 30, 2015 and not appoint her to a consecutive term. (3) Memorandum from City Clerk Toni J. Taber, CMC, dated February 12, 2015, recommending the Board and Commission appointments as described above. (4) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated February 18, 2015, transmitting the name of an additional nomination to the Human Services Commission.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Gail Osmer expressed support to the candidates that are recommended to the Housing and Community Development Commission and the Mobilehome Advisory Committees. David Wall voiced opposition to the appointment to Housing and Community Development Commission.

Motion: Council Member Margie Matthews moved approval of her memorandum dated February 24, 2015, recommending the appointment of Victoria Johnson to Housing and Community Development Commission (HCDC) to complete the term expiring June 30, 2015 and to the following term expiring June 30, 2019 and the Staff recommendations. Vice Mayor Rose Herrera seconded the motion.

Council Member Chappie Jones explained that he did not consider this to be a transparent, fair and balanced process and did not want to lose the trust of the public in terms of how these appointments take place.

2.7 (Cont'd.)

Substitute Motion: Council Member Chappie Jones moved approval of his memorandum dated February 24, 2015, recommending adjusting Victoria Johnson's term to expire on June 30, 2015 and not appoint her to a consecutive term to the HCDC, and the Staff recommendations. Council Member Johnny Khamis seconded the motion.

Extensive Council discussion ensued.

City Attorney Richard Doyle pointed out that there is a Council Commission Interaction Policy and clarified that the appointment has been properly proposed. He added that that Staff can bring the policy back for Council to revisit this issue via a Rules and Open Government Committee referral process.

Mayor Sam Liccardo appreciated the concerns that Council Member Chappie Jones has expressed about the process, however the Council relies on Staff from time to time to make decisions and to provide assistance and background information.

Vice Mayor Rose Herrera and Council Members Kalra, Oliverio and Peralez expressed opposition to the substitute motion.

On a call for the question, the substitute motion failed. (2-9. Noes: Carrasco, Herrera, Kalra, Matthews, Nguyen, Oliverio, Peralez, Rocha; Liccardo.)

Action: On a call for the question, the original motion carried, the memorandum from Council Member Margie Matthews, dated February 24, 2015, was approved, accepting the Staff recommendations. (10-1. Noes: Jones.)

2.8 **As recommended by the Parks, Recreation and Neighborhood Services and Parks and Recreation Commission, name the tennis courts located at Backesto Park as the Don Johnson Tennis Courts. Council District 3. CEQA: Not a Project, File No. PP10-068(c), Code or policy change that involves no changes in the physical environment. (City Clerk)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo and Council Member Raul Peralez, dated February 20, 2015, recommending acceptance of the Staff recommendations with additional direction to install appropriate signage signifying the naming of the courts to the "Don Johnson Tennis Courts". (2) Memorandum from City Clerk Toni J. Taber, CMC, dated February 10, 2015, recommending naming the tennis courts located at Backesto Park as the Don Johnson Tennis Courts.

Motion: Council Member Raul Peralez moved approval of the memorandum he cosigned with Mayor Sam Liccardo, dated February 20, 2015, recommending acceptance of the Staff recommendations with additional direction to install appropriate signage signifying the naming of the courts to the "Don Johnson Tennis Courts". Vice Mayor Rose Herrera seconded the motion.

2.8 (Cont'd.)

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Cynthia Johnson thanked the Mayor and Council Members for the consideration of this memorial, and presented brief comments about her husband Don Johnson and his thirty five years of community service. Darrell Cortez, Evelyn Robinson and Silvia Dueñas-Bielser expressed support to the Staff recommendations.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Sam Liccardo and Council Member Raul Peralez, dated February 20, 2015, was approved, accepting the Staff recommendations. Staff was directed to install appropriate signage signifying the naming of the courts to the “Don Johnson Tennis Courts”. (11-0.)

2.9 **As recommended by Parks, Recreation and Neighborhood Services and the Parks and Recreation Commission, name the future park located at 80 Montecito Vista Drive Elaine Richardson Park. Council District 7. CEQA: Not a Project, File No. PP10-068(c), Code or policy change that involves no changes in the physical environment. (City Clerk)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated February 10, 2015, transmitting the recommendations of the Parks, Recreation and Neighborhood Services and the Parks and Recreation Commission.

Action: The future park located at 80 Montecito Vista Drive was named the “Elaine Richardson Park”. (11-0.)

2.10 **As recommended by Parks, Recreation and Neighborhood Services and the Parks and Recreation Commission, name the future park located at the Southeasterly Corner of River Oaks Parkway and Seely Avenue Iris Chang Park. Council District 4. CEQA: Not a Project, File No. PP10-068(c), Code or policy change that involves no changes in the physical environment. (City Clerk)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated February 24, 2015, transmitting the recommendations of the Parks, Recreation and Neighborhood Services and the Parks and Recreation Commission.

Mayor Sam Liccardo emphasized that Iris Chang was a historian, a Chinese American writer, a human rights activist, she published three books and was featured in countless radio, television and print media for courageously speaking out and fighting for justice on behalf of the voiceless victims who perished in Asia during World War II.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Ms. Ying considered it a great honor for the park to be name the “Iris Chang Park”.

2.10 (Cont'd.)

Action: Upon motion by Council Member Margie Matthews, seconded by Council Member Pierluigi Oliverio and carried unanimously, the future park located at the Southeasterly Corner of River Oaks Parkway and Seely Avenue was named the “Iris Chang Park”. (11-0.)

2.11 As recommended by Parks, Recreation and Neighborhood Services and the Parks and Recreation Commission, name the new park located at 1633 Old Oakland Road Orchard Park. Council District 3. CEQA: Not a Project, File No. PP10-068(c), Code or policy change that involves no changes in the physical environment. (City Clerk)

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated February 10, 2015, transmitting the recommendations of the Parks, Recreation and Neighborhood Services and the Parks and Recreation Commission.

Action: The new park located at 1633 Old Oakland Road was named “Orchard Park”. (11-0.)

2.12 Adopt a resolution authorizing the City Manager to:

- (a) Execute the Fourth Amendment to the Agreement for Document Printing, Mailing, E-Presentment, E-Payment and Remittance Services with Kubra America West, Inc., a wholly owned subsidiary of Kubra Data Transfer Ltd, “Kubra” (Ontario, Canada), to extend services for one additional twelve month period for the term July 1, 2015 through June 30, 2016 for a not to exceed amount of \$359,000.**
- (b) Execute one additional one-year option to extend the Agreement through June 30, 2017, subject to the appropriation of funds.**
- (c) Increase the authorization of the Director of Finance to execute change orders from the original authorized amount of \$100,000 to \$200,000, subject to the appropriation of funds, for Kubra to assist the City with the transition from the existing legacy systems to the new systems, and for any end of contract data transfer that may be required.**

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

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, dated February 2, 2015, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Finance Julia H. Cooper, dated February 18, 2015, adding a third recommendations authorizing an additional amount for change orders.

Action: Resolution No. 77287, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Fourth Amendment to the Agreement for Document Printing, Mailing, E-Presentment, E-Payment and Remittance Services with Kubra America West, Inc. to Extend Services for an Additional Twelve Month Period for the Term of July 1, 2015 through June 30, 2016 for a Not To Exceed Amount of \$359,000”, was adopted. (11-0.)

2.13 As recommended by the Rules and Open Government Committee on February 11, 2015:

(a) Approve the Balermينو Park Grand Opening Ceremony scheduled on March 7, 2015 as a City Council sponsored Special event and approve the expenditure of funds.

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP10-066(e). (Nguyen)

[Rules Committee referral 2/11/15 – Item G(1)(a)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated February 12, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Balermينو Park Grand Opening Ceremony 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.)

2.14 (a) Adopt a resolution adopting the Mitigated Negative Declaration for the Coyote Creek Trail (Story Road to Phelan Avenue) Project as complete and prepared in compliance with the California Environmental Quality Act and reflecting the City’s independent judgment and analysis, and adopting the related Mitigation Monitoring and Reporting Program for the Project.

(b) Approve the Coyote Creek Trail Story Road to Phelan Avenue Project plans. CEQA: Mitigated Negative Declaration. Council District 7. (Parks, Recreation and Neighborhood Services)

Documents Filed: City Council Action Request from Interim Director of Parks, Recreation and Neighborhood Services Angel Rios, dated February 12, 2015, recommending adoption of a resolution and approval of the project plans.

Action: Resolution No. 77288, entitled: “A Resolution of the Council of the City of San José Adopting the Coyote Creek Trail Story Road to Phelan Avenue 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 adopted and the Coyote Creek Trail Story Road to Phelan Avenue Project plans were approved. (11-0.)

2.15 (a) Adopt a resolution authorizing the City Manager to execute an Agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative, to accept the 2014 Urban Areas Security Initiative grant allocation in the amount of \$1,000,000, and to negotiate and execute additional amendments and related documents without further Council action.

- 2.15 (b) Adopt the following 2014 -2015 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:**
- (1) Establish a City-Wide Expenses appropriation to the Police Department for the Urban Areas Security Initiative Grant - Police 2014 in the amount of \$575,000.**
 - (2) Establish a City-Wide Expenses appropriation to the Fire Department for the Urban Areas Security Initiative Grant - Fire 2014 in the amount of \$365,000.**
 - (3) Increase the estimate for Revenue from the Federal Government by \$940,000.**

CEQA: Not a Project, File No. PP10-066(g), Memorandum of Understanding. (Police/ Fire/City Manager)

Documents Filed: Memorandum from Chief of Police Larry Esquivel, Interim Fire Chief Curtis Jacobson and Deputy City Manager/Budget Director Jennifer A. Maguire, dated February 5, 2015, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Action: Resolution No. 77289, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Agreement with the City and County of San Francisco, Acting as Fiscal Agent for the Bay Area Urban Areas Security Initiative (UASI), To Accept the Federal Fiscal Year 2014 UASI Grant Allocation in the Amount of \$1,000,000 and to Negotiate and Execute Additional Amendments and Related Documents Without Further Council Action”, Ordinance No. 29536, entitled: An Ordinance of the City of San José Amending Ordinance No. 29431 To Appropriate Monies in the General Fund for the Urban Areas Security Initiative Grant 2014; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77290, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 77037 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2014-2015 To Adjust Revenues in the General Fund”, were adopted. (11-0.)

2.16 As recommended by the Rules and Open Government Committee on February 18, 2015:

- (a) Approve the Jewish American Heritage month Flag Raising and Reception scheduled on Tuesday, May 12, 2015 as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.**

CEQA: Not a Project, File No. PP10-066(e). (Herrera)

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated February 19, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Jewish American Heritage month Flag Raising and Reception scheduled on Tuesday, May 12, 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.)

STRATEGIC SUPPORT SERVICES

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

Interim City Manager Norberto Dueñas shared a short video produced by the City welcoming new employees to our organization.

3.5 As recommended by the Rules and Open Government Committee on February 4, 2015, direct the City Attorney to draft an ordinance to bring forward to the Retirement Boards that will:

- (a) Require that the retirement boards, when setting their annual contributions rates, ensure that the Annual Required Contribution Rates do not apply credits for negative unfunded liabilities which occur when the plans exceed 100% funded status.
- (b) Require that the City fully pay the Annual Required Contribution Rates without accepting credits applied for negative unfunded liabilities when the plan exceed 100% funded status.

(Mayor)

[Rules Committee referral 2/4/15 – Item G(2)]

Action: Item 3.5 was dropped.

NEIGHBORHOOD SERVICES

- 5.1 (a) Adopt a resolution authorizing the City Manager or his designee to:
 - (1) Negotiate and execute a Purchase and Sale Agreement with Barry Swenson Builder/Green Valley Corporation with assumption of lease agreement, which includes demolition of structures and environmental remediation on 3.99 acres of real property approximately located at 830 Auzerais Street, Assessor Parcel Numbers: 264-11-107 and 264-11-108, in the amount of \$9,000,000, as part of the future expansion of Del Monte Park.
 - (2) Negotiate and execute all other documents and take such further actions as are necessary to complete the transaction.
- (b) Adopt the following 2014-2015 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
 - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for Del Monte Land Acquisition in the amount of \$6,380,000.
 - (2) Decrease the Future PDO/PIO Projects Reserve appropriation by \$6,380,000.

CEQA: Ohlone Mixed-Use Final Program EIR, File No. PP14-091. Council District 6. (Parks, Recreation and Neighborhood Services/Economic Development/ City Manager)

5.1 (Cont'd.)

Documents Filed: Memorandum from Interim Director of Parks, Recreation and Neighborhood Services Angel Rios, Deputy City Manager/Budget Director Jennifer A. Maguire and Deputy City Manager/Director of Economic Development Kim Walesh, dated February 2, 2015, recommending adoption of a resolution and appropriation ordinance amendments.

Mayor Sam Liccardo and Vice Mayor Rose Herrera congratulated and thanked the Staff and Council Member Pierluigi Oliverio for their hard work and efforts on this project.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77291, entitled: “A Resolution of the Council of the City of San José Authorizing the City manager or His Designee to Negotiate and Execute a Purchase and Sale Agreement Between the City and Barry Swenson Builder/Green Valley Corporation for 3.99 Acres of Real Property As Part of the Future Expansion of Del Monte Park” and Ordinance No. 29537, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the Subdivision Park Trust Fund for the Del Monte Park Land Acquisition; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (11-0.)

TRANSPORTATION & AVIATION SERVICES

6.1 As recommended by the Rules and Open Government Committee on December 10, 2014, modify RFP SJC131415 On-Demand Ground Transportation Management for the Norman Y. Mineta San José International Airport in order to comply with Council direction from March 4, 2014 to ensure the ability to work at the airport will be distributed equally among the companies as follows:

- (a) **Delete the following language from the RFP: “It is not expected, nor would an option be reviewed and approved by the Airport that calls for an equal/identical number of drivers to be assigned to the Airport per company despite the size of the company.”**
- (b) **Add the following language to the RFP: “Qualified cab companies will be required to provide an equal number of taxi cabs at the Airport to meet the demand from first to last flight, or from 5:00 a.m. to 12:00 midnight. The cab companies can schedule their drivers by 8 hours or more per day shift to give all of their drivers a chance to work at the Airport.”**

(Herrera/Khamis)

Action: Deferred to March 3, 2015 per Administration.

- 6.2 (a) **Adopt a resolution authorizing the City Manager or his designee to negotiate and execute an agreement with Philips for the installation of up to 50 SmartPoles for a term of up to ten years consistent with the direction provided by the City Council on the agreement's terms.**
- (b) **Provide direction regarding the parameters of a competitive process soliciting proposals for replacement of the remaining non-LED lights citywide.**

CEQA: Exempt, File No. PP14-046. (Transportation/Economic Development/City Manager)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Ash Kalra, dated February 20, 2015, recommending acceptance of the Staff recommendations with further direction as described below in "Action". (2) Memorandum from Director of Transportation Hans Larsen, Deputy City Manager/Director of Economic Development Kim Walesh and Assistant to the City Manager Teri Killgore, dated February 6, 2015, recommending adoption of a resolution with direction on soliciting proposals.

Director of Transportation Hans Larsen offered the report and responded to Council questions and concerns.

Motion: Vice Mayor Rose Herrera moved approval of the memorandum she cosigned with Mayor Sam Liccardo and Council Member Ash Kalra, dated February 20, 2015, recommending acceptance of the Staff recommendations with further direction as described below in "Action". Council Member Ash Kalra seconded the motion.

Council Member Raul Peralez requested to amend the motion to direct Staff to solicit and explore other technology. The amendment was accepted by Vice Mayor Rose Herrera and Council Member Johnny Khamis.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Speaking in support to the memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Ash Kalra and the Staff recommendations were Bill McShane, Philips Connected City; Emily Douglas, OpTerra Energy Services; Bill Chiang and Papia Gambelin, Pacific Gas and Electric Company.

Vice Mayor Rose Herrera suggested making broadband available to the disadvantaged.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77292, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager or His Designee to Negotiate and Execute An Agreement with Philips for the Installation of Smartpoles", was adopted, the memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Ash Kalra, dated February 20, 2015, was approved: Staff recommendation (a) was accepted with the following direction: (1) No stand alone, external or attached meters shall be used in this project.

6.2 (Action Cont'd.)

(2) If necessary, the City and Philips shall work in good faith toward procuring a CPUC approved solution to metering, with Philips taking primary responsibility for navigating the proposal through the CPUC process. (3) Philips shall collaborate with PG&E to develop and deploy a wireless metering solution within two (2) years and be responsible for the retrofit of any previously installed SmartPoles. Staff recommendation (b) was accepted with the following direction: As to the competitive process to solicit proposals for conversion of the remaining non-LED lights citywide, Staff was directed to draft a Request for Proposal (RFP) that: (1) Is flexible and severable in nature, allowing for multiple successful bidders to take portions of the City's retrofit initiative. (2) Allows for different approaches to financing LED retrofits, with openness to meaningful evaluation of competing proposals with differing models. (3) Explores the uses of the roughly \$9 million in available Qualified Energy Conservation Bonds (QECB) bonds to finance LED retrofits. (4) Calls for minimal capital outlay by the City, but permits some allocation through the budget process where appropriate. Where capital dollars are used, the prevailing bidders must leverage greater savings in General Fund dollars through energy and maintenance cost savings and PG&E rebates. Staff was further directed to solicit and explore other technology. (11-0.)

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) **Approve the First Amendment to the Consultant Agreement with Brown and Caldwell for engineering services for the Digester and Thickener Facilities Upgrade project at the San José-Santa Clara Regional Wastewater Facility, modifying the scope of services and increasing the amount of compensation by \$1,999,884, for a total agreement amount not to exceed \$14,017,410 and extending the term of agreement from December 31, 2019 to June 30, 2020.**
- (b) **Adopt the following 2014-2015 Appropriation Ordinance Amendments in the San José-Santa Clara Treatment Plant Capital Fund:**
- (1) **Decrease the Energy Generation Improvements appropriation to the Environmental Services Department in the amount of \$955,000.**
 - (2) **Decrease the Digested Sludge Dewatering Facility appropriation to the Environmental Services Department in the amount of \$545,000.**
 - (3) **Increase the Digester and Thickener Facilities Upgrade appropriation to the Environmental Services Department in the amount of \$1,500,000.**

CEQA: Exempt, File No. PP10-066(d), Feasibility and Planning Studies. (Environmental Services/City Manager)

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow and Deputy City Manager/Budget Director Jennifer A. Maguire, dated February 2, 2015, recommending approval of the first amendment to the agreement and adoption of appropriation ordinance amendments. (2) Memorandum from the Secretary to the Treatment Plant Advisory Committee Kerrie Romanow, dated February 24, 2015, expressing concurrence with the Staff recommendations.

7.1 (Cont'd.)

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

Assistant Director of Environmental Services Ashwini Katak responded to Council questions.

Action: On a call for the question, the motion carried unanimously, the First Amendment to the Consultant Agreement with Brown and Caldwell for engineering services for the Digester and Thickener Facilities Upgrade project at the San José-Santa Clara Regional Wastewater Facility, modifying the scope of services and increasing the amount of compensation by \$1,999,884, for a total agreement amount not to exceed \$14,017,410 and extending the term of agreement from December 31, 2019 to June 30, 2020 was approved and Ordinance No. 29538, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 29431 to Appropriate Monies in the San José-Santa Clara Treatment Plant Capital Fund for the Digester and Thickener Facilities Upgrade; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (11-0.)

OPEN FORUM

(1) Tuan Vu, visiting from Olympia, Washington expressed appreciation at seeing the Vietnamese Flag flying in front of City Hall and congratulated Council Member Tam Nguyen.

(2) Jon Max Reger expressed various comments relating to labor relations and negotiations.

Mayor Sam Liccardo directed Interim City Manager Norberto Dueñas to speak with Mr. Reger following the meeting.

(3) Ray Perez expressed the need for more soccer fields in the City of San José for children to use. Council Member Pierluigi Oliverio indicated that recent Council action approved a new park acquisition and soccer field.

(4) Blair Beekman complained that there was not enough community outreach regarding the Drone Program.

(5) Mark Trout voiced his own point of view about various topics.

ADJOURNMENT

The Council of the City of San José adjourned the afternoon session at 3:52 p.m.

RECESS/RECONVENE

The City Council recessed at 3:52 p.m. from the afternoon Council Session and reconvened at 7:03 p.m. in the Council Chambers, City Hall.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, Matthews, 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

- 1.1 Presentation of a commendation to Kathleen Flynn for lifelong commitment to social justice and outstanding leadership in coordinating the Freedom Train as President of the Dr. Martin Luther King, Jr. Association of Santa Clara Valley. (Rocha)**

Mayor Sam Liccardo and Council Member Donald Rocha recognized and commended Kathleen Flynn.

- 1.2 Administer oath of office to District 6 Youth Commissioner Spencer Day. (City Clerk)**

City Clerk Toni J. Taber, CMC administered the oath of office to District 6 Youth Commissioner Spencer Day. Mayor Sam Liccardo and Council Member Pierluigi Oliverio offered congratulations.

- 1.3 Presentation of a commendation to Roy Blume, an Eagle Scout in Almaden Valley who restored and relocated three concrete animals for use in the children's play lot at Jeffery Fontana Park. (Khamis)**

Mayor Sam Liccardo and Council Member Johnny Khamis recognized and commended Roy Blume.

- 1.4 Presentation of a commendation to Jesse Dueck, a member of Troop 294 and an Eagle Scout who developed barricade doors for Castellero Middle School to help keep children safe. (Khamis)**

Mayor Sam Liccardo and Council Member Johnny Khamis recognized and commended Jesse Dueck.

PUBLIC HEARINGS ON CONSENT CALENDAR.

- 11.1 (a) Recommendation: Consideration of an ordinance rezoning the real property located on the southerly side of East San Salvador Street, approximately 175 feet easterly of South Fourth Street (168 East San Salvador Street) from the CG-Commercial General Zoning District and R-M-Multiple Residence Zoning District to the R-M(PD) Planned Development Zoning District, to allow an approximately 9,818 square foot sorority house on a 0.11 gross acre site (Gamma Iota Chapter Kappa Delta House Corp, Owner). CEQA: Exempt, Section 15303 New Construction or Conversion of Small Structures. Planning Commission recommends approval (5-0-1). (Planning, Building and Code Enforcement)
PDC14-050 – District 3**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC4-050, dated January 20, 2015. (2) Memorandum from Planning Commission Secretary Harry Freitas, dated February 2, 2015, transmitting the recommendation of the Planning Commission. (3) Proof of Publication of Notice of Public Hearing executed on January 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: Upon motion by Council Member Raul Peralez, seconded by Council Member Donald Rocha and carried unanimously, the recommendation of the Planning Commission was approved and Ordinance No. 29539, entitled: “An Ordinance of the Council of the City of San José Rezoning Certain Real Property of Approximately 0.11 Gross Acre Situated at the Southerly Side of San Salvador Street, Approximately 175 Feet Easterly of South Fourth Street (168 and 170 East San Salvador Street) from the CG Commercial General and RM Multiple Residence Zoning Districts to the RM(PD) Planned Development Zoning District”, was passed for publication. (11-0.)

PUBLIC HEARINGS

- 11.2 Consideration of an ordinance rezoning the unincorporated Santa Clara County territory totaling 0.52 gross acres located on the west side of East Hills Drive, approximately 250 feet southerly of Dale Drive (3405 East Hills Drive), to the City of San José’s R-1-8 Single-Family Residence Zoning District (Gonzalez Olga and Guillermo & Sanchez José Life Estate & ET AL, Owners). CEQA: Re-Use of Envision San José 2040 General Plan FEIR (Reso. No. 76041). (Planning, Building and Code Enforcement)
C14-028 – District 5**

11.2 (Cont'd.)

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C14-028 dated April 19, 2015. (2) Proof of Publication of Notice of Public Hearing, executed on February 6, 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 Council Member Magdalena Carrasco, seconded by Vice Mayor Rose Herrera and carried unanimously, the recommendation the Planning Director was approved, Ordinance No. 29540, entitled: “An Ordinance of the Council of the City of San José Rezoning Certain Real Property of Approximately 0.52 Gross Acre Situated on the North Side of East Hills Drive Approximately 250 Feet Easterly of Dale Drive (3450 East Hills Drive) from Unincorporated to the R-1-8 Single Family Residence Zoning District”, was passed for publication. (11-0.)

- 11.3 (a) **Consideration of an ordinance rezoning the real property located on the west side of Hamilton Avenue, approximately 100 feet south of Hamilton Way (0 Hamilton Avenue) from R-1-8 Residential Zoning District to CN Commercial Neighborhood Zoning District.**
- (b) **Consideration of a Conditional Use Permit to allow the operation of a two story, 13,545 square foot day care for up to 196 children.**
- CEQA: Mitigated Negative Declaration. Planning Commission recommends approval (5-0-1). (Planning, Building and Code Enforcement)**
C14-036/CP14-039 – District 6

Director of Planning, Building and Code Enforcement Harry Freitas presented the report and pointing out that Staff was requesting that Council continue the hearing to March 3, 2015, with the seconding reading on March 10, 2015.

Erik Schoennauer, representing the Applicant, Primrose Preschools, spoke to the merits of the project.

Mayor Sam Liccardo opened the Public Hearing.

Public Comments: The following speakers expressed concerns about privacy, safety and noise issues, traffic congestion, not enough parking, pollution, cost of a three way stop, impacts to the quality of life and presented suggestions to improve the property: Tiralisa Kaplow, Ron Lindsay, Karen Hammer, Willow Glen Community Advocates; Sophia Caldwell, Wilma Gardner, Deborah Kaufman, Ed Kaufman, Martha Heinrichs, Ilko A. Vuica, Mary Stenseth, Dan Biesterveld and Johanna Biros, Dry Creek Village.

Mayor Sam Liccardo closed the Public Hearing.

11.3 (Cont'd.)

Erik Schoennauer pointed out that Safeway does not have an interest in discussing the piece of property that is next to this property. He added that there will be a wall of trees for privacy, the addition of more trees and plants.

Motion: Council Member Pierluigi Oliverio moved approval to continue Item 11.3 to March 3, 2015. Vice Mayor Rose Herrera seconded the motion.

Council discussion ensued.

Action: On a call for the question, the motion carried unanimously, the Public Hearing was closed and Council discussion was continued to March 3, 2015. (11-0.)

11.4 Consideration of an ordinance rezoning the real property located at the southwesterly corner of Saint John Street and North Almaden Boulevard (APNs 259-36-036, -037, -038, -039, and -067) from the Commercial General (CG) and Light Industrial (LI) Zoning Districts to the Downtown Primary Commercial (DC) Zoning District of five Little Italy properties (Green Valley Corp, Ray Shir, Owners). CEQA: Re-Use of Envision San José 2040 General Plan FEIR (Resolution No. 76041). (Planning, Building and Code Enforcement) C14-071 – District 3

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on January 9, 2015, submitted by the City Clerk.

Action: Item 11.4 was dropped and to be renoticed.

11.5 Consideration of an ordinance rezoning the real property located at the southwest corner of West San Carlos Street and Sunol Street (860 West San Carlos Street) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow for specific changes to previously approved Development Standards, most notably: eliminating the minimum building height, lowering the minimum amount of commercial square footage from 24,000 to 14,000, and requiring standard conformance with the City's parkland dedication requirements, for the subject 8.0 gross acre site (Santa Clara County Transit District, Owner). CEQA: Ohlone Mixed Use EIR Resolution No. 09064, File No. PDC08-061. Planning Commission recommends approval (5-0-1). (Planning, Building and Code Enforcement) PDC13-004 – District 6

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on January 9, 2015, submitted by the City Clerk.

Action: Deferred to March 10, 2015 per Administration.

STRATEGIC AND SUPPORT SERVICES

- 3.3**
- (a) Interview five (5) applicants for appointment to the Ethics Commission.**
 - (b) Appoint three (3) members to the Ethics Commission to terms expiring March 1, 2019.**
 - (c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.**
- CEQA: Not a Project, File No. PP10-069(b). (City Clerk)**

Please note: Approval of this item requires 8 or more affirmative votes (2/3)

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated February 9, 2015, recommending as indicated above in Item 3.3(a)-(c). (2) Memorandum from City Attorney Richard Doyle, dated February 19, 2015, providing background and information. (3) Memorandum from Deputy Director of Planning, Building and Code Enforcement Diane Buchannan, dated February 17, 2015, responding to request for Ethics Commission Applicant Code Review in which no code violations were found for any of the applicants.

The Mayor and Council Members interviewed three Applicants.

Action: Rolanda Pierre-Dixon and Madhavee Vemulapalli were appointed. Staff was directed to continue recruitment efforts and to bring forward additional applicants for consideration of the remaining vacancy.

- 3.4**
- (a) Interview applicants for appointment to the Planning Commission.**
 - (b) Appoint one (1) member to the Planning Commission to term expiring June 30, 2016.**
- CEQA: Not a Project, File No. PP10-069(b). (City Clerk)**

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated February 12, 2015, transmitting applications for the Planning Commission, recommending appointment of one member to term expiring June 30, 2016. (2) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated February 19, 2015, transmitting names of the Planning Commission applicants invited to interview. (3) Memorandum from Deputy Director of Planning, Building and Code Enforcement Diane Buchannan, dated February 20, 2015, responding to request for Ethics Commission Applicant Code Review in which no code violations were found for any of the applicants.

The Mayor and Council Members interviewed six Applicants.

Action: Shiloh Ballard was appointed on the second ballot.

OPEN FORUM

Documents Filed: (1) Petition signed by over 1,000 residents dated February 24, 2015, urging the Council to relocate Southern Division's "Community Policing Center" from 847 Blossom Hill Road to a suggested location near Camden and Almaden Expressway. (2) Letter from Jon Reger, dated February 27, 2015, regarding Labor Relations concerns. (Note: Mr. Reger did not speak at Open Forum. The Office of the City Clerk received his letter on February 27, 2015 and will become a part of the record of the Council Meeting that occurred on February 24, 2015.)

- (1) Mark Trout opined about his own religious points of view.

Mayor Sam Liccardo requested that in the future Mr. Trout should keep to subject matters within the jurisdiction of the City of San José.

- (2) Suzy Chang submitted a petition requesting the City relocate the Southern Division's "Community Policy Center" currently located at 947 Blossom Hill Road to a location near Camden and Almaden Expressway because of the increase in crime in District "A".
- (3) Blair Beekman voiced his opposition to the Drone Program.

ADJOURNMENT

The Council of the City of San José was adjourned at 11:48 p.m. in memory of Joseph "Joe" Bell, a long time Rose Garden resident and a World War II veteran. Joe Bell, who served our country as a paratrooper, was 95 when he passed on January 8, 2015. (Rocha)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

/smd 02-24-15 MIN

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