



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, SEPTEMBER 30, 2014

The Council of the City of San José convened in Regular Session at 9:40 a.m. in the Council Chambers at City Hall.

Present: Council Members - Chu, Constant, Herrera, Kalra, Khamis, Liccardo, Oliverio, Rocha; Reed.

Absent: Council Members - Campos, Nguyen. (Excused)

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:41 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 two (2) matters. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) San José Police Officers' Association v. City, et al. Names of Parties Involved: San José Police Officers' Association, City of San José, Board of Administration for Police and Fire Department Retirement Plan of City of San José and Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225926; Amount of Money or Other Relief Sought: Declaratory and injunctive relief. (2) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; Amount of Money or Other Relief Sought: Declaratory Relief and Verified

CLOSED SESSION (Cont'd.)

Petition for Writ of Mandate. (3) Sapien, et al. v. City of San José, et al. Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (4) Harris, et al. v. City of San José, et al. Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (5) Mukhar, et al. v. City of San José, et al. Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574; Amount of Money or Other Relief Sought: Challenge to Measure B. (6) AFSCME, et al. v. City of San José, et al. Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B.

By unanimous consent, Council recessed from the Closed Session at 10:57 a.m. and reconvened to Regular Session at 1:38 p.m. in the Council Chambers.

Present: Council Members - Chu, Constant, Herrera, Kalra, Khamis, Liccardo, Oliverio, Rocha; Reed.

Absent: Council Members - Campos, Nguyen. (Excused)

INVOCATION

Silver Creek High School Choir provided the Invocation. (District 8)

PLEDGE OF ALLEGIANCE

Mayor Reed led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Herrera , seconded by Council Member Oliverio and carried unanimously, the Orders of the Day and the Amended Agenda were approved, Ceremonial Item 1.1 was deferred to October 28, 2014 and Item 10.2 was deferred to the November 18, 2014 General Plan. (9-0-2. Absent: Campos, Nguyen.)

CEREMONIAL ITEMS

1.1 Presentation of a commendation to the members of the Mayor's Gang Prevention Task Force Tech Team. (Mayor)

Action: Deferred to October 28, 2014 per Orders of the Day.

1.2 Presentation of a proclamation declaring September 26, 2014 as "Native American Day" in the City of San José. (Herrera)

Mayor Reed and Council Member Herrera recognized September 26, 2014 as "Native American Day" in the City of San José.

1.3 Presentation of a proclamation declaring September 28, 2014 through October 4, 2014 as "Silicon Valley Manufacturing Week" in the City of San José. (Herrera)

Mayor Reed and Council Member Herrera recognized September 28, 2014 through October 4, 2014 as "Silicon Valley Manufacturing Week" in the City of San José.

CONSENT CALENDAR

Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (9-0-2. Absent: Campos, Nguyen.)

2.1 Approval of Minutes.

There were none.

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 29486 – Amending Chapter 15.14 of Title 15 of the San José Municipal Code to add a new Section 15.14.248 to define Clean Water Act and amend Section 15.14.755 to allow the transfer of discharge permits in the event of a change of ownership.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29486 executed on September 19, 2014, submitted by the City Clerk.

Action: Ordinance No. 29486 was adopted. (9-0-2. Absent: Campos, Nguyen.)

2.3 Approval of Council Committee Reports.

**(a) Rules and Open Government Committee Report of September 10, 2014.
(Mayor)**

Documents Filed: The Rules and Open Government Committee Report dated September 10, 2014.

Action: The Rules and Open Government Committee Report was approved.
(9-0-2. Absent: Campos, Nguyen.)

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

There were none.

**2.7 Adopt a resolution approving the use of the design-build project delivery method in accordance with California Public Contract Code Section 20193 for the construction of the Cogeneration Facility Project, which is estimated to cost in excess of \$2,500,000. CEQA: Mitigated Negative Declaration, File No. PP14-005. (Public Works/Environmental Services)
(Deferred from 9/23/14 – Item 2.8)**

Action: Deferred to October 7, 2014 per Administration.

**2.8 Approve a Third Amendment to the AMS-SJC JV Airport Retail Concession Agreement, a Fifth Amendment to the Airport Food and Beverage Concession Agreement with Pacific Gateway Concessions, LLC, a Third Amendment to the Airport Food and Beverage Concession Agreement with Host International, Inc. and a Fourth Amendment to the WDFG North America, LLC Airport Retail Concession Agreement to grant the Director of Aviation authority to adjust the midterm refurbishment dates for each concession and to provide for the transfer of a Starbucks location from the WDFG Airport Retail Concession Agreement to the Host Airport Food and Beverage Concession Agreement. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment.
(Airport)**

Documents Filed: Memorandum from Director of Aviation Services Kimberly Becker Aguirre, dated September 8, 2014, recommending approval of the various amendments to the agreements.

Action: Item 2.8 was dropped.

- 2.9 (a) **Accept invitation from the California Arts Council to attend a cultural tour of China by California municipal and state cultural officers from October 16, 2014 through October 24, 2014. As arranged by the Chinese Ministry of Culture, the Chinese government will pay the cost for travel, lodging, and meals in China during the tour.**
- (b) **Approve travel to China for Kerry Adams Hapner, Director of Cultural Affairs and Deputy Director of Economic Development, as the City of San José's official representative on the tour.**
- CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Economic Development)**

Documents Filed: Memorandum from Director of Economic Development/Chief Strategist Kim Walesh, dated September 8, 2014, recommending acceptance of the invitation and approval of the travel.

Action: The invitation from the California Arts Council to attend a cultural tour of China by California municipal and state cultural officers from October 16, 2014 through October 24, 2014, was accepted and the travel to China for Kerry Adams Hapner, Director of Cultural Affairs and Deputy Director of Economic Development, as the City of San José's official representative on the tour, was approved. (9-0-2. Absent: Campos, Nguyen.)

- 2.10 **Approve the Agreement with ReliaStar Life Insurance Company to provide voluntary insurance benefits including Accident Insurance and Critical Illness Insurance for the City's voluntary insurance benefits program for the period of January 1, 2015 to December 31, 2015, and to exercise up to three one-year options to renew the Agreement through December 31, 2018. CEQA: Not a Project, File No. PP10-068(e), Services that involve no physical changes to the environment. (Human Resources)**

Action: Deferred to October 21, 2014 per Administration.

- 2.11 (a) **Approve an Agreement with P&A Group to provide compliance management services for the City's medical and childcare flexible spending accounts, including Internal Revenue Code Section 125 plan administration, for the period of January 1, 2015 to December 31, 2015, with two one-year options to renew the Agreement through December 31, 2017, and one twenty-month option to renew the Agreement from January 1, 2018 to August 31, 2019, for pre-funding costs by the City not to exceed \$101,000 for the initial term of the agreement, subject to the appropriation of funds by the City Council.**
- (b) **Adopt the following 2014-2015 Appropriation Ordinance amendments in the Benefits Fund:**
- (1) **Increase the Flexible Spending Accounts appropriation to the Human Resources Department by \$66,000.**
- (2) **Decrease the Ending Fund Balance appropriation by \$66,000.**
- CEQA: Not a Project, File No. PP10-068(e), Services that involve no physical changes to the environment. (Human Resources/City Manager)**

2.11 (Cont'd.)

Documents Filed: Memorandum from Director of Human Resources Joseph Angelo and Deputy City Manager/Budget Director Jennifer A. Maguire, dated September 9, 2014, recommending approval of an agreement with P&A Group and adoption of appropriation ordinance amendments.

Action: An Agreement with P&A Group to provide compliance management services for the City's medical and childcare flexible spending accounts, including Internal Revenue Code Section 125 plan administration, for the period of January 1, 2015 to December 31, 2015, with two one-year options to renew the Agreement through December 31, 2017, and one twenty-month option to renew the Agreement from January 1, 2018 to August 31, 2019, for pre-funding costs by the City not to exceed \$101,000 for the initial term of the agreement, subject to the appropriation of funds by the City Council was approved. Ordinance No. 29491, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29431 To Appropriate Monies in the Benefit Fund for the Flexible Spending Accounts Appropriation to the Human Resources Department; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. (9-0-2. Absent: Campos, Nguyen.)

2.12 As recommended by Rules and Open Government Committee on September 17, 2014:

- (a) **Approve the Westfield Oakridge Winter Walk scheduled on Friday, February 27, 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. (Khamis)

[Rules Committee referral 9/17/14 – Item G(5)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated September 18, 2014, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Westfield Oakridge Winter Walk scheduled on Friday, February 27, 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. (9-0-2. Absent: Campos, Nguyen.)

2.13 **Adopt a resolution amending the Administrative Citation Schedule of Fines to create escalating fines for violation of Title 6 of the San José Municipal Code related to the Medical Marijuana Regulatory Program approved by the City Council on June 17, 2014, making technical corrections to delete fines for violation of Municipal Code sections that have been repealed, and repealing Resolution No. 76637. CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates and Fares. (Police)**

2.13 (Cont'd.)

Documents Filed: Memorandum from Chief of Police Larry Esquivel, dated September 15, 2014, recommending adoption of a resolution.

Mayor Reed opened the floor for public testimony.

Public Comments: Susan Landry and David Hodges presented comments on the Medical Marijuana Regulatory Program.

A short discussion ensued.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, Resolution No. 77163, entitled: "A Resolution of the Council of the City of San José Amending the Administrative Citation Schedule of Fines for Certain Violations of the San José Municipal Code in Order to Revise the Administrative Fines for Violations Related to Chapter 6.88 of the San José Municipal Code Which Regulates Medical Marijuana Collectives, Delete Repealed Code Sections and Revise Amended Code Sections and Repealing Resolution No. 76637", was adopted. (9-0-2. Absent: Campos, Nguyen.)

2.14 **Adopt a resolution summarily vacating the Public Use Easement for Light and Air on the property shown as Lot 1 on the map of Tract No. 2868, recorded on December 1, 1961 in Book 140 of Maps at Page 54 of Official Records, Office of the Recorder, County of Santa Clara. CEQA: Exempt, File No 3-18868. (Public Works)**

Documents Filed: Memorandum from Director of Public Works David Sykes, dated September 8, 2014, recommending adoption of a resolution.

Action: Resolution No. 77166, entitled: "A Resolution of the Council of the City of San José Summarily Vacating a 20 Foot Public Use Easement for Light and Air Along Grimsby Drive and a 12.5 Foot Public Use Easement for Light and Air Along Weston Drive at the Southwest Corner of Grimsby Drive and Weston Drive", was adopted. (9-0-2. Absent: Campos, Nguyen.)

2.15 **Adopt a resolution to update the Heritage Tree List in San José pursuant to Chapter 13.28 and Chapter 13.32 of the San José Municipal Code. CEQA: Not a Project, File No. PP10-068. (Transportation)**

Documents Filed: City Council Action Request from Director of Transportation Hans F. Larsen, dated September 8, 2014, recommending adoption of a resolution.

Action: Resolution No. 77167, entitled: "A Resolution of the Council of the City of San José Designating Certain Trees as Heritage Trees, Placing Said Trees on the Heritage Tree List and Deleting Certain Trees There From and Repealing Resolution No. 75974", was adopted. (9-0-2. Absent: Campos, Nguyen.)

- 2.16 Adopt a resolution authorizing the City Manager, or designee, to execute a parking agreement with Ernst and Young, LLP, providing for the issuance of up to 100 parking permits for use at various City-owned and/or operated parking facilities for up to five years; and to approve amendments to the parking agreement to increase or decrease the number of parking permits. CEQA: Not a Project, File No. PP10-066(f), Agreement for lease of existing space. Council District 3. (Transportation/Economic Development)**

Documents Filed: Memorandum from Director of Transportation Hans F. Larsen and Director of Economic Development/Chief Strategist Kim Walesh, dated September 8, 2014, recommending adoption of a resolution.

Action: Resolution No. 77168, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Execute a Parking Agreement with Ernst and Young, LLP, Providing for the Issuance of Up to 100 Parking Permits for Use at Various City Owned and/or Operated Parking Facilities for Up to Five Years and To Approve Amendments to the Parking Agreement to Increase or Decrease the Number of Parking Permits”, was adopted. (9-0-2. Absent: Campos, Nguyen.)

- 2.17 (a) Council by motion waive the ten-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.**
- (b) Approve the District 1 Mayoral Candidate Forum as a City Council sponsored Special Event and approve the expenditure of funds.**
- (c) Approve and accept donations from various individuals, businesses or community groups to support the event.**

CEQA: Not a Project. (Constant)

Documents Filed: Memorandum from Council Member Constant, dated September 4, 2014, recommending waiving the ten-day noticing requirement, approve the District 1 Mayoral Candidate Forum as a City Council sponsored Special Event and approve the expenditure of funds and Approve and accept donations from various individuals, businesses or community groups to support the event.

Action: The ten-day noticing requirement was waived, District 1 Mayoral Candidate Forum 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. (9-0-2. Absent: Campos, Nguyen.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Edward Shikada (Verbal Report).

City Manager Edward K. Shikada announced that the 2013-2014 Annual Report was released today and will be agendized at the October 7, 2014 Meeting for Council discussion.

- 3.3
- (a) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.
 - (b) Accept the Certificate of Sufficiency issued by the County of Santa Clara Registrar of Voters regarding An Initiative Ordinance Amending Title 6 and Title 20 of the San José Municipal Code to Include Medical Marijuana Collectives as an Allowed Land Use an Agricultural, Commercial Pedestrian, Commercial Neighborhood, Industrial Park, Light Industrial and Heavy Industrial Zoning Districts, and to Establish a Registration Process and Zoning Code Verification Certificate Process.
 - (c) Approve one of the actions as outlined in California Elections Code §9214:
 - (1) Order a report on the effects of the proposed ordinance consistent with California Elections Code Section 9212 to be presented to the Council no later than October 30, 2014.

Documents Filed: (1) Memorandum from Mayor Reed, dated September 29, 2014, recommending waiving the ten-day noticing requirement, placing Item 3.3 on the Agenda, accept the Certificate of Sufficiency and order a report. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated September 23, 2014, providing recommendations for the Certificate of Sufficiency Initiative Amending Title 6 and Title 20.

Mayor Reed opened the floor for public testimony.

Public Comments: Susan Landry suggested that Council consider ordering a report on the effects of the proposed ordinance and hold an election before June 7, 2016.

Director of Planning, Building and Code Enforcement Harry Freitas and City Clerk Toni J. Taber, CMC responded to Council questions.

Motion: Council Member Constant moved approval of the memorandum from Mayor Reed, dated September 29, 2014, as described on Page 10 in "Action". Council Member Herrera seconded the motion.

Council Member Khamis expressed support to the motion on the floor.

3.3 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Reed, dated September 29, 2014, was approved, the Certificate of Sufficiency issued by the County of Santa Clara Registrar of Voters regarding An Initiative Ordinance Amending Title 6 and Title 20 of the San José Municipal Code to Include Medical Marijuana Collectives as an Allowed Land Use an Agricultural, Commercial Pedestrian, Commercial Neighborhood, Industrial Park, Light Industrial and Heavy Industrial Zoning Districts, and to Establish a Registration Process and Zoning Code Verification Certificate Process was accepted and a report on the effects of the proposed ordinance consistent with California Elections Code Section 9212 to be presented to the Council no later than October 30, 2014 was ordered. (9-0-2. Absent: Campos, Nguyen.)

- 3.3 (c) (2) **Adopt the proposed ordinance as submitted no later than October 10, 2014 (or November 7, 2014 if a report pursuant to Election Code §9212 is ordered), or**
- (3) **Adopt a resolution no later than October 10, 2014 (or November 7, 2014 if a report pursuant to Election Code §9212 is ordered) calling an election to submit the initiative to the voters at a Special Municipal Election on a date to be decided, or**
- (4) **Adopt a resolution no later than October 10, 2014 (or November 7, 2014 if a report pursuant to Election Code §9212 is ordered) calling an election to submit the initiative to the voters at the next General Election on Tuesday, June 7, 2016.**

CEQA: Negative Declaration, File Nos. PP11-039, PP11-076, and PP14-030. (City Clerk)

There was no action on Items 3.3(c)(2)-(c)(4).

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Adopt a resolution to:

- (a) **Approve the Guadalupe River Park Master Plan Amendment to expand the Children's Discovery Museum by approximately 15,200 square feet to allow for expanded outdoor educational programming in the areas of environmental stewardship, water conservation, and sustainable food production, and for expanded capacity for exhibit fabrication and repair.**
- (b) **Find that a long-term operation and maintenance agreement for the expansion of the Children's Discovery Museum will enhance the designated recreational purposes of the park and will meet the conditions required under San José Charter Section 1700.1 and Council Policy 7-8 on the Long-Term Use of City Parklands.**

- 4.1 (c) **Authorize the City Manager to negotiate and execute the following agreements:**
- (1) **An Agreement for construction of expansion improvements at Discovery Meadow in Guadalupe River Park.**
 - (2) **An amendment to the Operation and Maintenance Agreement with the Children’s Discovery Museum to incorporate the operation and maintenance responsibilities associated with the expansion improvements at Discovery Meadow in Guadalupe River Park.**

CEQA: Final Program Environmental Impact Report (EIR) for the San José Downtown Strategy 2000 Plan, EIR Resolution No. 72767, as addended. (Economic Development/Parks, Recreation and Neighborhood Services)

Documents Filed: (1) Memorandum from Mayor Reed and Council Member Liccardo, dated September 26, 2014, recommending approval of the Staff report dated September 8, 2014, Items (a)-(c). (2) Memorandum from Director of Economic Development/Chief Strategist Kim Walesh and Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated September 8, 2014, recommending adoption of a resolution.

Director of Cultural Affairs Kerry Adams Hapner responded to Council questions.

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

Mayor Reed opened the floor for public testimony.

Public Comments: Marilee Jennings, Children’s Discovery Museum; Kirsten Rhodes, Deloitte and Leslee Hamilton, Guadalupe River Park Conservancy expressed support to the Staff recommendations and the motion on the floor.

Marilee Jennings, Children’s Discovery Museum responded to questions posed by Council Member Herrera.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77169, entitled: “A Resolution of the Council of the City of San José Approving an Amendment to the Guadalupe River Park Master Plan To Expand the Children’s Discovery Museum, Finding That a Long-Term Operation and Maintenance Agreement for the Expansion Will Meet the Conditions Required Under San José City Charter Section 1700.1 and Council Policy 7-8 and Authorizing the City Manager To Negotiate and Execute an Agreement for Construction of Expansion Improvements and An Amendment to the Operation and Maintenance Agreement”, was adopted. (9-0-2. Absent: Campos, Nguyen.)

- 4.2 **Adopt a resolution initiating proceedings and setting December 9, 2014 at 1:30 p.m. for Council consideration on the reorganization of the territory designated as Communications Hill No. 1 which involves the annexation to the City of San José of an approximately 310.20 gross-acre portion of County territory consisting of twenty (20) lots and public right-of-way generally located on the south side of the Union Pacific Railroad tracks, west side of Hillsdale Ave., northerly of Adeline Ave. and Altino Blvd., and easterly of Highway 87 at the terminus of Carol Drive; and the detachment of the same area from the appropriate special districts, including Central Fire Protection and Area No. 01 (Library Services) County Service. (Multiple Property Owners). CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. Council Districts 6 and 7. (Planning, Building and Code Enforcement) (Deferred from 9/23/14 – Item 4.1)**

Documents Filed: (1) Replacement City Council Action Request from Director of Planning, Building and Code Enforcement Harry Freitas, dated September 8, 2014, updating initiating proceedings, setting the date to December 9, 2014 and recommending adoption of a resolution. (2) Statement and Declaration of Conflict of Interest Form from Council Member Khamis, dated September 30, 2014, disclosing that he owns property on Communications Hill. (3) Letter from Jeffrey V. Smith, County Executive, County of Santa Clara, dated September 30, 2014, presenting comments about the annexation.

Action: Upon motion by Council Member Rocha, seconded by Council Member Herrera and carried unanimously, Resolution No. 77170, entitled: “A Resolution of the Council of the City of San José Initiating Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as Communications Hill No. 1, Described More Particularly Herein and Setting the Date, Time and Place for Consideration of Such Reorganization”, was adopted. (8-0-2-1. Absent: Campos, Nguyen. Abstain: Khamis.)

TRANSPORTATION & AVIATION SERVICES

- 6.1 (a) **Approve a Master Consultant Agreement with AdEase to provide marketing consultant services for Mineta San José International Airport for a two year term beginning October 1, 2014, through September 30, 2016, in an amount not to exceed \$2,540,000.**
- (b) **Adopt a resolution authorizing the City Manager to exercise up to two two-year options to extend the agreement with AdEase to provide marketing consultant services in amounts not to exceed a total of \$1,270,000 per year, for a total six-year contract amount not to exceed \$7,620,000, subject to the annual appropriation of funds by the City Council.**
- CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design/Study/Research/Inspection. (Airport)**

6.1 (Cont'd.)

Documents Filed: Memorandum from Director of Aviation Services Kimberly Becker Aguirre, dated September 8, 2014, recommending approval of a master consultant agreement and adoption of a resolution.

Assistant Director of Aviation John Aitken responded to Council questions and concerns.

Public Comments: Perry Mistry spoke in support to the Staff recommendations.

Action: Upon motion by Council Member Herrera, seconded by Council Member Khamis and carried unanimously, a Master Consultant Agreement with AdEase to provide marketing consultant services for Mineta San José International Airport for a two year term beginning October 1, 2014, through September 30, 2016, in an amount not to exceed \$2,540,000 was approved and Resolution No. 77171, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute the Options To Extend the Master Agreement for Consultant Services With Ad Ease, Inc. for Two Additional Two-Year Periods", was adopted. (9-0-2. Absent: Campos, Nguyen.)

PUBLIC SAFETY SERVICES

- 8.1 Approve an ordinance amending Part 6 of Chapter 17.12 of Title 17 of the San José Municipal Code to add a new section 17.12.640 establishing Firefighter Breathing Air Replenishing System requirements in any of the following structures: buildings containing floors which are used for human occupancy and located more than 75 feet above the lowest level of the fire department vehicular or personnel access, whichever access is more restrictive as determined by the Fire Chief; buildings with two or more stories underground; tunnels over 500 feet in length; and, buildings where the fire apparatus access point is located more than 150 feet from the nearest entrance to the building. CEQA: Exempt, under the provisions of the California Environmental Quality Act of 1970, as amended, 14 California Code of Regulations Section 15061(b)(3) and Title 21 of the San José Municipal Code. (Fire)**

Documents Filed: Memorandum from Council Member Constant, Vice Mayor Nguyen and Council Member Campos, dated September 26, 2014, recommending the deferral of Item 8.1 until the full Council can be present for a discussion and vote.

Mayor Reed requested that Staff return with the status of how to deal with the projects already in the process with the City.

Council Member Constant expressed his agreement with Mayor Reed.

City Manager Edward K. Shikada responded to Council questions.

8.1 (Cont'd.)

Action: Upon motion by Council Member Constant, seconded by Council Member Liccardo and carried unanimously, Item 8.1 was continued to November 4, 2014. Staff was directed to return with the status of how to deal with projects already in the process with the City. (9-0-2. Absent: Campos, Nguyen.)

OPEN FORUM

Jacques Horn thanked the Council for the opportunity to interview with the San José Fire Department and noted he is currently midway through the hiring process.

ADJOURNMENT

The Council of the City of San José adjourned the afternoon session at 2:55 p.m.

RECESS/RECONVENE

The City Council recessed at 2:55 p.m. from the afternoon Council Session and reconvened at 7:06 p.m. in the Council Chambers, City Hall.

Present: Council Members - Chu, Constant, Herrera, Kalra, Khamis, Liccardo, Oliverio, Rocha; Reed.

Absent: Council Members - Campos, Nguyen. (Excused)

City Clerk Toni J. Taber, CMC read the requests for continuance of the applications. Upon motion by Council Member Liccardo, seconded by Council Member Khamis and carried unanimously, the below noted continuances and actions were taken as indicated. (9-0-2. Absent: Campos, Nguyen.)

GENERAL PLAN PUBLIC HEARINGS

- 10.2 Tentative approval of a General Plan Text Amendment request to modify policies in the Environmental Leadership chapter of the Envision San José 2040 General Plan to require that pre-construction surveys for migratory birds be conducted for certain projects that propose to disturb trees. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program EIR for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, and Addenda thereto, that adequately describes the activity for the purposes of CEQA. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)**

**GPT14-002 – District: Citywide
(Deferred from 9/23/14 – Item 10.3)**

Action: Deferred to November 18, 2014 General Plan per Orders of the Day.

- 10.3 (a) Certify the Communications Hill 2 Project Final Subsequent Environmental Impact Report, and adopt a resolution making findings concerning significant environmental impacts, mitigation measures and alternatives, adopting a mitigation monitoring and reporting program, and adopting a statement of overriding considerations, all in accordance with the California Environmental Quality Act.**
- (b) Tentative approval of an amendment to the Envision San José 2040 General Plan Land Use/Transportation Diagram to reduce the number of acres designated Urban Residential (30-95 DU/AC) and Open Space, Parklands & Habitat; add the Mixed Use Neighborhood designation (up to 30 DU/AC) to 109 acres and Mixed Use Commercial to 5 acres; change the location of 55 acres designated Industrial Park; delete the Rural Residential (2 DU/AC) and Neighborhood/Community Commercial designations.**

- 10.3 (c) Tentative approval of text amendments to the Communications Hill Specific Plan Area Development Policy, with no change to the total amount of development allowed within the Communications Hill Specific Plan area. (To be adopted with item 10.6).
- (d) Tentative approval of Communications Hill Specific Plan Area Development Policy. (To be adopted with item 10.6).

CEQA: Communications Hill 2 Project Subsequent Environmental Impact Report Resolution to be considered for certification and adoption. Planning Commission recommends approval (5-0-1-1). (Planning, Building and Code Enforcement)
GP13-002/GPT13-002 – District 7

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP13-002/GPT13-002, dated August 29, 2014. (2) Memorandum from Planning Commission Secretary Harry Freitas, dated September 19, 2014, transmitting the recommendation of the Planning Commission. (3) Supplemental memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated September 22, 2014, clarifying the identification of the GP/GPT File Numbers associated with this item. (4) Proof of Publication of Notice of Public Hearing, executed on September 19, 2014, submitted by the City Clerk. (5) Statement and Declaration of Conflict of Interest Form from Council Member Khamis, dated September 30, 2014, disclosing he owns property on Communications Hill. (6) Letter from Jeffrey V. Smith, County Executive, County of Santa Clara, date September 30, 2014, expressing concerns regarding Communications Hill. (7) Letter from Graniterock, dated September 25, 2014, expressing concerns regarding Communications Hill. (8) Letter from a member of the public, dated September 25, 2014, providing comments and concerns regarding Communications Hill.

Council Member Khamis recused himself from participating in the Council discussion and vote because he owns real property on Communications Hill.

Director of Planning, Building and Code Enforcement Harry Freitas provided the report.

Mayor Reed opened the Public Hearing.

Public Comments: Donald Larkin, County of Santa Clara, expressed concern that the actions to approve the annexation of the County's property on Communications Hill and certification of the Final Subsequent Environmental Impact Report are premature. Jennifer Roberts expressed opposition citing traffic and parking issues.

Mayor Reed closed the Public Hearing.

City Attorney Richard Doyle and Director of Planning, Building and Code Enforcement Harry Freitas responded to Council questions and concerns.

10.3 (Cont'd.)

Action: Upon motion by Council Member Rocha, seconded by Council Member Herrera and carried unanimously, the City Council tentatively approved Items (1) through (4) in the Staff Report dated September 19, 2014 and CEQA Resolution No. 77172, entitled: “A Resolution of the Council of the City of San José Making Certain Findings Concerning Mitigation Measures and Making Findings Concerning Alternatives All In Accordance With the California Environmental Quality Act in Connection With the Communications Hill 2 Project For Which a Subsequent Impact Report Has Been Prepared”, was tentatively adopted. (8-0-2-1. Absent: Campos, Nguyen. Abstain: Khamis.)

10.4 **Tentative approval of a General Plan Text Amendment to add policies that strengthen those relating to the conversion of commercially designated land for residential purposes ahead of job creation in Urban Village Areas. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program EIR for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, and Addenda thereto, that adequately describes the activity for the purposes of CEQA. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)**

GPT14-004 – District: Citywide

Documents Filed: (1) Memorandum from Mayor Reed, dated September 26, 2014, recommending approval of the text amendment with amendments. (2) Memorandum from Council Member Rocha, dated September 30, 2014, recommending that Council decline the text amendment and offered an alternative recommendation. (3) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GPT14-004, dated September 3, 2014. (4) Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated September 18, 2014, transmitting the recommendation of the Planning Commission. (5) Supplemental memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated September 15, 2014, explaining that Staff was directed by the City Manager’s Office to change the Staff recommendation to be consistent with the General Plan Text Amendment as written in the October 22, 2013 memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Liccardo and Herrera. (6) Proof of Publication of Notice of Public Hearing, executed on August 22, 2014, submitted by the City Clerk. (7) Staff presentation dated September 30, 2014 summarizing the Envision 2040 General Plan Urban Village Plans. (8) Letter from Carl Guardino, President/CEO, Silicon Valley Leadership Group, dated September 29, 2014, regarding the proposed General Text Amendment.

Director of Planning, Building and Code Enforcement Harry Freitas offered the presentation on the Envision 2040 General Plan Urban Village Plans.

Mayor Reed opened the Public Hearing.

10.4 (Cont'd.)

Public Comments: Michele Beasley, Greenbelt Alliance and Pat Sausedo, BIA Bay Area offered comments about the General Text Amendment.

Mayor Reed closed the Public Hearing.

Motion: Council Member Herrera moved approval of the memorandum from Mayor Reed, dated September 26, 2014, recommending approval of the General Plan Text Amendment as directed by City Council on October 22, 2013 with the addition that the jobs and housing move together on a case by case basis, with an amendment as described in “Action” below. Council Member Liccardo seconded the motion.

Council Member Rocha expressed opposition to the motion on the floor and pointed out that his memorandum recommended that Council should decline to approve the text amendment. Council Member Rocha also proposed an alternative recommendation.

Council Member Kalra expressed support to the memorandum from Council Member Rocha.

Action: On a call for the question, the motion carried, the memorandum from Mayor Reed, dated September 26, 2014, was approved, tentatively approving the proposed General Plan Text Amendment, as directed by City Council on October 22, 2013, and additionally that this policy means that jobs and housing can move together on a case by case basis. As amended, the text would read: (1) The Urban Village planning process is not a mechanism to convert employment lands to non-employment uses. (2) Other City policies such as raising revenues, for example which could occur through the conversion of employment lands to non-employment uses shall not take precedent over the jobs first principle. (3) The General Plan’s jobs first principles apply to Urban Villages and residential conversions are not allowed to proceed ahead of the job creation that is necessary to balance the residential elements of the Village Plan. This policy means that jobs and housing can move together on a case by case basis. (7-2-2. Noes: Kalra, Rocha. Absent: Campos, Nguyen.)

10.5 Tentative approval of a General Plan Text Amendment to increase the cap on the number of residential dwelling units per acre (DU/AC) from up to 350 DU/AC to up to 800 DU/AC for the Downtown land use designation. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program EIR for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, and Addenda thereto, that adequately describes the activity for the purposes of CEQA. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)

GPT14-006 – District: Citywide

10.5 (Cont'd.)

Documents Filed: (1) Memorandum from Council Member Liccardo, dated September 29, 2014, recommending adoption of the Staff recommendation and approval a General Plan Text Amendment to increase the cap to no more than 800DU/AC for the Downtown land use designation, as recommended. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GPT14-006, dated September 3, 2014. (3) Memorandum from Planning Commission Secretary Harry Freitas, dated September 11, 2014, transmitting the recommendation of the Planning Commission and a modification to the language to no greater than 800 DU/AC. (4) Proof of Publication of Notice of Public Hearing, executed on August 22, 2014, submitted by the City Clerk.

Mayor Reed opened the Public Hearing.

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

Director of Planning, Building and Code Enforcement Harry Freitas pointed out Staff modified the language of the General Plan Text Amendment to increase the cap to no more than 800DU/AC for the Downtown Land Use Designation.

Motion: Council Member Liccardo moved approval of the General Plan Text Amendment including the modification by the Planning Director. Council Member Herrera seconded the motion.

A brief Council discussion ensued.

Action: On a call for the question, the motion carried, the City Council tentatively approved the proposed General Plan Amendment to increase the cap to no more than 800DU/AC for the Downtown Land Use Designation. (8-1-2. Noes: Rocha. Absent: Campos, Nguyen.)

- 10.7 Authorize the City Manager to submit to the California Department of Housing and Community Development for a finding of substantial compliance with the Housing Element Law (Government Code section 65580 *et seq.*) and certification of a draft a General Plan text amendment to revise the Envision San José 2040 General Plan Text to incorporate the draft Housing Element for 2014-2023, which text amendments include but are not limited to: revising Chapter 7 “Implementation”; adding new Appendices including but not limited to Appendix 11 “Housing Element for 2014-2023”; and revising or deleting references to Appendix C “Housing Element Update 2007-2014,” of the San José 2020 General Plan, all to update demographic and housing data, goals, policies, and implementation actions and to make other minor technical, clarifying and clerical revisions, as necessary, to comply with State Housing Element Law (Government Code Section 65580-65589.8). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, and Addenda thereto; Downtown Strategy 2000 EIR, Resolution No. 72767, and**

10.7 (Cont'd.)

Addenda thereto; North San José Development Policies EIR, Resolution No. 72768, and Addenda thereto; and Diridon Station Area Plan EIR, Resolution No. 77096 and Addenda thereto (collectively, the “Final Program EIRs”). Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)

**GPT14-001 – District: Citywide
(Deferred from 9/23/14 – Item 10.2)**

Item 10.7 was heard before Item 10.6.

Documents Filed: (1) Memorandum from Council Member Rocha, dated September 26, 2014, recommending additions to the Appendix D of the Housing Element. (2) Supplemental memorandum from Director of Planning, Building and Code Enforcement Harry Freitas and Director of Housing Leslye Corsiglia, dated September 29, 2014, providing additional information, transmitting the Draft City of San José 2014-2023 Housing Element and recommendations as indicated above.

Director of Housing Leslye Corsiglia offered comments relating to the revisions of the Draft City of San José 2014-2023 Housing Element.

Director of Planning, Building and Code Enforcement Harry Freitas, Director of Housing Leslye Corsiglia, Senior Planner Michael Brilliot and Project Manager Jenny Nusbaum responded to Council questions and concerns.

Motion: Council Member Herrera moved approval of the Staff recommendations and including the amendments as described below in “Action”. Council Member Khamis seconded the motion.

Council Member Liccardo requested to amend the motion to direct Staff to return to Council before the end of 2014 for the hearing on the Housing Impact Fee. The amendment was accepted by Council Members Herrera and Khamis.

Mayor Reed opened the Public Hearing.

Public Comments: Expressing comments and suggestions related to the Draft City of San José 2014-2023 Housing Element were Diana Castillo and Kyra Kazantzis, Law Foundation of Silicon Valley; Pat Sausedo, BIA Bay Area; Phyllis Trip, Shiloh Ballard, Silicon Valley Leadership Group and Charisse Ma Lebron, Working Partnerships USA.

Mayor Reed closed the Public Hearing.

10.7 (Cont'd.)

Action: On a call for the question, the motion carried, the City Manager was tentatively authorized to submit the Draft Envision San José 2040 General Plan Text Amendment to Incorporate the Draft Housing Element for 2014-2023 to HCD including the following revisions: (1) Incorporate the comments and changes from Mayor Reed and the Council Members from September 23, 2014. (2) Mobilehome regulation language: Change the word “balance” to “protect”. (3) Explore strengthening the rent control ordinance. (4) Add an action that monitors the job to housing fit in San José in addition to what is usually looked at in jobs to housing balance. (5) Explore opportunities for public and surplus lands, including lands owned by the Valley Transportation Authority for affordable housing development. (6) Explore mechanisms to implement the urban villages. (7) More definitive timelines for completion of work plan items, where appropriate. (8) Update the section on overcrowding. (9) Financing Plan for the Housing Element. (10) From the memorandum from Council Member Rocha, dated September 26, 2014: (a) Item 2. Make the following addition to an existing item on Page 4 of Appendix D: Goal: Coordinate with Valley Transportation Authority on transit-oriented development activities. Action: Explore ways to facilitate transit-oriented affordable housing development near BART, Light Rail and Bus Rapid Transit (BRT) stations. Identify opportunities to development parcels owned either by the City of San José or the Valley Transportation Authority as transit-oriented affordable housing, particularly workforce housing that may generate significant transit ridership. (b) Item 3. Make the following addition to an existing item on Page 5 of Appendix D: Goal: Implement Urban Village Plans. Action: Explore various funding mechanisms and programs to help finance infrastructure and amenities for Urban Villages. (11) Staff was further directed to return to Council before the end of 2014 for the hearing on the Housing Impact Fee. (6-3-2. Noes: Chu, Kalra, Rocha. Absent: Campos, Nguyen.)

10.6 Adopt a resolution approving all of the General Plan amendment actions taken on September 23, 2014 and September 30, 2014. (Planning, Building and Code Enforcement)

Documents Filed: Statement and Declaration of Conflict of Interest Form from Council Member Khamis, dated September 30, 2014, disclosing that he owns real property on Communications Hill.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Rocha and carried unanimously, Resolution No. 77173 was adopted, approving all of the General Plan amendment actions taken on September 23, 2014 and September 30, 2014. (7-0-3-1. Absent: Campos, Chu, Nguyen. Abstain: Khamis.)

PUBLIC HEARINGS ON CONSENT CALENDAR

- 11.1 (a) Consideration of an ordinance rezoning the real property located southerly of the terminus of Pullman Way from unincorporated County to PQP Public/Quasi-Public Zoning District and IP Industrial Park Zoning District on an approximately 9.6 gross acre site encompassing a portion of existing railroad right of way (Raisch Investment Group Ltd, Union Pacific Railroad, Owners). CEQA: EIR Resolution to be adopted under Item 10.3(a). (Planning, Building and Code Enforcement)
C14-046 – District 7**

Action: Deferred to October 21, 2014 per Rules and Open Government Committee.

- (b) Consideration of an ordinance rezoning the real property located east of Canoas Garden Avenue, north and south of Millpond Drive (County of Santa Clara, California Department of Public Transportation, Brandenburg Staedler & Moore- Mill Pond, Owners) from unincorporated County to PQP Public/Quasi-Public Zoning District and OS Open Space Zoning District on an approximately 12.4 gross acre site. CEQA: EIR Resolution to be adopted under Item 10.3(a). (Planning, Building and Code Enforcement)
C14-047 – District 7**

Action: Deferred to October 21, 2014 per Rules and Open Government Committee.

- (c) Consideration of an ordinance rezoning the real property located northeast of Saint Florian Way and Adeline Avenue (APN: 455-09-040) from unincorporated County to PQP Public/Quasi-Public Zoning District on a 2.0 gross acre site (Joaquin Bear LLC, Owner). CEQA: EIR Resolution to be adopted under Item 10.3(a). (Planning, Building and Code Enforcement)
C14-048 – District 7**

Action: Deferred to October 21, 2014 per Rules and Open Government Committee.

- (d) Consideration of an ordinance rezoning the real property located south of Batista Drive at the County Communications Facility at the terminus of Carol Drive (County of Santa Clara, Owner). CEQA: EIR Resolution to be adopted under Item 10.3(a). (Planning, Building and Code Enforcement)
C14-049 – District 7**

Action: Deferred to October 21, 2014 per Rules and Open Government Committee.

END OF THE PUBLIC HEARINGS ON CONSENT CALENDAR

PUBLIC HEARINGS

- 11.2 (a) Adopt a resolution adopting the Mitigated Negative Declaration for the Park Avenue Senior and Multi-Family Housing Project and a related Mitigation Monitoring and Reporting Program.**
- (b) Consideration of an ordinance rezoning the real property located at the northeast corner of Park Avenue and Laurel Grove Lane (777 Park Avenue) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow up to 182 multi-family attached units on 2.14 gross acres site (County of Santa Clara Housing Authority, Owner).**

CEQA: Mitigated Negative Declaration to be considered for adoption. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)

PDC13-012 – District 6

(Deferred from 9/23/14 – Item 11.4)

Documents Filed: (1) Memorandum from Council Member Rocha, dated September 29, 2014, recommending approval of the Planning/Staff Recommendation. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC13-012, dated May 6, 2014. (3) Memorandum from Planning Commission Secretary Harry Freitas, dated May 15, 2014, transmitting the recommendation of the Planning Commission. (4) Supplemental memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated September 19, 2014, transmitting correspondence received from the public, summarizing public comments and discussion from the August 5, 2014 Council Meeting. (5) Proof of Publication of Notice of Public Hearing, executed on September 5, 2014, submitted by the City Clerk. (6) Thirty letters from the public all dated September 30, 2014 expressing comments about the rezoning.

City Attorney Richard Doyle presented background information.

Kathy Espinoza-Howard, Chair of the Commission for the Housing Authority of Santa Clara County, emphasized the merits of the project.

Mayor Reed opened the Public Hearing.

Public Comments: The following speakers expressed support, opposition and various comments about the project located at 777 Park Avenue. Lucy Harendza, Zee, Richard Ouellette, Kevin Shuk, Raj Saklikar, Cahill Park Homeowners Association, Terry Ybarra, Michael Vutras, Ivan Jibaja, Jonathan Martinez, Carol Parkinson, James Wilhelm, Chris Carolia, Toby Adelman RN, PhD, Gail Hovland, Michele Beasley, Greenbelt Alliance, Chris O'Neill, Rick Saunders, Rick Saunders, Curtis Tumgaga, FPI Management, Inc.; Richard Belcinski, Lisa Gray, Barry Conklin, Scott Carter, Joan Moore, Ed Janke, Ruben Luna, Craig Whitt, Carlos Machado, Beth Southorn, Livesteps, USA; Michel Castejon, Candy Carter, Nick Carter, Rhonda Lakatos, Shiloh Ballard, Silicon Valley Leadership Group; Amanda Montez, Tiersa Sturm, Alex Shoor, Kyra Kazantzis, Law Foundation of Silicon Valley and Poncho Guevara.

11.2 (Cont'd.)

Alex Sanchez, Executive Director, Housing Authority of Santa Clara presented final closing comments.

Mayor Reed closed the Public Hearing.

Council discussion ensued.

Motion: Council Member Rocha moved approval of his memorandum approving the Planning Commission recommendation, finding the project in conformance with the California Environmental Quality Act (CEQA) and approving the proposed Planned Development Rezoning as recommended by Staff. Council Member Liccardo seconded the motion.

Mayor Reed and Council Member Herrera expressed support to the motion on the floor.

Action: On a call for the question, the motion carried, the memorandum from Council Member Rocha, dated September 29, 2014, was approved, the recommendation of the Planning Commission was approved, Resolution No. 77174, entitled: "A Resolution of the Council of the City of San José Adopting the Park Avenue Senior and Multifamily Housing 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 Ordinance No. 29492, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated At The Northeast Corner of Park Avenue and Laurel Grove Lane from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District", was passed for publication. Staff was directed to explore mitigation measures for traffic impacts at the Planned Development Stage. (6-3-2. Noes: Constant, Khamis, Oliverio. Absent: Campos, Nguyen.)

11.3 **Consideration of an ordinance rezoning and prezoning the real property located on the south side of the Union Pacific Railroad tracks, west of Hillsdale Avenue, northerly of Adeline Avenue and Altino Boulevard, and easterly of Highway 87 at the terminus of Carol Drive (Mta Properties LP Robert Bettencourt, Owner; KB Home South Bay, Inc., Peter Lezak, Developer) from A(PD) Planned Development, A Agriculture and Prezoning from unincorporated County to A(PD) Planned Development Zoning District for the proposed development of up to 2,200 residential units including single family attached and detached and multi-family units; up to 67,500 square feet of retail/commercial space; up to 1.44 million square feet of industrial park uses; parks, trails, a school site and related off-site public infrastructure of an approximately 331.6-acre site. CEQA: Communications Hill 2 Project Subsequent Environmental Impact Report resolution to be considered for certification and adoption. (Planning, Building and Code Enforcement)** **PDC13-009 – District 7**

Action: Deferred to October 21, 2014 per Rules and Open Government Committee.

ADJOURNMENT

The Council of the City of San José was adjourned at 10:33 p.m. in memory of former San José Police Chief Joe McNamera, who passed away on September 19, 2014. Chief McNamera served the San José Police Department (SJPD) from 1976 to 1991. His many reforms revolutionized the way the SJPD fights crime. (Mayor)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

smd/09-30-14 MIN

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