

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, AUGUST 10, 2010

The Council of the City of San José convened in regular session at 9:30 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chirco, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle; Reed.

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:34 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code subsection (c) of Section 54956.9 with respect to anticipated litigation in one (1) matter. (B) to confer with Legal Counsel pursuant to Government Code subsection (a) of Section 54956.9 with respect to existing litigation: (1) Citizens Against Airport Pollution v. City, et al.; Names of Parties Involved: Citizens Against Airport Pollution, an unincorporated association and Does 1 to 5, City Council of the City of San José, and Does 6 to 10, Does 10 to 30; Real Parties in Interest; Court: Superior Court of California, County of Santa Clara; Case No: 1-10-CV177290; Amount of Money or Other Relief Sought: City to set aside and void approvals relating to 8th addendum to Airport Master Plan; (2) Sky Chefs, Inc., v. City of San José; Name of Parties Involved: Sky Chefs, Inc., City of San José; Court: United States District Court, Northern District of California; Case No.: C09-03735 RS; (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) 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. How to obtain a copy of existing contract or MOA: web: http://www.sanjoseca.gov/employee_relations/moa.asp; Telephone for Employee Relations: 408-535-8150

CLOSED SESSION (Cont'd.)

By unanimous consent, Council recessed from the Closed Session at 10:59 a.m. and reconvened to Regular Session at 1:35 p.m. in the Council Chambers.

Present: Council Members - Campos, Chirco, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle; Reed.

Absent: Council Members - None.

INVOCATION

Pastor Jon Talbert of Westgate Church provided the Invocation. (District 7)

PLEDGE OF ALLEGIANCE

Mayor Reed and "Summer Book Club Students" led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (11-0.)

CEREMONIAL ITEMS

1.1 Presentation of a commendation to the Silicon Valley Independent Living Center for their commitment to offering comprehensive services to individuals with disabilities in Silicon Valley. (Chu/Liccardo)

Action: Mayor Reed and Council Members Chu and Liccardo commended the Silicon Valley Independent Living Center for their commitment to offering comprehensive services to individuals with disabilities in Silicon Valley.

1.2 Presentation of a commendation recognizing Richard McCoy for his outstanding community involvement in San José. (Constant)

Action: Mayor Reed and Council Member Constant recognized Richard McCoy for his outstanding community involvement in San José.

1.3 Presentation of a proclamation declaring August 15th as “Indian Independence Day” in the City of San José. (Kalra)

Action: Mayor Reed and Council Member Kalra recognized August 15th as “Indian Independence Day” in the City of San José.

CONSENT CALENDAR

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

Final adoption of ordinances.

- 2.2 (a) **ORD. NO. 28783 – Granting a franchise to Wickland Pipelines, LLC to use or to lay and use, oil pipes and appurtenances for the purpose of transmitting and distributing oil and products thereof in, along, across, upon and under certain public streets and rights-of-way within the City of San José.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28783 executed on August 6, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28783](#) was adopted. (11-0.)

- (b) **ORD. NO. 28773 – Amending Parts 1 and 5.5 of Chapter 3.36 of Title 3 of the San José Municipal Code relating to the Police and Fire Department Retirement Plan to add new Sections 3.36.130 and 3.36.140 defining “Limitation Year” and “Plan Year” and revising Section 3.36.730 to clarify provisions related to Internal Revenue Code limitations on Pension Benefit Calculations.**

[Deferred from 8/3/10 – Item 2.2(g)]

Documents Filed: Proof of Publication of the Title of Ordinance No. 28773 executed on June 29, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28773](#) was adopted. (11-0.)

2.3 Approval of Council Committee Reports.

- (a) **Community and Economic Development Committee Report of June 28, 2010. (Pyle)**
[Deferred from 8/3/10 – Item 2.3(j)]
- (b) **Transportation and Environment Committee Report of June 7, 2010. (Liccardo)**
[Deferred from 8/3/10 – Item 2.3(d)]

Documents Filed: (1) Community and Economic Development Committee Report dated June 28, 2010. (2) The Transportation and Environment Committee Report dated June 7, 2010.

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

- (c) **Rules and Open Government Committee Report of June 9, 2010. (Mayor)**
[Deferred from 8/3/10 – Item 2.3(e)]
- (d) **Neighborhood Services and Education Committee Report of June 10, 2010. (Campos)**
[Deferred from 8/3/10 – Item 2.3(f)]

Action: Deferred to August 17, 2010 per City Clerk

2.6 Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Gift Trust Fund for Public Art at the Airport.

- (a) **Increase the estimate for Earned Revenue by \$150,000; and**
- (b) **Establish an appropriation to the Office of Economic Development for Airport Art + Technology Program in the amount of \$150,000.**

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Economic Development/City Manager's Office)

Documents Filed: Joint Memorandum from Chief Development Officer Paul Krutko and Budget Director Jennifer Maguire, dated July 19, 2010, recommending adoption of appropriation ordinance and funding sources resolution amendments.

Mayor Reed pulled Item 2.6 to congratulate Staff on their hard work and to encourage members of the public to book a flight.

Action: Upon motion by Council Member Herrera, seconded by Council Member Liccardo and carried unanimously, [Ordinance No. 28784](#), entitled: "An Ordinance of the City of San José amending Ordinance No. 28765 to Appropriate Monies in the Gift Trust Fund for the Airport Art & Technology Program; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", and [Resolution No. 75516](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 75447 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2010-2011 to Adjust Revenues in the Gift Trust Fund", were approved. (11-0.)

2.7 Adopt a resolution establishing the FY 2010-11 property tax levy on all taxable property for general obligation bonded indebtedness. CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance)

Documents Filed: Memorandum from Director of Finance Scott P. Johnson, dated July 19, 2010, recommending adoption of a resolution.

Action: [Resolution No. 75517](#), entitled: “A Resolution of the Council of the City of San José, Establishing the Fiscal Year 2010-2011 Property Tax Levy for the City’s General Obligation Bond Indebtedness”, was adopted. (11-0.)

2.8 Adopt a resolution authorizing the Director of Finance to donate two surplus Fire Trucks (1981 American LaFrance Water Chief, and a 1990 Mack Pumper) with an estimated cumulative value of \$5,250, to the San José Fire Museum; a non-profit organization. CEQA: Not a Project, CEQA Guidelines Section 15061(b)(3). (Finance)

Documents Filed: Memorandum from Director of Finance Scott P. Johnson, dated July 19, 2010, recommending adoption of appropriation ordinance and funding sources resolution amendments.

Public Comments: David Wall criticized the length of time this process has taken and expressed his opinion that firefighters whose jobs have been affected as a result of budget cuts should be reinstated.

Council discussed the need to update and broaden the existing policy.

Action: Upon motion by Council Member Herrera, seconded by Council Member Liccardo and carried unanimously, [Resolution No. 75518](#), entitled: “A Resolution of the Council of the City of San José Approving the Donation of Two Surplus Fire Trucks”, was adopted, with the City Manager’s office directed to review the policy for possible revisions to broaden the scope of eligible organizations.

- 2.9**
- (a) Approve the proposed 2010 JAG Spending Plan for the FY 2010 Edward Byrne Memorial Justice Assistance Grant (JAG).**
 - (b) Approve changes to the 2009 JAG Spending Plan.**
 - (c) Adopt a resolution accepting the 2010 Justice Assistance Grant in the amount of \$433,583 and authorize the City Manager to execute any documents required to effectuate the grant, including the Grant Agreement and the necessary Memorandum of Understanding (MOU) with the County of Santa Clara.**
 - (d) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:**
 - (1) Increase the estimate for Earned Revenue in the amount of \$319,840;**
 - (2) Establish an appropriation to the Police Department for the 2010 Justice Assistance Grant in the amount of \$319,840.**

2.9 (Cont'd.)

CEQA: Not a Project, File No. PP10-066(g.), Grant Agreements and MOUs. (Police/City Manager's Office)

Documents Filed: Joint memorandum from Chief of Police Robert L. Davis and Budget Director Jennifer Maguire, dated July 19, 2010, recommending approval of a Grant and adoption of appropriation ordinance and funding sources resolution amendments.

Action: [Ordinance No. 28785](#), entitled: "An Ordinance of the City of San José, Amending Ordinance No. 28765 to Appropriate Monies in the Edward Byrne Memorial Justice Assistance Grant Trust Fund for the 2010 Justice Assistance Grant; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; [Resolution No. 75519](#), entitled: "A Resolution of the Council of the City of San José, Accepting the 2010 Edward Byrne Memorial Justice Assistance Grant in the Amount of \$433,583 and Authorizing the City Manager to Execute any Documents Required to Effectuate the Grant, Including the Grant Agreement and the Necessary Memorandum of Understanding with the County of Santa Clara"; and [Resolution No. 75520](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 75447 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2010-2011 to Adjust Revenues in the Edward Byrne Memorial Justice Assistance Grant Trust Fund", were adopted. (11-0.)

- 2.10 (a) Preliminarily approving the Engineer's Report.**
(b) Setting the public meeting to be held on September 28, 2010 at 1:30 p.m.
(c) Setting the public hearing and tabulation of property owner ballots for November 16, 2010 at 1:30 p.m.
(d) Directing that the notice of said meeting and hearing and ballots be mailed to the property owners in district.

CEQA: Exempt, File No PP10-090. Council District 4. (Public Works/Transportation)

Documents Filed: (1) Statement and Declaration of Conflict of Interest Form submitted by Council Member Kansen Chu, dated August 6, 2010. (2) Joint memorandum from Director of Public Works Katy Allen, and Acting Director of Transportation Hans Larsen, dated July 19, 2010, recommending setting the approval process for proposed maintenance District 23. (3) Supplemental memorandum from Director of Public Works Katy Allen, dated August 3, 2010, transmitting the proposed Engineer's Report for the Council's preliminary approval.

Council Member Chu recused himself due to owning property in this district.

Action: Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, [Resolution No. 75521](#) entitled: "A Resolution of the Council of the City of San José, Preliminarily Approving the Engineer's Report for the Proposed New Maintenance District 23 (Berryessa Road from I-680 to Piedmont Road) and Taking Certain Other Actions Preliminary to the Approval of Such New Maintenance District", was adopted. (10-0-0-1. Disqualified: Chu.)

- 2.11 Approve Mayor Reed's travel to Washington, D.C. on July 26-27, 2010 to participate on a panel to discuss how U.S. metropolitan areas lead nations export growth and boost competitiveness with White House Senior Administration Officials and officials of the EX-IM Bank of the U.S. Source of Funds: All travel costs (airfare, lodging, and incidentals) to be paid by Brookings Institution. (Mayor)
(Rules Committee referral 7/28/10)**

Documents Filed: Memorandum from Mayor Reed, dated July 23, 2010, requesting authorization to travel on City-related business.

Public Comments: David Wall offered remarks on the free trade zone status.

Action: The travel request from Mayor Reed was approved. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 As recommended by the Community and Economic Development Committee on June 28, 2010, accept staff's report on the results of the 2009 Development Services Customer Satisfaction Survey. (Planning, Building and Code Enforcement)
[Community and Economic Development Committee referral 6/28/10 – Item D(2)]
(Deferred from 8/3/10 – Item 4.1)**

Documents Filed: Memorandum from City Clerk Lee Price, dated July 22, 2010, transmitting the recommendations of the Community and Economic Development Committee.

Action: Upon motion by Council Member Herrera, seconded by Council Member Liccardo, and carried unanimously, the Staff's report on the results of the 2009 Development Services Customer Satisfaction Survey was accepted. (11-0.)

STRATEGIC SUPPORT SERVICES

- 3.1 Report of the City Manager, Debra Figone (Verbal Report)**

The City Manager reported on recruitment efforts being made to hire a new Police Chief.

3.2 Approve Ordinances:

- (a) **Amending Section 2.08.130 of Chapter 2.08 of Title 2 of the San José Municipal Code to revise provisions for removal of Retirement Board Members.**
- (b) **Amending Part 12 of Chapter 2.08 of Title 2 and Section 3.36.330 of Part 3 of Chapter 3.36 of the San José Municipal Code to revise the structure of the Board Of Administration for the Police And Fire Department Retirement Plan, adopt minimum qualification criteria for public members of said Board, revise provisions for compensation of Board Members and revise the definition of a Board quorum.**
- (c) **Amending Part 10 of Chapter 2.08 of Title 2 of the San José Municipal Code to revise the structure of the Board of Administration for the Federated City Employees Retirement System, adopt minimum qualification criteria for public members of said Board and revise provisions for compensation of Board Members.**

**CEQA: Not a Project; File No. PP10-068. (City Attorney's Office)
(Deferred from 6/22/10 – Item 3.6 and 8/3/10 – Item 3.2)**

Documents Filed: (1) Memorandum from Council Member Herrera, dated August 10, 2010, recommending proposed amendments to an ordinance. (2) Memorandum from City Attorney Richard Doyle, dated July 22, 2010, recommending approval of ordinances. (3) Letter from Jay Wendling, President of the Association of Retired San José Police Officers and Firefighters, dated August 10, 2010, recommending provisions to the Staff's recommendations.

Public Comments: Jay Wendling (Association of Retired San José Police Officers and Firefighters) spoke in favor of the proposal with some modifications.

Motion: Council Member Herrera moved approval of her memorandum of August 10, 2010, proposing that “the residency requirement for the public board member be 50 miles from San José City Hall”, and “the selection of the retired police and retired fire representatives will be selected by the retirees at-large as opposed to elected from within police members and from within fire members”. Council Member Nguyen seconded the motion.

Council Member Liccardo expressed opposition, citing that residential restrictions will diminish the pool of eligible candidates.

3.2 (Cont'd.)

Action: On a call for the question, [Ordinance No. 28786](#), entitled: “An Ordinance of the City of San José Amending Section 2.08.130 of Part 1 of Chapter 2.08 of Title 2 of the San José Municipal Code to Revise Provisions for Removal of Retirement Board Members”; [Ordinance No. 28787](#), entitled: “An Ordinance of the City of San José Amending Sections 2.08.1210, 2.08.1220, 2.08.1225, 2.08.1235, 2.08.1240, 2.08.1245, and 2.08.1270 of Part 12 of Chapter 2.08 of Title 2 and Amending Section 3.36.330 of Part 3 of Chapter 3.36 of Title 3 of the San José Municipal Code to Revise the Structure of the Board of Administration for the Police and Fire Department Retirement Plan, to Adopt Minimum Qualification Criteria for Public Member of Said Board, Revise Provisions for Compensation of Board Members and Revise the Definition of a Board Quorum”, and [Ordinance No. 28788](#), entitled: “An Ordinance of the City of San José Amending Section 2.08.1010, 2.08.1020, 2.08.1030, 2.08.1050, 2.08.1065 and 2.08.1070 of Part 10 of Chapter 2.08 of Title 2 of the San José Municipal Code to Revise the Structure of the Board of Administration for the Federated City Employees Retirement System, Adopt Minimum Qualification Criteria for Public Members of Said Board, and Revise Provisions for Compensation of Board Members”, passed for publication, as amended as outlined in Council Member Herrera’s memorandum of August 10, 2010 with the following changes, as modified: (1) Public board members must work or live within 50 miles of San José City Hall, and (2) The selection of the retired police and retired fire representatives will be recommended by the retirees at-large as opposed to elected from within police members and from within fire members.

(10-1. Noes: Liccardo.)

4.2 **As recommended by the Community and Economic Development Committee on June 28, 2010, accept the status report and the following staff recommendations regarding consideration of the draft Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (Plan or HCP/NCCP):**

- (a) **Continue to work with Wildlife Agencies to ensure feasible and reasonable requirements are identified in the HCP/NCCP, including but not limited to financial obligations;**
- (b) **Continue to ensure that the costs incurred to meet the Plan requirements as adopted by the partner agencies are less than or equal to the benefits of the Plan;**
- (c) **Continue to ensure that the Draft Plan does not put the City’s General Fund at risk for being responsible to fund Plan implementation in the absence of development fees or other assumed revenue sources; and**
- (d) **Continue to be diligent in the review and comment of non-local partner agencies’ CEQA documents with regard to direct and indirect impacts on the Plan area from projects outside the Plan area, and encourage the Wildlife Agencies to do the same. (Planning, Building and Code Enforcement)**
(Deferred from 8/3/10 – Item 4.1)
[Community and Economic Development Committee referral 6/28/10]

Action: Deferred to August 17, 2010.

- 4.3 (a) **Adopt a resolution accepting the NUMMI Re-Employment Grant award in the amount of \$6,274,772;**
- (b) **Adopt the following appropriation ordinance and funding sources resolution amendments in the Workforce Investment Act Fund (290) for 2010-2011 for the initial grant awards received as follows:**
- (1) **Increase the estimate for Earned Revenue by \$2,976,901;**
- (2) **Establish an appropriation to the Office of Economic Development for the 25% Additional Assistance Grant Bridge Funding – NUMMI Project in the amount of \$970,000; and**
- (b) (3) **Establish an appropriation to the Office of Economic Development for a National Emergency Grant Dislocated Workers – NUMMI Project in the amount of \$2,006,901.**

CEQA: Not a Project; File No. PP10-067(b), Appropriation Ordinance. (Economic Development/City Manager’s Office)

Documents Filed: Joint memorandum from Chief Development Officer Paul Krutko and Budget Director Jennifer Maguire, dated July 19, 2010, recommending adoption of an appropriation ordinance and funding sources resolution amendments.

Public Comments: Susan Bailey spoke in opposition to the re-employment project, saying it favors one type of worker over another.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Herrera and carried unanimously, [Ordinance No. 28789](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the Workforce Investment Act Fund for the 25% Additional Assistance Grant Bridge Funding – NUMMI Project and for the National Emergency Grant Dislocated Workers – NUMMI Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; [Resolution No. 75522](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Accept the New United Motors Manufacturing Incorporated (NUMMI) Re-employment Grant Award in the Amount of \$6,274,772”; and [Resolution No. 75523](#), entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 75447 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2010-2011 to Adjust Revenues in the Workforce Investment Act Fund”, were adopted. (11-0.)

- 4.4 (a) **Adopt a Resolution Authorizing the Director of Housing to accept Building Equity and Growth in Neighborhoods (BEGIN) housing program grants from the California Department of Housing and Community Development (HCD) when issued and to negotiate and execute the grant agreements and any amendments or other documents necessary to implement the programs funded by the following BEGIN grants:**
- (a) (1) **A \$2,000,000 grant to fund down payment assistance loans to first-time homebuyers purchasing in The 88 condominium development.**
- (2) **An \$820,000 grant to fund down payment assistance loans to first-time homebuyers purchasing in The Works condominium development.**

4.4 (Cont'd.)

- (3) A \$2,400,000 grant to fund down payment assistance loans to first-time homebuyers in the Axis condominium development.
 - (4) A \$2,000,000 grant to fund down payment assistance loans to first-time homebuyers in the 360 Residences condominium development.
 - (5) A \$1,176,500 grant to fund down payment assistance loans to first-time homebuyers in the Villa Fontana condominium development.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Multi-Source Housing Fund:
- (1) Increase the estimate for Earned Revenue by \$2,820,000.
 - (2) Increase the CalHome (BEGIN) Program project by \$2,820,000.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. Council Districts 3 and 6. SNI Area: Julian/Stockton & Spartan/ Keyes. (Housing/City Manager's Office)

Documents Filed: Memorandum from Director of Housing Leslye Krutko and Budget Director Jennifer Maguire, dated July 19, 2010, recommending adoption of an appropriation ordinance and funding sources resolution amendments.

Public Comments: Speaking in opposition to the BEGIN Debt Program were: Jerry Mungai, Susan Bailey and David Wall.

Director of Housing Leslye Krutko responded to questions from Council.

Action: Upon motion by Council Member Nguyen, seconded by Council Member Herrera and carried unanimously, [Resolution No. 75524](#), entitled: "A Resolution of the Council of the City of San José, Authorizing the Director of Housing to Accept Building Equity and Growth in Neighborhoods Housing Program Grants from the California Department of Housing and Community Development"; [Resolution No. 75525](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 75447 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2010-2011 to Adjust Revenues in the Multi-Source Housing Fund", and [Ordinance No. 28790](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the Multi-Source Housing Fund for the Cal-Home (BEGIN) Program; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. (11-0.)

- 4.5 Conduct a public hearing and consider an ordinance amending Title 20 of the San José Municipal Code to include amendments to: (1) Section 20.70.010 of chapter 20.70 to expand the applicability of the Downtown Zoning District to the area bounded by Julian Street, the Guadalupe River, Santa Clara Street, and Route 87 and modify the geographic description accordingly; (2) Section 20.30.100 of Chapter 20.30 to amend Table 20-50, Residential Districts Land Use Regulations, to allow with a Conditional Use Permit any use not set forth in Table 20-50 for designated City of San José Historic Landmark Structures; (3) Section 20.40.100 of Chapter 20.40 to amend Table 20-90, Commercial Districts Land Use Regulations, to allow with a Special Use Permit any use not set forth in Table 20-90 for Designated City of San José Historic Landmark Structures; (4) Section 20.50.100 of Chapter 20.50 to amend Table 20-110, Industrial Districts Land Use Regulations, to allow with a Special Use Permit any use not set forth in Table 20-110 for designated City of San José Historic Landmark Structures; (6) Chapter 20.80, Specific Use Regulations, to add a new part to establish regulations for uses of designated City of San José Historic Landmark Structures; (7) Section 20.90.220 of Chapter 20.90 to allow a reduction in the required parking for a designated City of San José Historic Landmark Structures; and (8) Chapter 20.200, Definitions, to add a definition of Historic Landmark Structure. CEQA: Use of San José 2020 General Plan Final Environmental Impact Report, Resolution No. 65459, File No. PP10-129. (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from Director, Planning, Building and Code Enforcement Joseph Horwedel, dated July 22, 2010, recommending an amendment of Title 20 of the San José Municipal Code. (2) Supplemental memorandum from Planning Commission Secretary Joseph Horwedel, dated August 2, 2010, transmitting the Planning Commission recommendation. (3) Proof of Publication of Notice of Public Hearing, executed on August July 9, 2010 submitted by the City Clerk.

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

Action: Upon motion by Council Member Herrera, seconded by Council Member Pyle and carried unanimously, the recommendation of the Planning Commission and the Planning Director was approved, and [Ordinance No. 28791](#), entitled: “An Ordinance of the City of San José Amending Title 20 of the San José Municipal Code to Include Amendments to (1) Section 20.70.010 of Chapter 20.70 to Expand the Applicability of the Downtown Zoning Districts to the Area Bounded by Julian Street, the Guadalupe River, Santa Clara Street, and Route 87 and Modify the Geographic Description Accordingly; (2) Section 20.30.100 of Chapter 20.30 to Amend Table 20-50, Residential Districts Land Use Regulations, to Allow with a Conditional Use Permit Any Use of the Residential Districts or Any Use of the CP Commercial Pedestrian District, Except Vehicle-Related Uses, for Designated City of San José Historic Landmark Structures; (3) Section 20.40.100 of Chapter 20.40 to Amend Table 20-90, Commercial Districts Land Use Regulations, to Allow with a Special Use Permit Any Use Not Set Forth in Table 20-90 for Designated City of San José Historic Landmark Structures; (4) Section 20.50.100 of Chapter 20.50 to Amend Table 20-110,

4.5 (Cont'd.)

Industrial Districts Land Use Regulations, To Allow with a Special Use Permit Any Use Not Set Forth in Table 20-110 for Designated City of San José Historic Landmark Structure Reuse; (5) Section 20.70.100 of Chapter 20.70 to Amend Table 20-140, Downtown Districts Land Use Regulations, to Allow with a Special Use Permit any Use Not Set Forth in Table 20-140 for Designated City of San José Historic Landmark Structures; (6) Chapter 20.80, Specific Use Regulations, to Add a New Part to Establish Regulations for Uses of Designated City of San José Historic Landmark Structures; (7) Section 20.90.220 of Chapter 20.90 to Allow a Reduction in the Required Parking for a Historic Landmark Structure, and (8) Chapter 20.200, Definitions, to Add a Definition of a Historic Landmark Structure”, was passed for publication. (11-0.)

NEIGHBORHOOD SERVICES

Adopt a resolution authorizing the City Manager, or designee, to:

- (a) **Submit a grant application in the amount not to exceed \$1,250,000 to the Santa Clara Valley Transportation Authority (“VTA”) under the VTA Bicycle Expenditure Program for the development of construction documents for the Los Gatos Creek 5B/C (San Carlos St. to Montgomery Ave.) Trail project (“Project”) with an additional local match requirement of \$320,000; and**
- (b) **Accept any grant funds awarded to the City and negotiate and execute all necessary documents related to any grant funding from the Metropolitan Transportation Corporation (“MTC”) to the City for the Project; and**
- (c) **Keep the Los Gatos Creek 5B/C trail segment between San Carlos Street and Montgomery Avenue open 24 hours a day, seven days a week once the trail segment is constructed, for the life of the trail, except during emergencies, maintenance, and unforeseeable circumstances, as required by VTA/MTC as part of the grant requirement.**

CEQA: Mitigated Negative Declaration, File No. PP06-112. (Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated July 29, 2010, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Chirco, seconded by Council Member Herrera and carried unanimously, [Resolution No. 75526](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Filing of an Application for Federal Surface Transportation Program (“STP”) and/or Congestion Mitigation and Air Quality Improvement (“CMAQ”) Funding for the Development of Construction Documents for the Los Gatos Creek 5 B/C (San Carlos Street to Montgomery Avenue) Trail Project (“Project”) and Committing the Necessary Non-Federal Match and Stating the Assurance to Complete the Project”, was adopted. (11-0.)

ADJOURNMENT

The Council of the City of San José adjourned at 4:14 p.m. in memory of Edith Shain, made famous by the Life Magazine photo “VJ Day in Time Square,” which was taken August 14th, 1945, marking the end of World War II. A long-time supporter of Spirit of ’45 Campaign events in San Jose, Edith passed away on June 20th, 2010. (Herrera)

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

rmk/8-10-10.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.

JOINT REDEVELOPMENT AGENCY

The Joint Redevelopment Agency Board convened at 3:18 p.m. to consider Item 8.1 in a Joint Session.

- 8.1 (a) Accept the report on the Strong Neighborhoods Business Plan Update with the goals of:**
- (1) Removing barriers to neighborhood action,**
 - (2) Stabilizing neighborhoods in crisis,**
 - (3) Supporting neighborhood action, and**
 - (4) Connecting resources to priorities.**
- (b) Adoption of resolutions by the City Council and Agency Board directing the City Manager and Redevelopment Agency Executive Director to implement the Strong Neighborhoods Business Plan Update.**
- CEQA: Not a Project. [Neighborhood Services and Education Committee referral 6/10/10 – Item D(6)]**
(Deferred 6/22/10, Item 8.3)

Documents Filed: (1) Memorandum from Redevelopment Agency Executive Director Harry S. Mavrogenes, dated July 29, 2010, recommending acceptance of the Strong Neighborhoods Business Plan Update and adoption of a resolution. (2) Supplemental memorandum from Redevelopment Agency Executive Director Harry S. Mavrogenes and City Manager Debra Figone, dated July 29, 2010, providing additional information on the Strong Neighborhoods Business Plan Update.

Redevelopment Agency Deputy Executive Director Abi Maghamfar and Redevelopment Agency Project Manager, Christopher “Kip” Harkness provided a presentation on the Strong Neighborhoods Business Plan Update.

Public Comments: Pete Kolstad Market/Almaden Neighborhood Association expressed concerns that lateral communication is missing. Sandra Solner asked for continued support of the Strong Neighborhoods Initiative.

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Chirco and carried unanimously, [Resolution No. 75527](#), entitled: “A Resolution of the Council of the City of San José Directing the City Manager to Implement the Strong Neighborhoods Initiative 2010 Business Plan Update”, and [Redevelopment Agency Resolution No. 5980](#), directing the City Manager and Redevelopment Agency Executive Director to implement the Strong Neighborhoods Business Plan Update, were adopted. (11-0.)

The Council of the City of San José and Redevelopment Agency Board was adjourned at 4:14 p.m.