

# CITY COUNCIL AGENDA

**APRIL 19, 2011**

## SYNOPSIS

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
XAVIER E. CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON NGUYEN, VICE MAYOR  
ROSE HERRERA  
DONALD ROCHA  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
**9:09 a.m.** - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: All Present.**  
  
**1:30 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: All Present.**  
  
**7:00 p.m.** - Public Hearings, Council Chambers, City Hall  
**Canceled.**
- **Invocation (District 4)**  
**Filipino American Veterans Rondalla Group presented the Invocation.**
- **Pledge of Allegiance**  
**Mayor Reed, accompanied by the Third Graders from Lynnhaven Elementary School, led the Pledge of Allegiance.**
- **Orders of the Day**  
**The Orders of the Day and the Amended Agenda were approved.**
- **Closed Session Report**  
**City Attorney Doyle disclosed the following Closed Session actions of April 19, 2011:**  
  
**A. Authority to Initiate Litigation:**  
  
**Authority to initiate litigation was given in one (1) matter. The names of the action(s) and the defendant(s), as well as the substance of the litigation shall be disclosed to any person upon inquiry once the action(s) are formally commenced.**

## CLOSED SESSION REPORT (Cont'd.)

**Council Vote: Ayes:** Campos, Chu, Constant, Herrera, Kalra, Liccardo, Nguyen, Oliverio, Pyle, Rocha; Reed.

**Noes:** None.

**Abstention:** None.

**Absent:** None.

## 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a commendation to the Piedmont Hills High School Football Team for the Division 1 CCS Football Championship. (Chu)  
**Deferred to 5/17/11 in the Evening per District 4.**
- 1.2 Presentation of a commendation to Friends Helping Friends with Special Needs for their dedication to helping children with special needs and their families through integrated community involvement. (Chu)  
**Deferred to 5/17/11 in the Evening per District 4.**
- 1.3 Presentation of a commendation to the Grace Community Center in recognition of their 40 Year Anniversary. (Constant/Liccardo)  
**Mayor Reed and Council Members Constant and Liccardo recognized and commended the Grace Community Center.**
- 1.4 Presentation of awards to the Early Care and Education Commission Outstanding Contributors. (Pyle)  
**Mayor Reed and Council Member Pyle recognized and commended the Early Care and Education Commission Outstanding Contributors.**
- 1.5 Presentation of a proclamation in celebration of Songkran in the City of San José. (Chu)  
**Mayor Reed and Council Members Chu and Kalra recognized the celebration of Songkran in the City of San José.**

## 2. CONSENT CALENDAR

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### 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

(a) Regular Minutes of January 11, 2011.

(b) Special Minutes of the Joint Council/Redevelopment Agency/San José Financing Authority of January 19, 2011.

(c) Regular Minutes of January 25, 2011.

**Approved.**

## 2. CONSENT CALENDAR

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### 2.2 Final adoption of ordinances.

There were none.

### 2.3 Approval of Council Committee Reports.

**Recommendation:** Approval of Council Committee Reports.

(a) Rules and Open Government Committee Report of March 30, 2011. (Mayor)

(c) Rules and Open Government Committee Report of March 23, 2011. (Mayor)

(d) Rules and Open Government Committee Report of March 16, 2011. (Mayor)

(e) Rules and Open Government Committee Report of March 9, 2011. (Mayor)

**Deferred to April 26, 2011 per City Clerk.**

(b) Transportation and Environment Committee Report of April 4, 2011. (Liccardo)

**Approved.**

### 2.4 Mayor and Council Excused Absence Requests.

There were none.

### 2.5 City Council Travel Reports.

**Mayor Reed and Council Member Herrera participated in the Silicon Valley Leadership Group's Sacramento Advocacy Trip and provided highlights about the trip including, discussions on pension reform, encouraging economic development and a willingness to talk about the Redevelopment Agencies.**

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

There were none.

### 2.7 Cost-Sharing Agreement with Santa Clara Valley Water District for Water Conservation.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Santa Clara Valley Water District (District) for cost sharing of water conservation and wastewater flow reduction programs, for the period of January 1, 2011 through December 31, 2011, under which the City will pay the District an amount not to exceed \$500,000 and the City will receive an amount not to exceed \$180,000. CEQA: Not a Project, File No.PP10-066 (e), Services that involve no physical changes to the environment. (Environmental Services)

**Resolution No. 75775 adopted.**

## 2. CONSENT CALENDAR

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### 2.8 Agreement with Ampco for Airport Parking Facilities Management Services

**Recommendation:** Adopt a resolution authorizing the Director of Finance to execute the Fifth Amendment to the Parking Management Agreement for Norman Y. Mineta San José International Airport (Airport) with Ampco System Parking, Inc. to expand the scope of services to include in-lot shuttle services for the Airport parking lots scheduled to open beginning in early June 2011 and increase the amount of maximum compensation for the current extension term, ending October 31, 2011, by an amount not to exceed \$400,000, for a total maximum compensation not to exceed \$4,930,000 for parking management and shuttle services for the current extension term. CEQA: Not a Project, File No. PP10-066(e), Amendment to agreement for facility management. (Finance)

**Resolution No. 75776 adopted.**

### 2.9 Actions Related to Mayor Reed's Travel to Sacramento, CA.

**Recommendation:**

- (a) Approve travel by Mayor Reed to Sacramento, CA on April 13, 2011 to participate in the Silicon Valley Leadership Group's Sacramento Advocacy Trip as one of the City's designated representatives. Source of Funds: Mayor/Council Travel Fund.
- (b) Request for an excused absence for Mayor Reed from the Regular Meeting of the Rules and Open Government Committee on April 13, 2011 due to Authorized City Business.

(Mayor)

**Approved.**

### 2.10 Sixth Annual West Valley Senior Walk.

**Recommendation:**

- (a) Approve the West Valley Senior Walk sponsored by Council Districts 1 and 6 as a City Council sponsored Special Event.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (City Clerk)

**Approved.**

## 3. STRATEGIC SUPPORT SERVICES

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

**City Manager Debra Figone reported that the proposed 2011-2012 budget will be released on Monday, May 2, 2011 and added that next week Staff will be notifying employees who are subject to layoff or bumping.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Labor Negotiations Update

**Recommendation:** Accept Labor Negotiations Update.

**Heard at 9:00 a.m.**

**Accepted.**

#### 3.3 Approval of the Terms of an Agreement with the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 41/42 And Unit 43 (AEA).

**Recommendation:** Adopt a resolution:

- (a) Approving the terms of a collective bargaining agreement for the period of July 1, 2011, through June 30, 2013, between the City and the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 041 and 042.
- (b) Approving the terms of a collective bargaining agreement for the period of July 1, 2011, through June 30, 2013, between the City and the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Unit 043.

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

**Resolution No. 75777 adopted.**

**Noes: Liccardo.**

#### 3.4 Approval of the Terms of an Agreement with the Association of Maintenance Supervisory Personnel.

**Recommendation:** Adopt a resolution approving the terms of a collective bargaining agreement for the period of July 1, 2011, through June 30, 2013, between the City and the Association of Maintenance Supervisory Personnel (AMSP). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

**Resolution No. 75778 adopted.**

**Noes: Liccardo.**

#### 3.5 Approval of the Terms of an Agreement with the City Association of Management Personnel, International Federation of Professional and Technical Engineers, Local 21.

**Recommendation:** Adopt a resolution approving the terms of a collective bargaining agreement for the period of July 1, 2011, through June 30, 2013, between the City and the City Association of Management Personnel, International Federation of Professional and Technical Engineers, Local 21, (CAMP). CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

**Resolution No. 75779 adopted.**

**Noes: Liccardo.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.6 Compensation and Benefit Changes for Executive Management and Professional Employees in Unit 99, Other Unrepresented Employees, and the City Manager.

**Recommendation:** Adopt a resolution approving compensation and benefit changes for executive management and professional employees in Unit 99, including the City Manager, and other unrepresented employees, effective June 26, 2011. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

**Resolution No. 75780 adopted.**

**Noes: Liccardo.**

#### 3.7 Interview and Appoint a Public Member of the Board of Administration of the Police and Fire Department Retirement Plan.

**Recommendation:**

- (a) Consider the appointment of Andrew Lanza to the Board of Administration of the Police and Fire Department Retirement Plan as recommended by the Board.
- (b) At the Council's discretion, appoint Andrew Lanza to the Board of Administration of the Police and Fire Department Retirement Plan for a term of office expiring April 30, 2015.
- (c) If the Council does not appoint Andrew Lanza, staff recommends that Council request that the Police and Fire Retirement Board provide additional recommendation(s) for Council consideration from the remaining applicants, or provide alternative direction to staff concerning a procedure for filling the fifth public member seat on the Police and Fire Retirement Board.

(City Clerk)

**Andrew Lanza was appointed.**

#### 3.8 Actions Related to Medical Marijuana.

**Recommendation:**

- (a) Adopt a resolution to initiate amendments to Title 20 of the San José Municipal Code (the Zoning Code) to establish land use regulations pertaining to Medical Marijuana Collectives and to establish a Zoning Verification Certificate process, to forward these proposed Title 20 amendments to the Planning Commission for its report and recommendation, and to set a public hearing date on these proposed amendments to Title 20 before the City Council.

*Item 3.8(a) was heard on April 12, 2011.*

*Resolution No. 75774 adopted on April 12, 2011, as amended:*

- (1) *The memorandum from Mayor Reed, dated April 11, 2011, was approved:*
  - (a) *Limit the location of Medical Marijuana collectives to parcels zoned Commercial General, Downtown Primary Commercial, Combined Industrial Commercial and Light Industrial.*

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.8 Actions Related to Medical Marijuana (Cont'd.)

- (1) (b) *Comply with AB2650 distance requirements for schools and require the same distance requirements as are currently required for liquor stores and for all other sensitive uses. Specifically:*
  - *600 feet from Public and Private Schools.*
  - *500 feet from child daycare, church with child daycare, community/recreation center, park, library, substance abuse rehabilitation center or another Collective.*
  - *150 feet from residential use.*
  - *No ground floor establishments in pedestrian areas such as Downtown or in areas intended to have high pedestrian traffic, including but not limited to major shopping malls (i.e. The Plant, Oakridge, Eastridge, etc.).*
- (2) *Additional criteria to protect the Light Industrial District to be added at the discretion of the Director of Planning.*
- (3) *Zoning verification as the land use mechanism.*
- (4) *No offsite cultivation (to be consistent with Title 6).*
- (5) *A maximum of ten (10) Collectives, no more than two (2) per Council District (to be consistent with Title 6).*

*Noes: Campos, Chu, Constant; Reed.*

- (b) Approve an ordinance of the City of San Jose amending Title 6, Business Licenses and Regulations, of the San Jose Municipal Code to add Parts 1, 2 and 3 of a new Chapter 6.88 to establish a registration process pertaining to Medical Marijuana Collectives.
- (c) Approve an ordinance of the City of San Jose amending Title 6, Business Licenses and Regulations, of the San Jose Municipal Code to add Parts 4 through 9 of a new Chapter 6.88 to establish regulations pertaining to Medical Marijuana Collectives and to the individual cultivation and use of medical marijuana.

**Ordinance No. 28908 passed for publication, as amended.**

**The revised memorandum from Vice Mayor Nguyen, dated April 15, 2011, was approved, including:**

- (1) *A cap of ten (10) medical marijuana collectives, with no more than two (2) collectives in each district.*
- (2) **Award permits to those whom are eligible based on a rigorous registration “first come, first served” approach. The application must be submitted to the City Clerk, by a deadline set by Staff and the order for consideration of the applications will be based on each application’s time stamp.**
- (3) **Initiate a 30 day submittal period to establish the acceptance of applications of the operation and establishment of medical marijuana collective. Police and Code Enforcement Staff directed to shut down all remaining collectives who have not filed an application upon the submittal period’s deadline.**

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.8 Actions Related to Medical Marijuana (Cont'd.)

- (4) *No allowance for the offsite cultivation of marijuana. Require 24 hour security for onsite cultivation. Require that onsite cultivators growing medical marijuana pass a background check and not have a prior felony or misdemeanor conviction (prohibit people engaged directly or indirectly in the management of a collective who have had a conviction within the past ten years of any misdemeanor or felony involving the use of violence, force, fear, fraud, or deception; unlawful possession, sale, distribution, or transportation of a controlled substance; or use of money to engage in criminal activity.)*
- (5) **Expand the category of allowed medical marijuana uses to extend to edibles, ointments and other non-smoke based medical marijuana products, but all distribution of food must comply with Santa Clara County's health regulations and permits; and:**
- (6) **Restrictions on ground floor uses for sensitive areas: focus on retail at pedestrian level, such as Valley Fair, Oakridge Mall, Eastridge Mall, The Plant and other locations as determined by Staff.**
- (7) **Adopt a Resolution to the California Governor and State Legislature, U.S. Attorney General and Congress of the United States that their failure to create a sensible approach to the regulation of medicinal marijuana has placed an undue burden on cities like San Jose when we lack adequate resources to address those burdens and that the City continue to work with the Cities Association, League of Cities and others seeking changes to the to federal schedule and that the Food and Drug Administration take responsibility for the process, or some other resolution for the orderly implementation of compassionate use of medical marijuana which will treat marijuana like other drugs that have medicinal purposes.**
- (8) **The supplemental memorandum from City Attorney Richard Doyle, dated April 15, 2011, was approved.**

Noes: Campos, Chu, Kalra, Oliverio, Rocha.

- (d) Direct staff to issue a Manager's Budget Addendum (MBA) to establish an appropriate FY 2011-2012 staffing plan, amendments to the Schedule of Fees and Charges to include an Annual Operating Fee, amendments to the Schedule of Fines, to be considered as part of the Mayor's June Budget Message.

**Approved.**

**Staff requested to circulate an information memorandum on the process and the schedule.**

Noes: Campos, Chu, Kalra, Oliverio, Rocha.

- (e) Adopt a resolution to amend the Adopted 2010-2011 Schedule of Fees and Charges Resolution (Resolution 72737, as amended) to add a Medical Marijuana Collective Application Processing Fee at \$4,975 per Collective and to add a Medical Marijuana Investigation Hourly Fee at \$167 per hour.

(City Manager's Office/Planning, Building and Code Enforcement/Police)

**Resolution No. 75783 adopted.**

Noes: Campos, Chu, Kalra, Oliverio, Rocha.

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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## 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Modification to procedures for the Airport Noise Abatement Office.

**Recommendation:**

- (a) Adopt a resolution to provide for the preparation and issuance by the Airport of an Annual Airport Noise Report and to discontinue the current Airport practice of preparing and issuing a Monthly Noise Report.

**Resolution No. 75781 adopted.**

- (b) Approve an ordinance amending Section 25.04.570 of Chapter 25.04 of Title 25 of the San José Municipal Code to provide that Airport engine run-up reports will be included in the Monthly Noise Summary on the Airport web site and the Annual Airport Noise Report.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports/Assessments/Annual Reports/Information Memos. (Airport)

(Deferred from 4/5/11 – Item 6.1)

**Ordinance No. 28907 passed for publication.**

**The revised memorandum from Council Member Liccardo, dated April 18, 2011, was approved, accepting the Staff recommendations with the following modifications:**

- (1) **Include within the monthly noise summaries:**
- (a) **The number of complaints and not just intrusions.**
  - (b) **The hour of the day of the *intrusions*, in summary format (such as in a bar chart).**
  - (c) **The number of complaints/intrusions attributable to general versus commercial aviation.**
- (2) **In addition to the monthly noise summary, more descriptive quarterly reports will remain available on the Airport's web site.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Actions Related to the Fuel Cell Utility Interconnections and Foundation Pad Design-Build Project.

**Recommendation:** Reports on bids and award of contract for the Fuel Cell Foundation Platform and Utility Interconnections Design Build Project to the low bidder, Anderson Pacific Construction Inc., in the amount of \$1,545,000, and approval of a contingency of 15% of the contract amount of \$231,750. CEQA: Exempt, File No. PP11-030. (Environmental Services/Public Works)

**Approved.**

### 7.2 Agreements with Harvest Power and CEC Grant Agreements for Biomass-to-Energy Technology Project.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute:

- (a) An agreement with the California Energy Commission to provide grant funding in an amount up to \$1,900,000 for the initial feasibility study, and potential demonstration of a biomass-to-energy technology facility at the San José/Santa Clara Water Pollution Control Plant from April 20, 2011 through December 31, 2014 consistent with the business terms specified in the Council memorandum.
- (b) An agreement with Harvest Power Inc. to prepare an initial feasibility study, and potential demonstration of a biomass-to-energy technology facility at the San José /Santa Clara Water Pollution Control Plant from April 20, 2011 through December 31, 2014 consistent with the business terms specified herein; and for an in-kind match to the California Energy Commission grant for an estimated value of \$4,095,530.

CEQA: Categorical Exemption, File No. PP10-130, CEQA Guidelines Section 15303(d), New Construction and Conversion of Small Structures. (Environmental Services)

**Resolution No. 75782 adopted.**

### 7.3 Feasibility Assessment for the Creation of a South San Francisco Bay Emergency Port Access.

**Recommendation:** Accept the Final Report on the “Feasibility Assessment for the Creation of a south San Francisco Bay Emergency Port Access,” to be submitted to the Department of Commerce, Economic Development Administration by the San José Silicon Valley Chamber of Commerce before the April 29, 2011 deadline. CEQA: Not a Project, File No. PP10-069 (a) Staff Reports. (Environmental Services)

**Accepted.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.4 Plant Master Plan – Selection of Preferred Alternative.**

**Recommendation:** As recommended by the Transportation and Environment Committee on April 4, 2011:

- (a) Provide direction to proceed with the preparation of an Environmental Impact Report (EIR) and development of the final documents for the San José/Santa Clara Water Pollution Control Plant Master Plan (Plant Master Plan) Recommended Preferred Alternative consisting of long-term wastewater treatment capital projects, including odor control projects and changes to the Plant’s biosolids drying, filtration and disinfection processes; and changes in use of the Plant lands to add a mix of recreational, environmental, and economic development uses.
- (b) Approve option to extend the term of Agreement with Environmental Science Associates and Jones & Stokes Associates, Inc. (ESA + J&S) for Plant Master Plan environmental documentation to December 31, 2013 and to increase the maximum amount of compensation by \$1,400,000, from \$600,000 to \$2,000,000.
- (c) Direct staff to provide an update to Council on the following efforts in May 2011:
  - (1) Status of efforts to prioritize the identification of sources and potential solutions for elimination of odors coming from the Plant.
  - (2) Study to evaluate timing, cost, and delivery options for capital projects relating to biosolids dewatering and drying.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Environmental Services/ Planning, Building and Code Enforcement)

**The memorandum from Mayor Reed, Vice Mayor Nguyen and Council Members Chu, Liccardo and Rocha, dated April 15, 2011, accepting the Staff recommendations was approved, with the following modifications:**

- (1) **During the May 2011 Council update, provide an analysis of the feasibility of implementing odor mitigation work in three to seven years.**
- (2) **Staff directed to return to the Transportation and Environment Committee with regular project status reports.**

## **8. PUBLIC SAFETY SERVICES**

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## **9. JOINT COUNCIL/REDEVELOPMENT AGENCY**

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- **Open Forum**  
None presented.

- **Adjournment**

**The Council of the City of San José was adjourned at 6:19 p.m. in memory of Pat Kramer and Diane Navarro, employees of the Department of Public Works who recently lost their lives in unrelated automobile accidents. Pat was a dispatcher with Animal Care and Services for almost ten years. Diane worked in administration and was a 25 year City employee. Pat and Diane made significant contributions to the City and will be greatly missed.**

## **10. GENERAL PLAN PUBLIC HEARINGS**

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No General Plan Public Hearing at this time.

## **11. PUBLIC HEARINGS**

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### **11.1 Public Hearings on Consent Calendar.**

No Public Hearings on Consent Calendar at this time.

### **11.2 Rezoning real property located on the southwest corner of Tully Road and S. King Road.**

**Recommendation:** Consider an ordinance rezoning the real property located on the southwest corner of Tully Road and S. King Road (1698 Tully Road) from the CP Commercial Pedestrian Zoning District to the CP(PD) Planned Development Zoning District to allow the demolition and reconstruction of an existing gas station including the relocation of the fuel pumps, canopy and the construction of a new convenience store and automatic car wash on a 0.5 gross acre site (Au Energy LLC, Owner/Developer). SNI: West Evergreen. CEQA: Exempt. The Planning Commission voted 4-0-3 (Commissioners Abelite, Bit-Badal and Jensen absent) to recommend City Council approval.  
PDC10-020 – District 7

**Continued to 04/26/11 in the Afternoon.**