

CITY COUNCIL AGENDA

AUGUST 2, 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. 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, 2nd 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 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**
9:00 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.
1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 7)**
Pastor Tony Williams of Maranatha Christian Center presented the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 3.3 deferred to 8/30/11, Items 2.3(a), (c), (d), (e), (i), (k) and (m), and Item 3.6 deferred to 8/9/11; Items 2.14 – 2.17 added from the Rules and Open Government Meeting of July 27, 2011, with renumbering of Items 4.4 to 2.18, and a Sunshine Waiver included for Item 3.5(a).
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring August 7, 2011 as “Assyrian Martyrs Remembrance Day” in the City of San José. (Chu/Oliverio)
Mayor Reed and Council Members Chu and Oliverio presented a proclamation declaring August 7, 2011 as “Assyrian Martyrs Remembrance Day” in the City of San José.
- 1.2 Presentation of a proclamation declaring August 7 – 13, 2011 as National Farmers Market Week in the City of San Jose. (Chu)
(Rules Committee referral 7/27/11)
Mayor Reed and Council Member Chu presented a proclamation declaring August 7 – 13, 2011 as National Farmers Market Week in the City of San Jose.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.
- 2.2 **Final adoption of ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28935 – Amending Ordinance No. 28178 to extend the ending date of the pilot for the Neighborhoods Commission to December 31, 2011.
Ordinance No. 28935 adopted.
- (b) ORD. NO. 28936 – Granting a Commercial Solid Waste and Recyclable Material Collection Franchise for the South District to Allied Waste Services of North America, LLC dba Allied Waste Services of Santa Clara County.
Ordinance No. 28936 adopted.
- (c) ORD. NO. 28937 – Granting a Commercial Solid Waste and Recyclable Material Collection Franchise for the North District to Allied Waste Services of North America, LLC dba Allied Waste Services of Santa Clara County.
Ordinance No. 28937 adopted.
- (d) ORD. NO. 28939 – Rezoning certain real property situated on the east side of Monterey Road, approximately 300 feet southerly of Alma Avenue, from the LI-Light Industrial and HI-Heavy Industrial Zoning Districts to the CG(PD) Planned Development Zoning District. PDC10-026
Ordinance No. 28939 adopted.
- (e) ORD. NO. 28940 – Rezoning certain real property situated at the northeast corner of Toy Lane and Kettman Road (2605 Toy Lane), from A(PD) Planned Development Zoning District to R-1-8 (PD) Planned Development Zoning District. PDC07-052
Ordinance No. 28940 adopted.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (b) Neighborhood Services and Education Committee Report of June 9, 2011. (Pyle)
[Deferred from 6/21/11 – Item 2.3(b)]
- (f) Rules and Open Government Committee Report of May 4, 2011. (Mayor)
[Deferred from 5/24/11 – Item 2.3(c), et al, and 6/21/11 – Item 2.3(f)]
- (g) Rules and Open Government Committee Report of April 27, 2011. (Mayor)
[Deferred from 5/17/11 – Item 2.3(a), et al, and 6/21/11 – Item 2.3(g)]
- (h) Transportation and Environment Committee Report of June 6, 2011. (Liccardo)
- (l) Public Safety, Finance and Strategic Support Committee Report of June 16, 2011.
(Constant)

Approved.

- (a) Rules and Open Government Committee Report of June 1, 2011. (Mayor)
[Deferred from 6/21/11 – Item 2.3(a)]
- (c) Rules and Open Government Committee Report of May 18, 2011. (Mayor)
[Deferred from 6/14/11 – Item 2.3(a) and 6/21/11 – Item 2.3(c)]
- (d) Rules and Open Government Committee Report of May 25, 2011. (Mayor)
[Deferred from 6/14/11 – Item 2.3(b) and 6/21/11 – Item 2.3(d)]
- (e) Rules and Open Government Committee Report of May 11, 2011. (Mayor)
[Deferred from 6/7/11 – Item 2.3(a), 6/14/11 – Item 2.3(c) and 6/21/11 – Item 2.3(e)]
- (i) Rules and Open Government Committee Report of June 8, 2011. (Mayor)
- (k) Rules and Open Government Committee Report of June 15, 2011. (Mayor)
- (m) Rules and Open Government Committee Report of June 22, 2011. (Mayor)

Deferred to 8/9/11 per City Clerk.

2.4 Mayor and Council Excused Absence Requests.

None.

2.5 City Council Travel Reports.

None.

2.6 Report from the Council Liaison to the Retirement Boards.

None presented.

2. CONSENT CALENDAR

2.7 Acceptance of Gift for O'Donnell's Garden's Park Project.

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Gift Trust Fund:

- (a) Increase the estimate for Earned Revenue by \$35,000; and
- (b) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for O'Donnell's Garden's Park by \$35,000.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance (Parks, Recreation and Neighborhood Services/City Manager's Office).

Ordinance No. 28941 adopted.

Resolution No. 75933 adopted.

2.8 Agreement with Signatures Technology Inc., dba Com-Net Software to Expand the Public Address System at the Airport.

Recommendation: Adopt a resolution to repeal Resolution No. 75898 and authorize the Director of Finance to execute the Second Amendment to the Public Address System Agreement with Signatures Technology Inc., dba Com-Net Software, to expand the public address system into the Federal Inspections Services International Terminal at the Norman Y. Mineta San José International Airport and to increase the compensation by an amount not to exceed \$50,438, from \$2,671,231 to \$2,721,669, including all hardware, software, sales tax, and the first year of support and professional services and warranty.

CEQA: Not a Project, File No. P10-066(c), Purchase Order/Cooperative Purchase of Supplies, Equipment & Professional Services with no changes in the physical environment. (Finance)

Resolution No. 75341 adopted.

2.9 Castellano Family Foundation Matching Grant Agreement for Independent Police Auditor's Teen Leadership Council

Recommendation: Approve a matching grant agreement with the Castellano Family Foundation in an amount up to \$5,000 to support the Independent Police Auditor's Teen Leadership Council. CEQA: Not a Project; File No. PP10-066, Services that involve no physical changes to the environment. (Independent Police Auditor)

Approved.

2.10 Amendment to the City of San Jose Pay Plan.

Recommendation: Adopt a resolution to amend the City of San Jose Pay Plan effective August 2, 2011, to create the following classification:

- (a) Principal Engineer/Architect (3820)

CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

Resolution No. 75935 adopted.

2. CONSENT CALENDAR

2.11 Initiate Proceeding for Annexation/Reorganization of Downer No. 11.

Recommendation: Adopt a resolution initiating proceedings and setting August 16, 2011 at 1:30 p.m. for a public hearing on the reorganization of territory designated as Downer No. 11 which involves the annexation to the City of San José of approximately 8.6 gross acres of land generally located at the northwest corner of Blossom Hill Road and Southcrest Way, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: Mitigated Negative Declaration (Related approved Rezoning File No. PDC10-007). Council District 10. (Planning, Building and Code Enforcement)
Continued to 8/9/11 per Administration.

2.12 Intent to Form Community Facilities District No. 14 at the Hitachi Complex.

Recommendation: Adopt a resolution of intention to form Community Facilities District No. 14 (Raleigh/Charlotte) to authorize the levy of special tax pursuant to the City of San José Community Facilities District Financing Procedure, to set a public hearing on September 20, 2011 at 1:30 p.m., regarding the formation of the District, to hold an election immediately following the close of the public hearing and authorizing other related actions. CEQA: Resolution No. 72772, Hitachi Mixed Use Project Final EIR. Council District 2. (Public Works)
Resolution No. 75936 adopted.

2.13 Summary Vacation of Sewer Easements on the Property Owned by Win Time @ First.

Recommendation: Adopt a resolution summarily vacating three sanitary sewer easements lying on the property owned by Win Time @ First, LLC, a California limited liability company (APN 097-14-094) between Holger Way (private street) and State Route 237, east of North First Street. CEQA: Addendum to the North San Jose Development Policies Update Final EIR, EIR Resolution No. 72768, File No. CP10-059. Council District 4. (Public Works)
Resolution No. 75937 adopted.

2.14 AB 341 (Chesbro) Solid Waste: Diversion.

Recommendation: Subject to approval under Orders of the Day, as referred by the Rules and Open Government Committee on July 27, 2011, approve a support position for AB 341 (Chesbro) Solid Waste: Diversion. (Environmental Services)
[Rules Committee referral 7/27/11 – Item D(1)(b)]
Position of support adopted.

2. CONSENT CALENDAR

2.15 AB 723 (Bradford) Public Goods Charge for Energy Efficiency.

Recommendation: Subject to approval under Orders of the Day, as referred by the Rules and Open Government Committee on July 27, 2011, approve a support position for AB 723 (Bradford) Public Goods Charge for Energy Efficiency. (Environmental Services)

[Rules Committee referral 7/27/11 – Item D(1)(c)]

Position of support adopted.

2.16 Appointment and Reappointments to Board, Commissions and Committees.

Recommendation: Subject to approval under Orders of the Day, as referred by the Rules and Open Government Committee on July 27, 2011:

- (a) Appoint Jonathan I. Clough, Donna Garcia-Cowsert, Kevin P. Klink, and Dr. Charles Whitcomb to the San José Arena Authority Board. (Mayor)
- (b) Reappoint Jean Lee and Harish Chinai to the Library Commission. (Oliverio)
- (c) Reappoint Ramiro Torres and Steven Cohen to the Historic Landmarks Commission. (Oliverio)

[Rules Committee referral 7/27/11 – Item G(1)(a) – G(1)(c)]

Approved.

2.17 National Night Out.

Recommendation: Subject to approval under Orders of the Day, as referred by the Rules and Open Government Committee on July 27, 2011:

- (a) Approve National Night Out, to be held at various locations throughout the City on August 2, 2011, as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

[Rules Committee referral 7/27/11 – Item H(4)]

Approved.

2.18 Amendment to a Development Agreement with Cisco Technology, Inc.

Recommendation: Consideration of an ordinance approving an amendment to a Development Agreement with Cisco Technology, Inc. to remove a requirement that 1/2 of the square footage entitled be constructed on the subject property within 12 years of the executed date of the Agreement. The subject property is located in the A(PD) Planned Development Zoning District, said area bounded by Highway 237, North First Street, Grand Boulevard, and Disk Drive (75 Nortech Parkway)(Cisco Technology, Owner).

CEQA: EIR Resolution No. 69636 and addendum thereto.

DA08-004 – District 4

Note: Renumbered from Item 4.4

Ordinance No. 28942 passed for publication.

Abstain: Herrera, Liccardo.

3. STRATEGIC SUPPORT SERVICES

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

The City Manager announced that San Jose's Environmental Innovation Center was a recipient of a grant from the Federal Economic Development Administration. As a result of recent staffing cuts and redeployments, she expressed the need for establishing new expectations with reduced services.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.
The Labor Negotiations Update was heard at 9 a.m.

3.3 Ordinance to Implement New Health Care Trusts for Police and Fire Retirement Plan.

Recommendation: Consider an ordinance amending Title 3 of the San José Municipal Code to add new Chapter 3.54 and 3.56, and to amend Sections 3.36.575, 3.36.1925, 3.36.1930, 3.36.2030 and 3.36.2050 for the purposes of establishing a new trust pursuant to Section 115 of the Internal Revenue Code related to retiree health care benefit funding and payment of retiree health care benefits. CEQA: Not a Project; File No. PP10-068(b), Municipal Code or Policy. (City Attorney's Office)
(Rules Committee referral 05/25/11)
(Deferred from 6/7/11 – Item 3.6)
Deferred to 8/30/11 per Administration.

3.4 Public Hearing on the Sewer Service and Use Charges and Storm Sewer Services Charges.

Recommendation: Hold a public hearing on the Sewer Service and Use Charges and Storm Sewer Services Charges report filed by the Director of Finance with the City Clerk's Office and adopt a resolution to approve the placement of recommended charges on the 2011-2012 Santa Clara County assessment roll, with such modifications as the City Council may make based on public hearing testimony. CEQA: Not a Project, File No. PP10-069(a) City Organizational & Administrative Activities. (Finance)
Public hearing renoticed to 8/16/11.
Resolution No. 75938 adopted. Staff directed to return on 8/16/11 with a breakout report on the differential rate between single-family homes and condos/townhouses, and if equalizing charges according to flow would provide extra funding for sewer improvements.

3. STRATEGIC SUPPORT SERVICES

3.5 Discussion of Ballot Measure Polling Results, Updates on State Budget Impacts, Updates on Discussions of Ballot Measure Language and Retirement Reform Negotiations, Deferral of Declaration of Fiscal and Public Safety Emergency and Deferral of Discussion of Possible Draft Ballot Language.

- (a) (1) Subject to approval under Orders of the Day, Council by motion waive the 10-day noticing requirement for Item 3.5(a)(2).
- (a) (2) Discussion regarding ballot measure polling results and direction on revenue measures.
- (b) Update on state budget impacts.
- (c) Update regarding status of discussions on ballot measure language and retirement reform negotiations with the City's bargaining units.
- (d) Defer to September 20th, discussion and consideration of declaration of a Fiscal and Public Safety Emergency.
- (e) Defer discussion of possible draft ballot language for ballot measures allowing the residents of San José to vote on proposed changes to the Charter.

CEQA: Not a Project, File No. PP10-068(b), General Procedure and Policy Making, Municipal Code Title 3.

(Deferred from 6/24/11 – Item 3.1)

Ten-day noticing requirement waived. Staff recommendations accepted, with additional recommendation to decline going to the November 2011 ballot with any revenue-raising measure.

Noes: Campos, Kalra.

Absent: Oliverio.

3.6 Audit of Supplemental Military Pay and Benefits.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support on June 16, 2011, accept the audit of Supplemental Military Pay and Benefits.

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

[Public Safety, Finance and Strategic Support Committee referral 6/14/11 – Item D(4)]

Deferred to 8/9/11 per Council District 1.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to Novellus/Vista Montana Development, Parkland and Environmental Agreements.

Recommendation:

(a) Approve a Parkland Agreement for Tentative Maps No. PT07-083 and PT07-084 with Novellus Systems, Inc., Vista Montana Park Homes, LLC, and Equity-Tasman Apartments, LLC (collectively “Developer”) under the Parkland Dedication Ordinance for the development of a one acre and five acre park and to provide certain extraordinary park benefits to the City.

Approved.

(b) Approve an Environmental Agreement related to the Parkland Agreement for Tentative Maps No. PT07-083 and PT07-084 with Developer for the completion of certain soil remediation required by the California Department of Toxic Substances Control for the one acre and five acre parks.

Approved.

(c) Approve an ordinance approving the Second Amendment to the Development Agreement with Developer setting forth the terms, conditions and obligations of the Developer in order to satisfy the Developer’s Parkland Dedication Obligation and provide certain extraordinary park benefits to the City.

DA11-001 – District 4

Ordinance No. 28943 passed for publication.

(d) Adopt the following 2011-2012 Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):

(1) Establish an appropriation to the Parks Recreation and Neighborhood Services Department in the amount \$3,000,000 for the Vista Montana Turnkey Park Improvements;

(2) Decrease the Reserve: Vista Montana Turnkey Park by \$2,800,000; and

(3) Decrease the Reserve: Future PDO/PIO Projects by \$200,000

CEQA: North San José Development Policies Updated Final EIR, EIR Resolution No 72768. Council District 4. (Planning, Building and Code Enforcement/Parks, Recreation and Neighborhood Services/City Manager’s Office)

Note: Heard concurrently with Items 4.2 and 4.3

Ordinance No. 28944 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Rezoning Real Property Located on the Northwesterly Corner of Vista Montana and W. Tasman Drive and Westerly and Southerly Corners of N. First Street and Vista Montana Respectively.

Recommendation: Consideration of an ordinance rezoning the real property located on the northwesterly corner of Vista Montana and W. Tasman Drive (81 Vista Montana) and westerly and southerly corners of N. First Street and Vista Montana respectively from A(PD) Planned Development Zoning District to IP(PD) Planned Development Zoning District to modify the zoning provision in each of the zonings related to parkland development and maintenance. CEQA: Addendum to the North San José Development Policies Update Finale EIR, EIR Resolution No. 72768.

PDC11-006 – District 4

Heard concurrently with Item 4.1

Ordinance No. 28945 passed for publication.

4.3 Rezoning Real Property Located on the Northwesterly Corner of Vista Montana and W. Tasman Drive and Westerly and Southerly Corners of N. First Street and Vista Montana Respectively.

Recommendation: Consideration of an ordinance rezoning the real property located on the northwesterly corner of Vista Montana and W. Tasman Drive (81 Vista Montana) and westerly and southerly corners of N. First Street and Vista Montana respectively from A(PD) Planned Development Zoning District to IP(PD) Planned Development Zoning District to modify the zoning provision in each of the zonings related to parkland development and maintenance. CEQA: Addendum to the North San José Development Policies Update Finale EIR, EIR Resolution No. 72768.

PDC11-007 – District 4

Heard concurrently with Item 4.1

Ordinance No. 28946 passed for publication.

4.4 Amendment to a Development Agreement with Cisco Technology, Inc.

Recommendation: Consideration of an ordinance approving an amendment to a Development Agreement with Cisco Technology, Inc. to remove a requirement that 1/2 of the square footage entitled be constructed on the subject property within 12 years of the executed date of the Agreement. The subject property is located in the A(PD) Planned Development Zoning District, said area bounded by Highway 237, North First Street, Grand Boulevard, and Disk Drive (75 Nortech Parkway)(Cisco Technology, Owner). CEQA: EIR Resolution No. 69636 and addendum thereto.

DA08-004 – District 4

Renumbered to Item 2.18

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Agreement with the City of Campbell for Actions Related to the Reorganization of the Cambrian No. 36 Area.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the City of Campbell (1) to allow financial adjustments between the City of Campbell and the City of San José to account for costs and proceeds flowing from the possible future annexation of the Cambrian No. 36 pocket area to the City of Campbell; (2) to establish a process to calculate and reconcile such costs and proceeds during the term of the agreement; and (3) that reflects and is consistent with the key terms and provisions as described to City Council in memoranda from the Administration;

Resolution No. 75939 adopted.

Noes: Oliverio.

- (b) Adopt a Resolution to accomplish all of the following:
- (1) Extend until November 30, 2011 the time to work with the City of Campbell on an alternative reorganization proposal for the Cambrian No. 36 pocket area; and
 - (2) Express support for consideration of the City of Campbell's actions to annex the Cambrian No. 36 pocket including LAFCO consideration of detachment of the Central Park Drive, Oak Park Lane and Highland Park Lane area from the City of San Jose; and
 - (3) Suspend City's prior reorganization action for Cambrian No. 36; and
 - (4) Authorize the Director of Planning, Building and Code Enforcement to take certain actions to facilitate the alternative reorganization of the Cambrian No. 36 pocket area pursued by the City of Campbell or, alternatively, to complete the City's Cambrian No. 36 reorganization if certain actions do not occur, whichever is appropriate.

CEQA: Not a Project, File No. PP10-066, Agreements/Contracts; and San Jose 2020 General Plan Final EIR, Resolution No. 65459. Council District 9. (Planning, Building and Code Enforcement/Finance)

Resolution No. 75940 adopted.

Noes: Oliverio.

4. COMMUNITY & ECONOMIC DEVELOPMENT

- 4.6 Recommendation:** Consideration of an ordinance amending Title 1 of the San José Municipal Code by amending Section 1.13.050 of Chapter 1.13 to exempt a lawful Medical Marijuana Collective from the definition of a public nuisance and amending Title 20 of the San José Municipal Code by amending Section 20.10.040 of Chapter 20.10, amending Section 20.40.100 of Chapter 20.40, amending Section 20.50.100 of Chapter 20.50, amending Section 20.70.100 of Chapter 20.70, adding a new Part 9.5 to Chapter 20.80, adding a new Part 13 to Chapter 20.100, and amending Section 20.100.200 of Chapter 20.100, all to establish land use regulations pertaining to Medical Marijuana Collectives and to establish a related Zoning Verification Certificate process. CEQA: Negative Declaration, File No. PP11-039.
Citywide
Deferred to 9/13/11 per Administration.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10064	Between W. Campbell Avenue and Via Cristobal 750 feet westerly of Via D'Este	1	Edenbridge Castilla, LP	7/6	SFD	Approve

- **Open Forum**
David Wall suggested that the Office of the City Auditor should ensure that the Reclaimed Water Department and Advanced Water Treatment Facility each have their own separate and distinct audits.
- **Adjournment**
The Council of the City of San José adjourned at 4:02 p.m. in memory of Fred DeFuniak, who passed away in June. Mr. DeFuniak served for nearly 7 years on the San Jose Elections Commission, and as Chair for the last 3 years, was a member of the Santa Clara County Grand Jury, and was a dedicated educator serving as an administrator with the East Side Union High School District. (City Clerk)