

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, NOVEMBER 01, 2011

The Council of the City of San José convened in Regular Session at 9:00 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Herrera, Kalra (9:21 a.m.), Liccardo (9:08 a.m.), Nguyen, Oliverio (9:21 a.m.), Pyle, Rocha; Reed.

Absent: Council Members - Chu, Constant. (Excused)

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

Documents: (1) Copy of Proposal 2 from the Association of Building, Mechanical and Electrical Inspectors, dated October 28, 2011 regarding Sick Leave Payout. (2) Copy of Amended Proposal from the Police Officers' Association and the International Association of Firefighters, Local 230, dated October 31, 2011, regarding Sick Leave Payout.

Employee Relations Manager Gina Donnelly presented the report.

Public Comments: Expressing concerns, suggestions and opposition to various issues were John Wukhar, AEA/IFPTE Local 21, David Grady, Dale Dapp, Ross Bayer, Phyllis Schultz, AMSP Local 21, Cay Denise MacKenzie, CAMP/IFPTE Local 21, Nancy Ostrowski, IFPTE Local 21, Paula Martinez, Peggy Elwell, Paul Prange, M. Jay, Yolanda Cruz, Anastazia Anez, Janice Garcia, AFSCME/MEF and Rocky Padilla, OE3.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:23 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9 subsection (a) with respect to existing litigation: Kerkeles v. City, et al; Names of Parties Involved: Michael Kerkeles, aka Michael Kerk, City of San José, Matthew

CLOSED SESSION (Cont'd.)

Christian, Does 1-25; Court: Superior Court of California, County of Santa Clara, Court of Appeal, 6th Appellate District; Case No: 1-08-CV103523, H035333; Amount of Money or Other Relief Sought: Damages according to proof. (B) to confer to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO. (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:20 p.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

Present: Council Members - Campos, Herrera, Kalra, Liccardo, Nguyen, Oliverio, (1:43 p.m.), Pyle, Rocha; Reed.

Absent: Council Members - Chu, Constant. (Excused)

INVOCATION

Deputy Director Jon Cicirelli and the San José Animal Care and Services Staff Members brought a rabbit, dogs and kittens to share and encouraged everyone to visit the animal care center to adopt a pet. (District 10)

PLEDGE OF ALLEGIANCE

Mayor Reed 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, Items 2.3(a)-(c) and 4.2 were deferred to November 8, 2011. (9-0-2. Absent: Chu, Constant.)

CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session actions of November 1, 2011:

A. Authority to Seek Review by the California Supreme Court in a Litigation Case:

Case Name: Michael Kerkeles v. City of San José, et al.

Adverse Party or Parties: Michael Kerkeles aka Michael Kerk

Substance of Litigation: Due Process

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

Noes: None.
Abstain: None.
Not Present: Chu, Constant. (Excused)

CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring City of San José's participation in the 2011 Combined Giving Campaign from October 10 through November 11, 2011. (Transportation)

Mayor Reed and Director of Transportation Hans Larsen recognized the City of San José's participation in the 2011 Combined Giving Campaign from October 10, 2011 through November 11, 2011.

1.2 Presentation of commendation to Eros Correa of the San José Police Athletic League (PAL) for his representation in the AIBA World Boxing Championships, and victories at the US Olympic Boxing Trials and CAL PAL Championships. (Campos)

Mayor Reed and Council Members Campos and Herrera recognized and commended Eros Correa of the San José PAL.

1.3 Presentation of a proclamation declaring the Month of November 2011 as "Pancreatic Cancer Awareness Month" in the City of San José. (Pyle)

Mayor Reed and Council Member Pyle recognized the month of November 2011 as "Pancreatic Cancer Awareness Month" in the City of San José.

1.4 Presentation of gifts from Council Member Pyle's trip to Dublin, Ireland as part of the Sister City Delegation. (Mayor)

Council Member Pyle presented the Book of Kells, Irish Roots and "The Dublin Door", among other gifts, from her trip to Dublin, Ireland to the Library Director Jane Light to display at the 5th Floor of the MLK Library for the community to view. Mayor Reed was also present.

1.5 Presentation of a commendation to the Applied Materials "Silicon Valley Turkey Trot" for their dedication to raising money for local charities. (Liccardo)

Mayor Reed and Council Member Liccardo recognized and commended Applied Materials.

STRATEGIC SUPPORT SERVICES

3.5 Receive legislative update by Assembly Member Luis Alejo. (Mayor)

Assembly Member Luis Alejo presented a brief legislative report and responded to Council questions and comments.

CONSENT CALENDAR

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

2.1 Approval of Minutes.

Action: There were none.

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 28985** – Amending Section 12.04.160 of Chapter 12.04 of Title 12 of the San José Municipal Code to clarify enforcement of Title 12; amending Section 12.06.050 of Chapter 12.06 of Title 12 to clarify that volunteer personal services are not contributions; adding Section 12.06.140 to define late contribution; amending Section 12.06.210 and repealing Section 12.06.540 to delete alternative contribution limits; amending Sections 12.06.290 and 12.06.610 to revise the campaign contribution collection period; amending Section 12.06.295 to revise the deadline for a candidate to deposit personal funds; amending Section 12.06.530 to revise the current formula for calculating voluntary expenditure limits for Council Districts and to impose a method for adjusting the expenditure limits for Mayoral and Council District candidates in the future, if necessary; repealing Section 12.06.560 to delete the provision increasing expenditure limits during an election; amending 12.06.920 to revise the requirements of the report published by the City Clerk; and making other technical corrections.

Documents Filed: Proof of Publication of the Title of Ordinance No. 28985 executed on October 21, 2011, submitted by the City Clerk.

Action: Ordinance No. 28985 was adopted. (9-0-2. Absent: Chu, Constant.)

- (b) **ORD. NO. 28986** – Amending Title 18 (Local Planning) of the San José Municipal Code to add a new Chapter 18.02 to codify existing regulations of the City of San José pertaining to the consideration of development agreements and to amend criteria for developments eligible for a development agreement and rescinding Ordinance No. 24297 pertaining to development agreements.

Documents Filed: Proof of Publication of the Title of Ordinance No. 28986 executed on October 21, 2011, submitted by the City Clerk.

Action: Ordinance No. 28986 was adopted. (9-0-2. Absent: Chu, Constant.)

2.3 Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of October 12, 2011. (Mayor)**
- (b) Public Safety, Finance and Strategic Support Committee Report of October 20, 2011. (Constant)**
- (c) Rules and Open Government Committee Report of October 5, 2011. (Mayor)**

Action: Deferred to November 8, 2011 per Orders of the Day.

2.4 Mayor and Council Excused Absence Requests.

Action: There were none.

2.5 City Council Travel Reports.

Documents Filed: Dublin Schedule and thirteen pictures from the San José Sister City Visit, dated November 1, 2011.

Council Member Pyle presented highlights and photographs of her trip to Dublin, Ireland to celebrate the “25th Anniversary of San José and Dublin’s Sister City Board” and to further strengthen ties between the two cities. City Manager Debra Figone stated it was a tremendous experience, and the visit was one of open doors and creating opportunity.

Council Member Liccardo provided details of his travel to Hong Kong and Shenzhen with the Silicon Valley-China Business Connect delegation for a series of meetings with businesses in China seeking to expand overseas, a goal of creating jobs and tax revenue in San José.

2.6 Report from the Council Liaison to the Retirement Boards.

Action: There were none.

2.7 Adopt a resolution:

- (a) Setting the Voluntary Expenditure Limits for the 2012 Municipal Election Cycle based upon current population figures.**
 - (b) Calling for a Regular Municipal Election on June 5, 2012 and a Run-off Municipal Election on November 6, 2012, if necessary, for the purpose of electing Council Members for Districts 2, 4, 6, 8, and 10 and requesting consolidation with the County of Santa Clara.**
- (City Clerk)**

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, CMC, dated October 21, 2011, recommending adoption of a resolution.

2.7 (Cont'd.)

Action: Resolution No. 76038, entitled: "A Resolution of the Council of the City of San José (1) Calling and Giving Notice of a Regular Primary Municipal Election To Be Held in the City of San José on June 5, 2012, and, If Necessary, A Regular Run-Off Municipal Election on November 6, 2012, For the Purpose of Electing One Person Each From Council Districts Two, Four, Six, Eight and Ten to the Council of the City of San José for Full Four-Year Terms; (2) Setting Population Limits for Purposes of Calculating the Voluntary Expenditure Limits for the 2012 Municipal Election Cycle, and (3) Directing that Certain Other Actions Be Taken With Regard to the Election", was adopted. (9-0-2. Absent: Chu, Constant.)

2.8 Approve settlement of the claim from Areas USA SJC, LLC, and authorize the City Attorney to execute an Addendum to First Amendment to Food and Beverage Concession Agreement in the amount of \$131,153.31. CEQA: Not a Project; File No. PP10-066(h), Settlement Agreement. (City Attorney's Office)

Documents Filed: Memorandum from City Attorney Richard Doyle, dated October 14, 2011, recommending approval of the settlement.

Action: The settlement of the claim from Areas USA SJC, LLC, was approved and the City Attorney was authorized to execute an Addendum to First Amendment to Food and Beverage Concession Agreement in the amount of \$131,153.31. (9-0-2. Absent: Chu, Constant.)

2.9 Approve settlement in the case of Jesus and Cristela Gomez v. City of San José, et al. and authorize the City Attorney to execute a Settlement Agreement and Release with Jesus and Cristela Gomez, and their attorney, in the amount of \$100,000. CEQA: Not a Project; File No. PP10-066h, Settlement Agreements. (City Attorney's Office)

Documents Filed: Memorandum from City Attorney Richard Doyle, dated October 20, 2011, recommending approval of the settlement.

Action: The settlement in the case of Jesus and Cristela Gomez v. City of San José, et al. was approved and the City Attorney was authorized to execute a Settlement Agreement and Release with Jesus and Cristela Gomez, and their attorney, in the amount of \$100,000. (9-0-2. Absent: Chu, Constant.)

2.10 Adopt a resolution authorizing the City Manager to execute an amendment to the agreement with The Active Network, Inc. (Burnaby, BC Canada) to extend the term of the agreement for a fully hosted Park Registration, Reservation and Electronic Commerce System by a maximum of six months, ending on April 30, 2012. CEQA: Not a Project, File No. PP10-066(e) Agreements and Contracts. (Finance)

Documents Filed: Memorandum from Acting Director of Finance Julia H. Cooper, dated October 11, 2011, recommending adoption of a resolution.

2.10 (Cont'd.)

Action: Resolution No. 76039, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Amendment to the Agreement with the Active Network, Inc. for a Park Registration, Reservation and Electronic Commerce System", was adopted. (9-0-2. Absent: Chu, Constant.)

- 2.11 (a) Approve travel by Council Member Chu to San Diego, CA on November 17-18, 2011 to attend the regularly scheduled League of California Cities Board of Director's meeting as the designated representative for the City of San José. Source of Funds: Council District 4 Budget, League of California Cities reimburses the City for related travel expenses. (Chu)**
- (b) Request for an excused absence for Council Member Chu from the Regular Meeting of the Public Safety, Finance and Strategic Support Committee on November 17, 2011 due to Authorized City Business: Attending the regularly scheduled League of California Cities Board of Director's meeting in San Diego, CA as the designated representative for the City of San José. (Chu)**

Documents Filed: Memoranda from Council Member Chu, both dated October 19, 2011, requesting approval of travel and an excused absence for authorized City business.

Action: The travel for Council Member Chu was approved and the absence due to City business was excused. (9-0-2. Absent: Chu, Constant.)

- 2.12 (a) Approve travel by Council Member Constant to Phoenix, AZ on November 9 – 12, 2011 to represent the City of San José as Vice Chair of the National League of Cities' (NLC) Public Safety and Crime Prevention (PSCP) Steering Committee at the 2011 National League of Cities Congress of Cities and Exposition Conference. Source of Funds: Mayor & Council Travel Fund.**
- (b) Request for excused absences for Council Member Constant from the Regular Meeting of the Rules and Open Government Committee on November 9, 2011 and the Regular Meeting of the Neighborhood Services and Education Committee on November 10, 2011 due to Authorized City Business: Representing the City of San José as Vice Chair of the National League of Cities' (NLC) Public Safety and Crime Prevention (PSCP) Steering Committee at the 2011 National League of Cities Congress of Cities and Exposition Conference.**

(Constant)

Documents Filed: Memoranda from Council Member Constant, both dated October 20, 2011, requesting approval of travel and an excused absence for authorized City business.

Action: The travel for Council Member Constant was approved and the absence due to City business was excused. (9-0-2. Absent: Chu, Constant.)

2.13 As recommended by the Rules and Open Government Committee on October 26, 2011:

(a) Approve the District 6 showing of the film, “Radiant City,” 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)

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, dated October 27, 2011, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 6 showing of the film, “Radiant City,” as a City Council sponsored Special Event was approved and approval to accept donations from various individuals, businesses or community groups to support the event was authorized. (9-0-2. Absent: Chu, Constant.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.3 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)

Action: Deferred to November 29, 2011 per Administration.

3.4 Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City and Standard Insurance Company to provide life insurance, voluntary supplemental life insurance, dependent life insurance and accidental death & dismemberment insurance to employees and retirees at a total cost not to exceed \$5,354,106 for the period of January 1, 2012 to December 31, 2016. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Human Resources)

Documents Filed: Memorandum from Director of Employee Relations Alex Gurza, dated October 13, 2011, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Herrera and carried unanimously, Resolution No. 76040, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Standard Insurance Company for Life Insurance and Accidental Death and Dismemberment Insurance for Employees, Retirees and Their Dependents for the Period of January 1, 2012 to December 31, 2016 In An Amount Not To Exceed \$5,354,106”, was adopted. (9-0-2. Absent: Chu, Constant.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) **Discuss the Major Strategies and implementation elements of the Draft Envision San José 2040 General Plan.**
(b) **Continue the discussion to 7:00 p.m. for action.**
CEQA: Envision San José 2040 General Plan Program Environmental Impact Report, EIR Resolution to be adopted. (Planning, Building and Code Enforcement)

Documents Filed: (1) Copy of the memorandum from Mayor Reed, Council Members Liccardo, Oliverio, Herrera and Pyle, dated October 28, 2011, recommending adoption of resolutions. (2) Supplemental memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated October 17, 2011, highlighting substantive revisions to the Draft Envision San José 2040 General Plan text and Land Use/Transportation Diagram subsequent to the final Envision Task Force meeting conducted on September 12, 2011. (3) Staff presentation dated November 1, 2011 outlining the Envision San José 2040: Building a City of Great Places. (4) Letter from Kerri Hamilton, Citizens for Environmental and Economic Justice, dated November 1, 2011, regarding the Envision 2040 General Plan Update.

Mayor Reed presented introductory remarks. Council Members Liccardo and Oliverio provided opening comments.

Director of Planning, Building and Code Enforcement Joseph Horwedel and Frank Jesse, Shiloh Ballard, Jim Zito and Shirley Lewis, Members of Envision 2040 General Plan Update Task Force presented the report.

Public Comments: Presenting comments regarding the Envision 2040 General Plan Update were Laura Fultz Stout, American Lung Association, Sue Gray, William Steele, Rosylin Dean and Nancy Hickey, Coalition for a Downtown Hospital, Jill Amen, and Erik Schoennauer, representing Brandenburg Properties.

Discussion ensued.

Action: Discussion was continued to 7:00 p.m. See Item 10.2 for action.

- 4.2 (a) **Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.**
(b) **Council consideration of adoption of an urgency ordinance amending Ordinance No. 28958, adopted by the City Council on September 27, 2011 to establish land use regulations pertaining to medical marijuana collectives, to provide that Ordinance No. 28958 shall become effective only if and when Ordinance No. 28960, establishing health and safety regulations for medical marijuana collectives, first becomes effective and setting forth the facts constituting such urgency.**
CEQA: Resolution No. 75984 (City Attorney's Office/City Manager's Office)

Action: Deferred to November 8, 2011 per Orders of the Day.

RECESS/RECONVENE

The City Council recessed at 4:22 p.m. from the afternoon Council Session and reconvened at 7:05 p.m. in the Council Chambers, City Hall.

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

Absent: Council Members - Chu, Constant. (Excused)

City Clerk Dennis D. Hawkins read the requests for continuance of the applications. Upon motion by Council Member Pyle, seconded by Council Member Herrera, and carried unanimously, the below noted continuances and actions were taken as indicated. (9-0-2. Absent: Chu, Constant.)

GENERAL PLAN PUBLIC HEARINGS

- 10.2 Adopt a resolution to approve the Envision San José 2040 General Plan and Land Use/Transportation Diagram which is a comprehensive update of the current Focus on the Future San José 2020 General Plan, adopted by the City Council in 1994. The City's General Plan is a long-term plan that describes the amount, type and phasing of development needed to achieve the City's social, economic and environmental goals. The General Plan is the policy framework which creates a blueprint for future development and addresses all geographic areas contained within San José's Sphere of Influence and also incorporates goals and policies for a wide variety of municipal services provided by the City. Director of Planning, Building and Code Enforcement and Planning Commission (5-0-1, Platten absent) recommend approval of the Envision General Plan as recommended by the Envision Task Force with minor land use and text changes, but do not recommend any of the following options:**

Documents Filed: (1) Memorandum from Mayor Reed and Council Members Liccardo, Oliverio, Herrera and Pyle, dated October 28, 2011, recommending adoption of resolutions. (2) Memorandum from Mayor Reed, dated September 29, 2011, recommending that no change to the land use designation for Rancho del Pueblo Golf Course and direction to the City Manager. (3) Memorandum from Council Member Chu, dated October 31, 2011, recommending approval of the appeal of the Planning Commission's decision to deny policy option at 12750 and 12751 Mabury Road in Envision 2040. (4) Memorandum from the Planning Commission Secretary Joseph Horwedel, dated October 13, 2011, transmitting the recommendations of the Planning Commission. (5) Supplemental memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated October 28, 2011, providing staff analysis for questions that will potentially be considered by Council as part of their discussion and decision on November 1, 2011. (6) Staff presentation dated November 1, 2011 summarizing the Envision San José 2040. (7) Proofs of Publications of Notices of Public Hearings, executed on September 16, 2011, September 21, 2011, October 14, 2011 and October 19, 2011, submitted by the City Clerk.

10.2 (Cont'd.)

Mayor Reed and Council Member Liccardo presented introductory remarks.

Senior Planner Andrew Crabtree presented the General Plan Update and provided clarifications of the Primary Truck Routes diagram and an addendum that incorporates minor text revisions to be incorporated in the draft plan.

Mayor Reed opened the public hearing.

Public Comments: Presenting comments regarding the Envision 2040 General Plan Update were Steven Wilson, Christian Community Church, Gary Hurst, Murphy Sabatino, David Vieira, Five Wounds Village Task Force, Kerri Hamilton, Citizens for Environmental and Economic Justice, Nancy Ianni, League of Women Voters, Frederick Ferrer, The Health Trust, Terri Balandra, Larry Ames, Brian Schmidt, Committee for Green Foothills, Lisa Jensen, Michele Beasley, Greenbelt Alliance, Joan Rivas-Crosby, Friends of Five Wounds Trail, Helen Chapman, Shasta Hanchet Park Neighborhood Association, Wendy Lao, Wildlife Corridor Tech Program, Megan Fluke, Jessica Gonzales, Sierra Club, Roger Reguern, Susan Marsland, Juan Estrada and Brian Darrow.

Mayor Reed closed the public hearing.

Council Member Liccardo provided meeting disclosures.

Brief Council discussion followed.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, the Planning Commission report, Staff report/supplemental reports and Staff verbal clarifications of the Primary Truck Routes diagram and an addendum that incorporates minor text revisions incorporated in the draft plan and the Program Environmental Impact Report for the General Plan, were approved. Resolution No. 76041, entitled: “A Resolution of the Council of the City of San José Making Certain Findings Concerning Mitigation Measures and Making Findings Concerning Alternatives All in Accordance with the California Environmental Quality Act in Connection With the Envision San José 2040 General Plan for Which a Program Environmental Impact Report Has Been Prepared”, was adopted, making certain findings concerning mitigation measures and making findings concerning alternatives in accordance with the California Quality Act in connection with the Envision San José General Plan Program Environmental Impact Report and Resolution No. 76042, entitled: “A Resolution of the Council of the City of San José Adopting a Comprehensive Update of the San José General Plan Entitled ‘The Envision San José 2040 General Plan’ Pursuant to Title 18 of the San José Municipal Code”, was adopted, including the Mabury action noted below. (9-0-2. Absent: Chu, Constant.)

10.2 (a) Land use and policy options submitted by community stakeholders as part of the Envision San José 2040 General Plan update process, such as but not limited to:

- (1) Open Hillside Development: an option forwarded by the Envision Task Force for City Council consideration to modify the text of the Envision San José 2040 General Plan, Policy Goal LU-19 to add further restrictions on the allowable intensity of development for lands with the Open Hillside designation. Director of Planning, Building and Code Enforcement and Planning Commission (4-1-1, Cahan opposed, Platten absent) recommend not to include policy option.**

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried, the Land use and policy options submitted by community stakeholders as part of the Envision San José 2040 General Plan Update Process was approved, with no further changes regarding Open Hillside Development. (8-1-2. Noes: Kalra. Absent: Chu, Constant.)

- (2) 1506 Hamilton Avenue: a privately requested option for Envision Land Use/Transportation Diagram designation of Mixed-Use Neighborhood (up to 30 DU, FAR 0.25 to 2.0) to allow attached residential units instead of Neighborhood Community/Commercial to for the 0.92-acre property located at 1506 Hamilton Avenue. Director of Planning, Building and Code Enforcement and Planning Commission (5-0-1, Platten absent) recommend not to include policy option.**

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, (a)(2) was not included in the Envision Plan. (9-0-2. Absent: Chu, Constant.)

- (3) 12750 and 12751 Mabury Road: a privately requested option for Envision Land Use/Transportation Diagram designation of Mixed-Use Neighborhood (up to 30 DU, FAR 0.25 to 2.0) to allow attached residential units instead of Residential Neighborhood (up to for the 3.1-acre property located at 12750 and 12751 Mabury Road. Director of Planning, Building and Code Enforcement and Planning Commission (5-0-1, Platten absent) recommend not to include policy option.**

Council Members Campos and Liccardo provided meeting disclosures.

Action: Upon motion by Council Member Campos, seconded by Council Member Chu and carried, the memorandum from Council Member Chu, dated October 31, 2011, was approved, approving a land use designation of Mixed Use Neighborhood at 12750 and 12751 Mabury Road in the Envision 2040. (6-3-2. Noes: Kalra, Liccardo; Reed. Absent: Chu, Constant.)

- 10.2 (b) **Rancho del Pueblo Residential Option (GP10-05-01): an option for Envision Land Use/Transportation Diagram designation of Mixed Use Neighborhood (up to 30 DU, FAR 0.25 to 2.0) to allow approximately 570 attached residential units, instead of the Task Force, staff, and Planning Commission recommended Open Space, Parklands and Habitat on the approximately 31-acre site(City-owned Ranch del Pueblo golf course) located at the northwest corner of King Road and Hermocilla Way (City of San José, Owner). Council District 5. SNI/RDA: Gateway East SNI area. Director of Planning, Building and Code Enforcement and Planning Commission (5-0-1, Platten absent) recommend not to include.**

Action: Dropped, to be renoticed.

- (c) **iStar Residential Option (GP07-02-01): an option for Envision Land Use/Transportation Diagram designation of Mixed Use Neighborhood (up to 30 DU, FAR 0.25 to 2.0) to allow approximately 700 attached residential units instead of the Task Force, staff, and Planning Commission recommended Combined Industrial/Commercial on a 51.7-acre portion of the approximately 76-acre site (iStar site) located north of State Route 85, west of Monterey Highway (iStar, Owner). Council District 2. SNI/RDA: Edenvale RDA area. Director of Planning, Building and Code Enforcement and Planning Commission (4-1-1, Bit-Badal opposed, Platten absent) recommend not to include policy option.**

CEQA: Envision San José 2040 General Plan Program Environmental Impact Report, EIR Resolution to be adopted

Action: Dropped, to be renoticed.

ADJOURNMENT

The Council of the City of San José was adjourned at 8:18 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Dennis D. Hawkins, CMC
City Clerk

/smd 11-01-11 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.