



CITY COUNCIL AGENDA

JANUARY 24, 2012

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 discussion 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**
9:03 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.

7:01 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 1)**
PT Mammen, Pastor of the International Christian Center, presented a prayer for 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 Items 2.3(a)(b)(d) deferred to January 31, 2012.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation celebrating Lunar New Year in the City of San José. (Chu/Nguyen)
Deferred to February 07, 2012 per Rules and Open Government Committee.
- 1.2 Presentation of a proclamation declaring January 24, 2012 as “Health for Humanity Day” in the City of San José and recognizing the Evergreen Chapter of Hindu Swayamsevak Sangh (HSS) for organizing the 6th Annual Health for Humanity Yogathon. (Herrera)
Mayor Reed and Council Member Herrera recognized January 24, 2012 as “Health for Humanity Day” in the City of San José and recognized and commended the Evergreen Chapter of Hindu Swayamsevak Sangh.
- 1.3 Presentation of a commendation to the Oak Grove Red Warriors Cadet Football team for their record winning season. (Kalra/Campos)
Heard in the Evening.
Mayor Reed and Council Members Kalra and Chu recognized and commended the Oak Grove Red Warriors Cadet Football team.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Closed Session Minutes of September 06, 2011.
- (b) Regular Minutes of September 13, 2011.
- (c) Regular Minutes of September 20, 2011.
- (d) Regular Minutes of September 27, 2011.
- (e) Joint/San José Financing Authority Minutes of September 27, 2011.
- (f) Redevelopment Agency Closed Session Minutes of September 27, 2011.

Approved.

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29019 – Establishing a Public Right-of-Way over a portion of Ramblewood Park to accommodate the existing southbound Route 101 off ramp to Yerba Buena Road, in accordance with Charter Section 1702.

Ordinance No. 29019 adopted.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Transportation and Environment Committee Report of December 5, 2011. (Liccardo)
- (b) Rules and Open Government Committee Report of December 7, 2011. (Mayor)
- (d) Rules and Open Government Committee Report of January 4, 2012. (Mayor)

Deferred to January 31, 2012 per Orders of the Day.

- (c) Rules and Open Government Committee Report of December 14, 2011. (Mayor)
Approved.

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

Council Member Constant provided highlights of the Federated Board Meeting.

2.7 Ordinance Amending San José Municipal Code to Reflect Reorganization of City Services and Repeal of Parking and Traffic Control Provisions in Old City Hall Property.

Recommendation: Approve an ordinance:

- (a) Amending various sections of Title 2 of the San Jose Municipal Code, Section 13.23.210 of Chapter 13.23 of Title 13, and Section 14.04.141 of Chapter 14.04 of Title 14 to reflect the reorganization of City services within City departments; and
- (b) Repealing and modifying various sections of Part 2 of Chapter 11.36 of Title 11 relating to parking and traffic control within the Old City Hall property due to the transfer of the property.

CEQA: Not a Project, File PP10-069(c), Municipal Code revisions involving no changes to the physical environment. (City Manager's Office)

Ordinance No. 29021 passed for publication.

2.8 Independent Police Auditor's Teen Leadership Council Appropriation.

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

- (1) Establish an appropriation to the Office of the Independent Police Auditor (IPA) for the IPA's Teen Leadership Council in the amount of \$10,875; and
- (2) Increase the estimate for Earned Revenue in the amount of \$10,875.

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

Ordinance No. 29022 adopted.

Resolution No. 76122 adopted.

2. CONSENT CALENDAR

2.9 Master Agreement with David J. Powers & Associates for Environmental Consulting Services.

Recommendation: Approve the Fourth Amendment to the Master Agreement for Consultant Services between the City and David J. Powers & Associates to provide environmental consulting services on an as-needed basis, extending the term through December 31, 2012, with no increase in the amount of total compensation, and a total amount not to exceed \$600,000. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. (Environmental Services)

Approved.

2.10 Application for the Designation of Thirteen Envision San José 2040 General Plan Growth Areas as a Regional Priority Development Area.

Recommendation: Adopt a resolution to support an application to the Association of Bay Area Governments FOCUS program to designate thirteen Envision San José 2040 General Plan Growth Areas including eleven Urban Villages generally located along transit corridors, and two employment areas of Old Edenvale and the International Business Park area, as a regional Priority Development Area called the “Envision San José 2040 General Plan Growth Areas,” and authorize the City Manager to take steps necessary to complete the application process. CEQA: Envision San José 2040 Final Environmental Impact Report, adopted on November 1, 2011, Resolution No. 76041. (Planning, Building and Code Enforcement)

Resolution No. 76123 adopted.

Staff directed to return the Transportation and Environment Committee with additional information about whether additional areas can be incorporated after discussions with MTC and ABAG Staffs.

2.11 Willow Glen Community Benefit and Improvement District Financial Report.

Recommendation: Accept the Willow Glen Community Benefit and Improvement District Financial Report for FY 2010-2011, which provides information to the public and the property owners in the District regarding the use of the assessments and the management and operations of the District. CEQA: Not a Project, File No. PP10-069(a), Annual Reports. Council District 6. (Public Works)

Accepted.

2.12 Celebrate Cambrian Festival.

Recommendation: As recommended by the Rules and Open Government Committee on January 18, 2012:

- (a) Approve the Celebrate Cambrian Festival as a City Council sponsored Special Event.
- (b) Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project. (City Clerk)

Approved.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone shared highlights of her trip to the Semi-Annual Large City Executive Forum in San Antonio, Texas and to the American Library Association in Dallas, Texas.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

Heard at 9:00 a.m.

Accepted.

3.3 California Disclosure Act.

Recommendation: As recommended by the Rules and Open Government Committee on January 4, 2012, accept the Staff Analysis of AB1148, the California Disclosure Act. (City Attorney/City Manager's Office)

The memorandum from Council Members Kalra, Chu, Liccardo and Rocha, dated January 20, 2012, was approved,

- (1) **Accepting the Staff Analysis of AB1148, the California Disclosure Act.**
- (2) **Staff directed to prepare a resolution demonstrating the City of San José's support for the California Disclosure Act, requiring full disclosure, in the ads themselves, of the largest major funders of all political television, radio, print, mass mailing and online advertising for an against ballot measures and for independent expenditures for and against candidates.**

3.4 CalPERS Contract.

Recommendation: As recommended by the Rules and Open Government Committee on January 4, 2012:

- (a) Adopt a resolution giving notice of the City's intention to terminate its contract with CalPERS and direct staff to deliver this resolution to CalPERS.

Resolution No. 76124 adopted.

- (b) Upon receipt of a preliminary valuation report from CalPERS, direct the City Attorney to present the findings of the report to the City Council at the next City Council Meeting, at which time, the City Council may choose to adopt an ordinance or resolution terminating its contract with CalPERS.

(Constant)

Approved, with a \$15,000 cap limit for the preliminary valuation report and if the cap was exceeded, Staff was directed to return to Council for further discussion and approval.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Hearing on Amendment to the 2011-2012 Consolidated Annual Action Plan.

Recommendation:

- (a) Hold a public hearing on a Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan (ConPlan) to allocate \$550,000 of Community Development Block Grant (CDBG) funds to pay 50% of the cost of a new fire truck to serve Low-Moderate Income neighborhoods.
- (b) Adopt a resolution approving the Substantial Amendment and authorizing the Director of Housing, on behalf of the City, to:
 - (1) Submit the Substantial amendment to the U.S. Department of Housing and Urban Development (HUD).
 - (2) Negotiate and execute with HUD all agreements and documents for the expenditure of these CDBG funds.

CEQA: Not a Project, File No. PP10-067 (Statutory Exemption, Sec. No. 15273), Rates, Tolls, Fares, and Charges. Council Districts 4 and 5. SNI: Mayfair and East Valley/680 Communities. (Housing)

Dropped; To be renoticed.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Public Meeting on Maintenance District 24 (The Alameda).

Recommendation: Conduct a public meeting to receive public comment on a proposal to create Maintenance District 24 (The Alameda). CEQA: Exempt, File No. PP10-132. Council District 6. (Public Works/Transportation)

Mayor Reed opened the public hearing. The public hearing was held.

The public hearing was continued to February 28, 2012.

6.2 Cooperative Agreements for BART Extension to Berryessa.

Recommendation:

- (a) Approve two Cooperative Agreements, at no cost to the City, pursuant to the Master Agreement with the Santa Clara Valley Transportation Authority (VTA) for design and construction of the BART extension to Berryessa relating to:
 - (1) Reconstruction of the existing City-owned storm and sanitary sewer siphon at Lundy Avenue and former Union Pacific Railroad tracks.
 - (2) Relocation of existing City utilities at Trade Zone Boulevard and former Union Pacific Railroad tracks.

Approved.

(Item continued on the next page)

6. TRANSPORTATION & AVIATION SERVICES

6.2 Cooperative Agreements for BART Extension to Berryessa. (Cont'd.)

Recommendation:

- (b) Adopt a resolution authorizing the City Manager to negotiate and execute the following three Cooperative Agreements, at no cost to the City, pursuant to the Master Agreement with the VTA for the design, construction, and reimbursement relating to the BART project:
- (1) The construction of a new City street to be called “Berryessa Station Way”, improvements to existing Berryessa Road and Mabury Road, and improvements to the existing storm drain system at Sierra Road and Lundy Avenue and reconfiguration of Sierra Road and Lundy Avenue.
 - (2) A Cooperative Agreement for cost reimbursement for City of San Jose project management services in an amount not to exceed \$600,000 for the period of January 1, 2012 through December 31, 2014.
 - (3) A Cooperative Agreement for cost reimbursement for City of San Jose design review, encroachment permits, and construction inspection services in an amount not to exceed \$4,100,000 for the period of January 1, 2012 through December 31, 2016.

Resolution No. 76125 adopted.

CEQA: Resolution by the City, as a responsible agency for the Project under CEQA, to be adopted in accordance with the provisions of Section 15096(h) of the CEQA Guidelines (set forth at Title 14 of the California Code of Regulations, Chapter 3). The Final Environmental Impact Report prepared by the VTA for the extension of the BART system to Berryessa in City (the “Final EIR”) was certified and related findings adopted by the VTA Board on December 9, 2004, the Final Supplemental Environmental Impact Report prepared for the Project (the “Final SEIR”) was certified and related findings adopted by the VTA Board on June 7, 2007, and the Final Supplemental Environmental Impact Report #2 prepared for the Project (the “Final SEIR2”) was certified and related findings adopted by the VTA Board on March 3, 2011. The Administration has reviewed these actions and findings by the VTA and concurs with that analysis, which concurrence is reflected in the proposed CEQA resolution for this item. Council District 4.

(Transportation)

CEQA Resolution No. 76126 adopted.

6.3 Minimum Standards for Airport West Side General Aviation Development.

Recommendation:

- (a) Adopt a resolution approving proposed Minimum Standards for future development of new and upgraded general aviation facilities on the west side of the Norman Y. Mineta San José International Airport; and
- (b) Accept the key terms and conditions to be used in the Request For Proposals process for a new fixed base operator leasehold to be developed on the west side of the Airport.

CEQA: Resolution Nos. 67380 and 71451, File No. PP12-001. (Airport)

Dropped.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Actions Related to a Short Term Trash Load Reduction Plan.

Recommendation:

- (a) Authorize submittal of the City's Short Term Trash Load Reduction Plan to the San Francisco Bay Regional Water Quality Control Board in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (Stormwater Permit) requirement, pursuant to the Federal Clean Water Act.
- (b) Direct staff to provide an update to the Transportation and Environment Committee in 2013 on the status of the City's efforts in attaining the Stormwater Permit's required trash reduction goals and potential trash reduction actions to be considered for attaining the Stormwater Permit's long term trash reduction goals of 70 percent by 2017 and 100 percent by 2022.
- (c) Direct staff to take the following actions regarding polystyrene foam food service ware:
 - (1) Actively support a regional approach for countywide initiatives to reduce polystyrene foam food service ware litter as recommended by the Santa Clara County Recycling and Waste Reduction Commission.
 - (2) Support legislation that would implement a state-wide program that would significantly reduce the use of polystyrene foam food service ware for the purposes of reducing litter from this source.
 - (3) Return to the Transportation and Environment Committee in 2013 with options that move the City toward eliminating polystyrene foam food ware litter including program components that address key stakeholder concerns, programmatic options that would minimize impacts of a potential prohibition, and any practicable alternatives and partnerships that would achieve the litter reduction goals of the Municipal Regional Stormwater Permit.

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities. (Environmental Services)

The memorandum from Council Member Liccardo, dated January 23, 2012 was approved, accepting the Staff recommendations with the following modifications:

- (1) **The amendment of the City procurement guidelines to halt purchases and use of EPS by the City of San José at City facilities and City-sponsored events was deferred to January 31, 2012.**
- (2) **Continue investigation of prices and material of alternative options, including:**
 - (a) **Verification of prices of alternative purchasing options presented in the attached summary chart from the County of San Mateo.**
 - (b) **Engagement with GreenTown Los Altos or other purchasing cooperative to explore expansions to include San José area restaurants.**
 - (c) **Consultation with other cities to explore low cost EPS alternatives and purchasing arrangements used in their jurisdictions.**
- (3) **Return to the Transportation and Environment Committee this Fall with the results of this fact gathering.**

Staff directed to return with a report about how Los Angeles is handling recycling.

8. PUBLIC SAFETY SERVICES

8.1 Spending Plan for the Supplemental Law Enforcement Services Fund.

Recommendation:

- (a) Approve the proposed 2011-2013 Spending Plan for the Supplemental Law Enforcement Services (SLES) Fund for \$1,819,465 and authorize the Chief of Police to amend the spending plan in conformity to the budget priorities set out in the staff memorandum in the event State SLES Grant payments are less than expected.

Approved.

- (b) Adopt the following 2011-2012 Appropriation Ordinance and Funding Sources Resolution Amendments in the Supplemental Law Enforcement Services Fund (Fund 414):

- (1) Increase the Earned Revenue by \$298,357.
- (2) Establish an appropriation for the Police Department for the SLES Grant for \$298,357.

Ordinance No. 29023 adopted.

Resolution No. 76127 adopted.

- (c) City Council certification that:

- (1) Funding strategies will be pursued so that the projected funding for operations and maintenance of the Police Department's Automated Field Reporting/Records Management System (AFR/RMS) will be made available in the first year of operation.
- (2) Appropriate efforts will be undertaken so that those funding strategies cover the entire cost of the project, including operations and maintenance costs, as to not require a decrease in existing basic neighborhood services.

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

Approved.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board was convened at 4:19 p.m. to consider Item 9.1 in a Joint Session.

9.1 Actions Related to the Dissolution of the Redevelopment Agency.

Recommendation: It is recommended that the City Council, the City Council acting as the Successor Agency to the Redevelopment Agency of the City of San José, and the Redevelopment Agency Board take the following actions to implement the provisions of AB X1 26:

(Item continued on the next page)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Actions Related to the Dissolution of the Redevelopment Agency. (Cont'd.)

- (a) Adopt a resolution of the Redevelopment Agency Board:
- (1) Memorializing the dissolution, by operation of law, of the Redevelopment Agency of the City of San José as of February 1, 2012;
 - (2) Memorializing the transfer, by operation of law, as of February 1, 2012, of all assets, properties, contracts, leases, books and records, buildings and equipment, of the Redevelopment Agency to the City of San José in its capacity as Successor Agency;
 - (3) Memorializing the transfer, by operation of law, as of February 1, 2012, of all housing assets and functions of the Agency, with regard to the Low and Moderate Income Housing Program, to the City of San José as Successor Housing Agency;

Redevelopment Agency Board Resolution No. 6033 adopted.

- (b) Adopt a resolution of the City Council of the City of San José:
- (1) Memorializing the designation of the City of San José in its capacity as the Successor Agency to the Redevelopment Agency of the City of San José;
 - (2) Electing to retain the housing assets and functions of the Redevelopment Agency with regard to the Low and Moderate Income Housing Program;
 - (3) Establishing a new fund for the Successor Housing Agency, effective February 1, 2012, entitled "Affordable Housing Investment Fund."

Resolution No. 76128 adopted.

- (c) Adopt 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments of the City Council in the Affordable Housing Investment Fund, the Home Investment Partnership Program Fund, the Housing Trust Fund, the Low and Moderate Income Housing Fund, and the Multi-Source Housing Fund as detailed in Attachment A of the staff memorandum.

Ordinance Nos. 29024, 29025, 29026, 29027, 29028 adopted.

Resolution Nos. 76129, 76130, 76131 adopted.

- (d) Adopt a resolution of the City of San José as the Successor Agency to the Redevelopment Agency of the City of San José:
- (1) Establishing a new fund entitled the "Redevelopment Obligation Retirement Fund", effective February 1, 2012, for the Successor Agency as required by AB X1 26, for the purposes of receiving funds to repay the obligations of the dissolved Redevelopment Agency;
 - (2) Appointing the City Manager as the Executive Officer of the Successor Agency to administer and oversee the dissolution of the Redevelopment Agency with the same contracting and hiring authority granted to the City Manager by the City Charter and the Municipal Code;
 - (3) Designating the Low and Moderate Income Housing Fund as a Successor Agency Fund effective February 1, 2012

Resolution No. 76132 adopted.

Successor Agency Resolution 7001 adopted.

(Item continued on the next page)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Actions Related to the Dissolution of the Redevelopment Agency. (Cont'd.)

- (e) Adopt 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments of the City Council, in its capacity as the Successor Agency, in the Redevelopment Obligation Retirement Fund as detailed in Attachment B of the staff memorandum.

Ordinance No. 29029 adopted.

Resolution No. 76133 adopted.

Housing Portion: (10-1.)

Noes: Oliverio.

● **Open Forum**

- (1) **David Wall requested that the City Manager offer an accounting about the Applegate Johnson matter.**
- (2) **Kevin Hittilo voiced his concerns and opposition to the plastic bag ban.**
- (3) **Ross Signorino pointed out that the Mercury News should not have revealed the identity of the girl that was abducted last week or expose the horrific events that happened to her. He suggested the City should discourage this.**
- (4) **Shirley Vargas urged the Council to establish lower taxes for San José residents, increase revenues, attempt to provide more jobs in San José and to cease building low income housing.**

● **Adjournment**

The Council of the City of San José adjourned the afternoon session at 5:16 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located on the east side of Quimby Road, approximately 440 feet east of Murillo Road (3770 Quimby Road) to the A(PD) Planned Development Zoning District to allow for the development of up to seven single-family detached residences and hillside open space on a 2.8 gross acre site (Huang Tammy C Et Al, Huang Euson, Owner). CEQA: Mitigated Negative Declaration to be adopted.

PDC10-002 – District 8

Ordinance No. 29030 passed for publication.

CEQA Resolution No. 76134 adopted.

11.2 Rezoning Real Property Located on the East Side of Morse Street.

Recommendation: Consideration of an ordinance rezoning the real property located on the east side of Morse Street, approximately 320 feet north of McKendrie Street (980 Morse Street), from the R-1-8 Residential Zoning District to the A(PD) Planned Development Zoning District to allow for the development of four single-family detached residences on a 0.61 gross acre site (Barry Swenson Builder, Owner). CEQA: Mitigated Negative Declaration to be adopted. The Planning Commission voted 4-1-2 (Commissioner Platten opposed, Commissioners Yob and Kamkar absent) to recommend that Council approve the proposed Planned Development Rezoning as recommended by staff with an added requirement that at least two (2) of the units have a different architectural style.

PDC11-010 – District 6

Continued to February 28, 2012 per Rules and Open Government Committee.

- **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>
10093	Southwest corner of Ruby Avenue and Aborn Road	8	SummerHill Ruby Avenue, LLC	93 Lots / 107 Units	SFDR/ SFAR	Approve
10097	Northwest corner of Blossom Hill Road and Southcrest Way	10	Brookfield Westbury, LLC	91 Lots / 86 Units	SFDR	Approve

- **Open Forum**

The following speakers representing Hamline Community Garden complained about the residents-only rule for the San José community gardens, the lack of transparency and the added City fees, requested to see a detailed breakdown of the work, expressed concern about the eviction of non-residents and complained that the neighborhood concerns have not been adequately addressed, were: John Joseph, Ann-Charlotte Joseph, Kimberly Echeverri, Margaret Harris, Caroline Dudley and Karen McCreddin.

The following speakers representing the Seven Trees Community complained about the lack of police presence, the heavy crime and gang activity, the speeding cars throughout the neighborhood, the shooting near Arboles Elementary School, the high speed police chase through the neighborhood, the trash, drugs and violence and the need for speed bumps, were: Jose Morquecho, Antonio Elias Zaragoza, Gary Cooper, Fatima de Guzman, Jesus Zavala and Pedro Mendoza.

City Manager Debra Figone commented that she will be meeting with Staff to obtain more details surrounding the issues with the Hamline Community Garden and will circulate an information memorandum to Council of the findings. City Manager Figone noted that she responded to the letter from the City Manager of Santa Clara.

Council Member Oliverio requested that an information memorandum be forwarded to the Council on all Open Forum issues.

- **Adjournment**

The Council of the City of San José was adjourned at 7:32 p.m. in memory of Eileen Dorset who joined the Redevelopment Agency in 1988 as the Neighborhood Business District Manager for Alum Rock and served the Agency for 20 years. She will be remembered for her outstanding contributions to the Redevelopment Agency and to the San José community. (Mayor)