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>> Mayor Reed: Good morning, I'd like to call the meeting to order. This is the first item on the agenda would be the labor update. Anything to update us on? Gina Donnelly.

>> Gina Donnelly: Good morning, mayor members of the city council, Gina Donnelly, deputy director employee relations. The city and ALP, the city attorney's union, commenced negotiations on May 21st. There have been three negotiation sessions to date. You have in front of you this morning ALP's proposed ground rules received on May 25th. Which are also posted on the city's employee relations website. That concludes the update. Thank you.

>> Mayor Reed: I have no requests to speak. We're going to adjourn into closed session, we'll be back here at 1:30.

>> Mayor Reed: (gavel strike) Good afternoon. I'd like to call the San José city council meeting to order for June 5th, 2012. We'll start our meeting with an invocation. Councilmember Oliverio will introduce the invocator.

>> Councilmember Oliverio: Thank you, Mayor Reed. We have Reverend Bryan Franzen from the Westminster church on the Alameda to provide an invocation for the city council today. Reverend.

>> But he has already made it plain how to live, what to do. What God is looking for men and women. It is quite simple. Do what is fair and just to your neighbor. Be compassionate and loyal in your love and don't take yourself too seriously. Take God seriously. Let us pray. Lord, we ask that you come down upon this meeting and upon all those who are gathered here today, and lord, also upon all those who are voting today. To be with them, in their guidance, to give them clarity of mind and a hopeful spirit, that they may act in kindness towards one another, out of charity, out of graciousness, out of compassion, and out of doing what is right. Doing what is just in this world. Lord, we ask that you come in this space, and give that wisdom and courage to act in love, and compassion towards one another, to be open to mind, and to be able to admit our own humanity and to listen. Lord we ask you for your good graces upon this committee and upon all who are gathered today, amen.

>> Mayor Reed: Please stand for the pledge of allegiance. We'll be helped today by the Easterbrook discovery school from District 1 and Ben Painter elementary school from District 5, and I think we have some Horace Mann elementary school students as well. So please stand. [ pledge of allegiance ]

>> Mayor Reed: Thank you, students, it's good to have help on the pledge of allegiance on election day! First item of business are the orders of the day. We need to add an item 9.1, amendment to the reimbursement agreement with JPMorgan Chase bank. And just to let everyone know I intend to take the seven or eight matters regarding historic landmark nominations and Mills act historic property contracts together, to be heard at one time, with testimony taken all together. Any other changes to the printed agenda order? Motion is to approve. All in favor? Opposed? None opposed, that's unanimous so that's sufficient to add the late J.P. Morgan item. Closed session report, City Attorney.

>> City Attorney Doyle: Matter we have a few matters to report out today. First we were given the authority to initiate litigation in one matter and the name of the action and the defendants will be disclosed to any person upon filing. Second, we were given authority to pursue appellate review in two matters, one the California building industry association versus city. This is a challenge to the city's inclusionary housing ordinance. The vote was 9-2 with councilmembers constant and Oliverio voting no. The next item is the authority to pursue appellate review in another litigation matter. It's -- the case is berg and berg versus city. It's a breach of contract claim. The vote was 10-1 with Councilmember Rocha voting no. And item -- the last item is the case of McDonough versus city, and the council unanimously gave the city attorney authority to draft a letter to the California Supreme Court seeking depublication of the 6th District Court of Appeal decision.

>> Mayor Reed: Next we will take up ceremonial items. I'd like to start by inviting up Dave Sykes, Hans Larsen, Kerrie Romanow, and representatives of city staff delivering energy efficiency projects to join us.

>> Dave Sykes: All right, thank you, Mr. Mayor, Dave Sykes, the director of Public Works here in the City of San José. We are here to celebrate Public Works week. The theme for this year's Public Works week is creating a lasting impression and I think that's pretty appropriate for Public Works and that's because we build things and hopefully things that last a long time. This year as the mayor has mentioned we have chosen to highlight all the work the City's doing relating to energy efficiency projects. This is the new type of street lighting that you are seeing going in around the city, we're doing a lot of lighting retrofits in city buildings, we're making our city buildings more energy efficient, and of course, many of you have seen solar panels going up on city facilities and city lands across the city. So those things don't happen without a great team, and so these people behind me are the team that deliver these projects. These projects tend to be interesting to deliver. We're using a lot of graft moneys. We are utilizing new project delivery tools like things like power purchase agreements. We've had to become knowledgeable about new technologies. And most of all we've had to do a lot of out of the box thinking. So starting off with Public Works I want to recognize Pat Brooks and Greg Terwilliger. They're responsible for doing the energy efficiency work on city buildings. Laura Wada and Scott Arnold doing the solar installations. From ESD we have Mike Foster and Julie Benedenti who lead the energy and sustainability program for the city. And Hans Larsen from D.O.T. and his team, Amy Ole, Veronica Cortright, Ken Sulveil, Laura

Stuchinsky and Tony Ortiz who are doing the city's street lighting program. Have I left anyone out? All right, I think I've gotten everyone. So just like to thank the mayor and the council by proclaiming Public Works week, we are set ago side and time to acknowledge tall great work being done by city staff and delivering immigrate projects to our community, thank you. [applause]

>> Mayor Reed: I'd like to invite Councilmember Chu, Jim Gno and members of the Vietnamese volunteer organization, as to join me at the podium, as we commend Vivo and executive director Diem Ngo.

>> Councilmember Chu: Thank you, mayor. I'd like to thank my colleagues and the mayor, Vietnamese volunteer organization, also known as Vivo, preparing and promoting cross cultural, Diem Ngo, for his contributions to the community over the last 28 years. Established in 1979, Vivo is a nonprofit organization aimed to promote partnership, leadership, and responsible citizenship among the Vietnamese American community in the City of San José. And at that time I was a junior engineer with -- working for IBM. And my office was a gentleman by the name of San Tu, I'm so sorry San couldn't be with us today. He is on a business trip to Los Angeles. A well-kept secret to all the IBMers for last 33 years is that during that period of time we have a white board, a blackboard in our office and we have a little space reserved for work-related issue and most of the white board and the blackboard were organized by the organizational chart of VIVO. I know that Bal Tru was a IBMer and Doug tran, remember Doug tran? He couldn't make it as well today. So I'm really, really happy to be here honoring my friends and since I first landed in the United States, and their contribution and commitment to our community. Vivo is actively engaged and committed to empowering refugees immigrants and low income ethnic families to become productive members by providing comprehensive services that promote a healthy, violence-free, self-sufficient and multicultural understanding community. The success of VIVO has been its ability to maximize its resources and grass roots support to collaborative with the local, state and federal agencies. As a former board member, I would like to thank VIVO for continuously making a positive impact on the community and providing sound foundation of cultural enrichment and education for future generations to come. VIVO would not have been successful without their leader, executive director Diem Ngo, who has been with VIVO since 1984, five years after I started to be involved with VIVO but he stayed there for the 28 years, that's really commendable. Introduce a rich tradition of the Vietnamese American to the community and contributed to the

cultural diversity in San José. After 28 years of service, Diem will be retiring this year. I would like to thank VIVO and Diem Ngo for their dedication to our community. Here today to accept an commendation is our executive director, Diem Ngo. And Diem is accompanied by Val True, which I've already announced earlier, the founder and currently the chairman of the board, and Hugh Trang, the board member and Long Do, the board member, and their staff. So mayor, would you please do the honor and present them the commendation.

>> Mayor, city council members, I'm very proud to accept today's commendation. 28 years serve is as VIVO executive director and 33 years of VIVO in serving community, today I am about people, I'm a refugee but I have a chance to step back, to continue back to the refugee community. Thank you the mayor, city council, and Kansan Chu, former VIVO board of director, for your continuing support of VIVO of myself, with the pride and this honor I will keep that in my -- the rest of my life. Thank you so much. [applause] [applause]

>> Mayor Reed: Now I'd like to have it the winners of the 2012 falcon naming contest to join me at the podium. Ultimately chosen to be the names of the four falcon chicks this year. [applause] As many of you know, we have world famous falcons that live most of the year on top of San José City Hall. World's fastest animals, certainly exciting to watch. And even more exciting is the fact that they hatch chicks every year and we get to watch the fledging process and the flying process. We do have a contest every year to name the winners but you just don't draw the name out of the hat. People have to spend some effort to explain why the name is appropriate. And so we open it up to students to do that. And sometimes it's a class project and sometimes it's an individual project. But they have to do some work and submit an essay or video or artwork or something that explains why the name should be chosen and then it's voted on by our falcon fanatics. They may have a different name but that's really what they are. So we are commending today, Lucy tran, fourth grade student at Ben Painter Elementary School. She submitted the name "hope" -- that's okay, you can cheer, you can clap, okay? [cheering and applause]

>> Mayor Reed: Would you come give these out? Now jet Tom is a fifth grader at Ben painter elementary school and he submitted the name thunder for the contest. [cheering and applause]

>> Mayor Reed: Gary Con fifth grader at painter elementary school, submitted the name cobalt. And Mrs. Monica Martinez third grade class submitted the name Horatio. [applause]

>> Mayor Reed: So our congratulations to this year's winners for their help in naming the City Hall's peregrine falcons. For being engaged in nature and science. We really appreciate it. [cheering and applause]

>> Mayor Reed: Now I'd like to invite Councilmember Kalra and fire chief McDonald to the podium as we recognize the week of June 3 through 9 as national CPR and AED awareness week in the City of San José.

>> Councilmember Kalra: Thank you, mayor. As you know we have a very dedicated fire department but they can't be everywhere and all places at all times. It's very important that as residents we know what to do in emergency situations and so I'm very happy to have the opportunity along with the mayor and the rest of my council colleagues to recognize this week as national CPR and AED awareness week in the City of San José. We just had just had a training on how to do chest compression. In the event someone is not breathing or it's very important that their blood is flowing, to make sure emergency personnel can get to them. We know it saves lives and many lives have been saved using that technique and it is very important that everyone has an opportunity to learn, how to really provide this relative simple technique although it's so critically important. So I advise everyone out there to take the opportunity to learn how to do these chest compressions, which are essentially 100 quick -- I'm not going to train right now I'm not going to be held liable for not doing the training properly. There are plenty of opportunities to learn how to do it, and I really want to thank chief McDonald and the fire department for taking the time out to help train some of us here in City Hall how to do it, and there are plenty of opportunities on how to learn, how to do these chest compression in the community. I also want to take this opportunity to thank the hundreds of men and women of the San José fire department for the job that they do every single day. Because when they get called upon in medical emergencies they rush to them to save libels. When they get called upon in a firearm emergency they rush to the emergencies, to run into a burning building to save our lives and save our property. I don't think any of us understand how much courage and selflessness that takes. So a thank you to the men and women of the San José fire department and mayor, if you can present a proclamation to chief McDonald in recognition of national CPR and AED awareness week. Thank you.

>> Thank you, mayor, members of the council. I'd like to recognize our staff up in the audience who provided the training today. We have battalion Chief Rick seal, captain Mitch matlow, and captain Mary Gutierrez, who all provided the training. And I think it's really important just to say that it just takes a few minutes. And you really can save the life of a family member, save a life of a loved one, a friend. And if you sign up for pulse point, you can probably save the life of someone you don't know, which is also an incredible thing. So please take the time to learn it, just takes a few minutes to learn how to use an automatic external defibrillator, save a life, and thank you.

>> Mayor Reed: I'd like to invite Councilmember Pyle and participants of San José-Ekaterinburg sister city photography exchange.

>> Councilmember Pyle: Good afternoon. I'm very, very pleased to bring to you Ekaterinburg representatives from Russia. Ekaterinburg has been our Sister city since 1992. San José absolutely values its sister city relationships as a means of promoting cultural understanding between the countries. In March 2011, the United States consulate general in Ekaterinburg, in partnership with the city of Ekaterinburg, the museum of photography, Metankov house in Russia, the City of San José and San José State university launched the sister cities photographer exchange project. Ekaterinburg through the eyes of one another. Three San José photographers, Robin Lasser, Adrienne Pao and Brian Taylor visited Ekaterinburg in 2011, and the photographers Dennis Teresov and Sophia Nasirova were selected through a competition to represent Ekaterinburg in the exchange. Photography from both cities was displayed at San José City Hall beginning in August of 2011. The United States Department of State commissioned a book on the project, designed by San José State university professor Connie Wang, entitled seven days sister cities artist exchange. And mayor, we have three recipients, unfortunately, Adrienne Pao cannot be here today but we have three participants to thank for their participation in the San José Ekaterinburg sister city photography exchange and their book, called seven days. Do we have the book here?

>> Yes, right behind you.



>> Councilmember Pyle: Would you like to be (inaudible).

>> Absolutely. Well, Mayor Reed and councilmembers, we have a fantastic special-edition artist book for you complete with pop up and DVD, and wonderful artwork from the exchange, not to mention your beautiful article and the article by Barbara Goldstein. And our Russian friends wanted us to say to you that last year they got an accommodation here and they were so delighted and inspired that a city such as San José would notice what they were doing here, and all the support the city gives to the arts. And if you think about it, every great city in the world, London, Paris, Los Angeles, San José, New York, is known for their arts. And I really appreciate that you continue to value the arts and strive for excellence in that regard. So thank you very much.

>> Mayor Reed: Thank you. You want us to keep this?

>> Absolutely. And those for the rest of you this week.

>> Mayor Reed: Okay, thank you very much.

>> Mayor Reed: We are now going to take up the interviews for Planning Commission, which we're going to spend probably an hour and a half on because there are ten folks that are interested in being appointed to the Planning Commission. It's item 3.4. Anybody's looking for that. And we will take them in whatever order the clerk brings them in and I think you have some fancy way of figuring out what the order is but it doesn't really matter to us. We will allow each of the applicants to make some opening comments and we'll do questions and answers and then we'll move on to the next person. So City Clerk, you want to explain anything else about this before we get started?

>> Dennis Hawkins: No, we'll cover the balloting process as we conclude the interviews. But we have ballots ready for the councilmembers, which we'll distribute. And the first candidate Peter Allen is here, Mr. Mayor.

>> Mayor Reed: Okay. Mr. Allen. Well, you heard me describe what we're going to do, so I'll let you talk.

>> Mr. Mayor, honorable councilmembers. Thank you for the opportunity to be here amongst another dynamic group of candidates. Must be the second time before you so hope it will be a little different from the first but just as exciting. My name's Peter Allen. I'm a third generation native of San José. I'm currently a resident of Willow Glen in council district 6. I've had the unique experience of having San José grow up pretty much around me. I've lived in a number of our distinct neighborhoods, I've seen the impacts of urban planning at the macro and the micro level. After decades of redevelopment and earnest attempt at smart growth on sustainable growth there remains a great deal of unrealized potential in San José, and that's what really excites me about living here and continuing to live here and hopefully raising my family here. The envision 2040 general plan update is the blueprint for realizing that potential. It's intended to bring San José in line with its self-identification as a hub industry and innovation. It reflects our diverse cultures and shared heritage while strike a balance between fiscal and environmental sustainability. It previous our abundant natural and cultural resources for future generations while creating a livable, walkable city for all of our residents. Once adopted by council, now that is adopted by the council, I should say, it's now going to serve as the ultimate guide for any decision made by the Planning Commission and by you. As a commissioner I would consider each project in the greater context of citywide development and in the final analysis make a reasoned decision based on the policies I'm entrusted to follow. But most importantly I would serve as a representative of the generation that will inherit this city, a generation that should play I think a key role in determining our collective future. It's encouraging to see other young fellow residents taking the important first step of volunteering to serve not just on the Planning Commission but on other commissions and boards but the next step is entirely up to you. In addition to ethnic and geographic equity which are paramount in a city as large and diverse as ours, I sincerely hope you will consider generational equity when making today's appoint to this post. I'd be honored to serve you as well as all the people of San José, and I humbly ask for your vote and I'm happy to answer any questions that you might have.

>> Mayor Reed: Thank you. Thank you for your interest in this position. We probably have a few questions. Let me start by asking you a question, you note in your application that you may on occasion have professional

relationships with parties that bring matters before the Planning Commission. That's a problem for every Planning Commissioner from time to time.

>> Slur.

>> Mayor Reed: So my question for you is how do you handle those situations where you don't have a professional relationship, so there's no conflict of interest under the law, but you have a relationship, and then people are trying to influence you to do one thing or another? How do you sort out your personal relationships from the policy from the politics from the law and all of those things? How would you go about figuring that out?

>> Well, in my professional and personal life I tend to wear a number of hats, as many of you know. I play a lot of different roles and I have a lot of different relationships in those roles, be they in the nonprofit world, the business world and the nonpolitical realm. I'm constantly having to parse those relationships to make the best decision for the most amount of people in every situation. When you're a Planning Commission or a city council member for that matter you're here to serve the city. You're here to serve the residents of the city and all the residents. Not just your friends, not just your colleagues, not just your business associates. You're here to serve everyone. So I would for lack of a better phrase, leave my personal relationship at the door, take that hat off, and when I come to this dais, I would be representative of all the people of San José. And would I make decisions based on the general plan, based on your direction, based on direction from the director of planning, and make an assessment as to what's best for the people of San José not necessarily what's best for my friends. And if my friends don't like that then they're going to have to just deal with it.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, and thank you for reapplying. Appreciate your interest in serving the city and give a very eloquent introduction. Want to pose a hypothetical. And what's coming to you on your first week on the planning commission is a proposal. A housing developer wants to build housing in a location where there's an industrial warehouse and they want a general plan amendment. A neighborhood is bringing a petition to

the planning commission with 200 signatures saying we're tired of truck traffic, we want to park and the developer's promised us a park and we think this development is an ugly eyesore anyway. A couple dozen of them show up at the hearing and tell you and the other commissioners we want to support this application for a general plan amendment to convert this industrial warehouse. How do you approach this issue? What's your thinking? I'm less interested in sort of the result, I'm just interested in how you think about it.

>> Sure, sure, I wish I could have taken notes on that question, actually, there are a few parts to it. First and foremost, you have to respect the residents and their opinion, you have to respect what they've come to you with, especially if it's a petition that's been circulated widely through the neighborhood. If they have an internet in that parcel it's great to see that but you have to again always have to go back to what the land was originally intended for and what was our goals for that happens willy-nilly really there's areas that have been designated for certain types of use because that's simply what we're going to need from the city in the future. Not necessarily what's going on right now but what's going to go on there 50 years from now, 60 years from now. And you always have to balance the need for parks, housing with the needs for these people to work, commercial and industrial places for them to work. I think we're in the neighborhood of .8 jobs per resident. We want to get to one if not higher in the new general plan. We need to be really serious about rezoning destiny areas that could be used for jobs for housing for parks. I think we do have a need for housing but you also have need for jobs for those people to work. So I think my process would be to reach out as much as possible to stakeholders not just from the neighborhoods but the business community and see what other potential the spot might have. Again, this might be something that's outside of my role as the commissioner myself but I would really want to get all sides to weigh in on the issue not simply the residents so I would ask staff reach out to the business community and also the owners of the parcel and see what we can do as far as coming to some sort of compromise situation.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. Thanks for applying again Peter. When I was on the Planning Commission and Councilmember Campos and Mayor Reed can speak to this, oftentimes, and sometimes because the good intentions of community members have concerns about another project or because of different

thought processes of some of the fellow commissioners, we really go off on tangents sometimes and I think oftentimes it would serve to not just make the meetings longer, which is fine. That's one symptom or one outcome of that but also kind of veer away from both either the mission of the commission or from the question at hand. How would you go about remaining focused while at the same time acknowledging and respecting the various viewpoints either from fellow commissioners or from residents and other folks in the community?

>> A lot of times it's about doing your homework I think and coming into the meeting prepared and potentially having met with the concerned stakeholders involved, and in certain circumstances within the confines of the Brown Act, speaking with your fellow commissioners and seeing who kind of resolution might be worked out. But really coming into the meeting with a good focus and a good knowledge of the issue I think always tends to expedite the meeting and make decisions go faster. As much as I am incredibly appreciative as everybody said of a thoughtful collaborative process government can at some times move too slow for a lot of people's taste. We have to do something about that but never, never at the expense of a thoughtful reasoned approach to decision making.

>> Councilmember Kalra: Thank you.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you mayor, I have two short questions. One is easy. What is your understanding of the commitment needed to serve effectively on the Planning Commission?

>> Extensive, in a word. I'm familiar with the workload just given my relationship with previous commission members as well as current commission members. It's quite a commitment and to go beyond answering the simplest question you had there, I had already begun to assess what parts of my life I'm going to have to scale back in order to devote to that. It would automatically be my top priority other than making a living if I were to get the appointment. So extensive time commitment.

>> Councilmember Campos: What would you foresee as the most critical land use issues that the city will be addressing in the foreseeable future?

>> Obviously, as I mentioned during Sam's question, my response to Sam's question, employment lands and making sure that we have a reasonable approach to maintaining enough land to support jobs and to bring new businesses to the city, while at the same time making sure we have enough places for people to live. My biggest concern now is that something around 91,000 residents of San José leave San José every day to go work in another city and that has to change. For a lot of reasons, not just economical but also environmental. And that's I think going to be -- it's a huge concern of the envision 2040 general plan update, and for that -- because of that, for the next 30 years it's going to be a huge concern of the Planning Commission.

>> Councilmember Campos: So do you foresee a 1 to 1 balance on the jobs-housing imbalance, do you ever foresee that happening?

>> You know, I'm probably not the person to speculate at this point on that. I do think there's a plan to get there. The question is are we going to have the will to get there and is the economy going to be stable enough, recovered enough, and moving forward enough for us to get there. I think it's a great goal. I think we may have set the bar a little too high. I would like to see that one to one met before we try for 1.2 which I think that eventually got into the plan update. But I think 1 to 1 is a pretty reasonable goal. Whether we'll get that or not is a testament to how things progress over the next couple of years.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you, mayor. Peter I want to do a little bit of clarification.

>> Of course.

>> Councilmember Pyle: What you just said.

>> Sure.

>> Councilmember Pyle: You don't mean pulling up stakes and moving, you mean going to another city?

>> Correct, yes, for working during the workday, we lose that many residents who are spending their --

>> Councilmember Pyle: Got it.

>> We lose that many residents --

>> Councilmember Pyle: Just wanted to check on it. We wouldn't have too many --

>> That would be a big problem.

>> Councilmember Pyle: Okay, so my question for you is the familiarity with CEQA. Could you describe any familiarity that you might have with the CEQA process and why do you think it's important?

>> Other than the very general sort of time line process, the specific laws and regulations I'm still studying myself and getting up on. As far as the process, I'm fairly comfortable with the basic benchmarks, the EIRs, the public comment and the approval of that. I think it's incredibly important, as I mentioned before, you know, we as city leaders and then as servants of the city, we need to be concerned about bringing revenue to the city but we also need to be concerned about the environment and what we leave for future generations, my generation and my children hopefully so it's incredibly important that every project is not only financially sustainable but also environmentally sustainable over time.

>> Councilmember Pyle: Thank you very much.

>> Mayor Reed: Uh-huh.

>> Mayor Reed: Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, Mr. Mayor. You mentioned a reasonable approach when it comes to preserving lands for jobs. Do you think the current policy is unreasonable?

>> No, I didn't mean to imply that. Make sure that the commission and the council is looking at going forward and always concerned about that, not necessarily that it was any bad decision or wrong decision made.

>> Councilmember Oliverio: Thank you for clarifying. Is there any specific development that you feel that has made that's been a mistake?

>> That's a pretty strong word councilmember. I don't know if I'm in the position to -- frankly, the council is the final arbiter of Planning Commission decisions. So if there was a mistake made, that would tend to be your call. As a Planning Commissioner, I mean, I don't want to comment on what's been done by previous commissions. I can only speak to what I would do going forward. I would refer to the general plan, to the regulations you councilmembers have set in place in making my decisions and I'm really not at liberty to comment on anything that I consider to be a mistake as far as previous decisions.

>> Councilmember Oliverio: Well, you must consider that if you're applying for the Planning Commission you have a strong level of interest in planning uses in the City of San José and you must have come down with some viewpoints as you said you were a third generation San Joséan. And at some point of time you must reflected and said gee, that development that was approved probably wasn't the best thing. And the Planning Commission -- the city council don't approve all developments, some just go to the planning commission. So again, is there any development that you see that you thought was not the right thing for the future of San José?



>> Well, councilmember as you well know I definitely have had personal opinions in the past on issues concerning the Planning Commission and the council. You've received my comments on some of those concerns. However, again, that's as a personal, as a citizen of San José, as a resident. As a Planning Commissioner, it's pretty much a clean slate as far as I'm concerned. Once I got into the role, it's a very different role being on the dais than being here at the podium. And at the podium you're free have another' check that at the door. And commit it in a very pragmatic way with respect to the laws and regulations on the books.

>> Councilmember Oliverio: And I do recall your e-mail against baseball, in San José, and then but more importantly, as a Planning Commissioner, there's going to be a piece of land and that private property owner has a right to do something yet the neighborhood might not want it to be what that private property owner is allowed to do legally.

>> Correct.

>> Councilmember Oliverio: How would you balance that?

>> Again in the final analysis if you have to make a decision against what the residents in the area or at least the immediate area are after what they are advocating for, you simply have to do as good a job as you can of explaining what you just said. The legal aspects and the ramifications for the whole city and not just their neighborhood. As a resident of Willow Glen I know all too well that our neighborhoods are very important to us and the immediate area around our homes are very important to us and the character, preserving the character of those is very important. But at the same time we also have to consider every development in context of the greater city and the benefit to all residents and I think it would do us all good to be more selfless in that regard. We can definitely have a conversation about the baseball issue at another time. But just to clarify, I was not opposed to the stadium itself or that development. I was opposed to the decision that was made at the time on what to do with the land.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you for applying.

>> You're welcome.

>> Councilmember Herrera: We're doing some rigorous questioning here today.

>> Fine, I love it.

>> Councilmember Herrera: I'm struggling with how to ask this. But I guess I want to know how you see the limit of your -- of the purview of Planning Commission. We've had some issues where clearly, the Planning Commission probably shouldn't have weighed in on but decided to go ahead and weigh in on it anyway and then throw it over to council. So I'm looking to try to understand where you think the limits are. And if it's not in the purview of the Planning Commission where do you --

>> Sure.

>> Councilmember Herrera: And I'm sorry for the vague question, but if you can --

>> No, no, it's something actually you and I discussed the last time I was here. The Planning Commission has very specific duties. Ruling on appeals to the director's decisions, making recommendations to the council, there have been decision recently where issues have either gone beyond planning and come straight to you or some cases you've redirected an issue back to the Planning Commission for further recommendation. And recommendations pay not have been what the council was looking for at the time. I think it gets really hazy of that cycle of coming back to the commission after they've already made the single decision, I don't think --

>> Councilmember Herrera: The issue that comes to mind for me is medical marijuana where I think it was --

>> Of course, that's pretty much what I was referring to. I didn't want to mention it specifically, but that's one I was referring to.

>> Councilmember Herrera: It's hard to -- I'm trying to think of an example. So that's one I can think of.

>> It's a difficult example because I think the process on that issue honestly was a little bit out of the norm in that it got to the council level I think before it was really -- there were really some good recommendations some very well thought out recommendations on the table, and the council did their best to parse those out and then send it back to the commission, and then the commission came back with probably what they would have originally recommended, had it not -- had the process gone through the correct channels to begin with. But again as commissioner there are pretty good -- pretty good black and white document in place that tells you what your purview is and it's the general plan and also, it's basically the general plan. You have to stick to that, rule based on what you -- on that document, and move forward. We're not here to overturn or to subvert any decision the council makes. We're here to serve the council and to make recommendations as Planning Commissioners. So I -  
- it is a vague question but that's the best I can do I think at answering it.

>> Okay, thank you.

>> Mayor Reed: I think that concludes the questions. Thank you very much, we appreciate your interest, in this.

>> Thank you very much for your time. Have a great day.

>> Mayor Reed: You're welcome to stay or go, we won't be offended either way. We're ready for the next one. Our next applicant should be Christine Velasquez. Is that right, have I got the right list?

>> Dennis Hawkins: That's correct. She's coming in now.

>> Mayor Reed: All right. Hello. Thank you for your interest in this. We'll let you talk for a little while, and why you're interested in being appointed, and then we'll have some questions for you.

>> Thank you. Thank you, mayor and city council members. Again, my name is Christine Velasquez. And first, I would like thank you for providing me the opportunity to interview for this highly regarded commission. A lot of you know me through my staff work at the San José Redevelopment Agency. As well as council District 5 where I managed our retail recruitment program in several districts throughout San José. So I had the privilege of working with you on major developments in your council districts. In council district 5 it was the public communications manager and the land development manager there and worked on several projects including housing, retail and commercial. Just a little background on myself. Born in San Francisco raised here in San José since I was two. My family was looking for a place to call home, and they heard about a city called San José about 50 minutes South of San Francisco. And they drove here and exited a road that probably didn't even have a sign. And they found themselves in Berryessa and established a home there for us. Eventually we moved to the Evergreen area in which my parents do reside in their home since the '70s so I remember the orchards and remember tall development that took place around us in terms of my education I went to three different elementary schools and back then as a young student I'm thinking I'm going to miss the opportunity to spend time with my classmates. In retrospect that was the result of the development that was taking place in the Evergreen area and in San José in general. So I can appreciate that now. I went to Quimby Oak Junior High, Mt. Pleasant High School, I went to San José State University, and I have a business marketing degree major, or degree. What I bring in terms of my uniqueness and experience to the Planning Commission is my sense of experience in working on developments throughout the City of San José. Citywide, on housing, retail, commercial, I have an in-depth knowledge of the general plan 2020. I look forward to implementing general plan 2040. The zoning ordinance as well as policy. And I think that's an important aspect that you need or trade or skill that you need being on the Planning Commission. I work for AI consultants, an environmental engineering company. So I would look at any environmental impacts of any projects that would come forbid. I worked on as I mentioned the retail recruitment program so as far as working through the entitlement process interpreting the general plan and zoning ordinance are things that I did daily. I worked in neighborhoods throughout the City of San José through my work in the neighborhood business district as well as the strong neighborhood initiative program. So I have a deep

understanding of how the community thinks and functions and I have attended many Planning Commission meetings actually, the ones that went until midnight, as we helped prepare developers and attendants for the Planning Commission. So I know that side of the permitting and development process. And with that I am open to any questions that you may have for me today.

>> Mayor Reed: Thank you very much. Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. Couple of quick questions. First one being what is your understanding of the time commitment needed to serve effectively on the Planning Commission?

>> I understand that you need a lot of time. And I feel that during my tenure with the Redevelopment Agency, and the council office, it's -- it's something that you need to have time, and the commitment to do, and the passion to do. As a Planning Commissioner, and as a staffer in the past, I would do my research, you have to research, you have to understand the plans, you have to go out to the site and make sure that there aren't any environmental impacts, that the community is for the most part supportive of the project, that it is in line with the city's goals and policies, it's in line with the general plan, in line with the zoning ordinance, and finding ways to try to streamline that process. So it's a time commitment. And it's something that I expect and that the way that I have served in the City of San José. So I expect that.

>> Councilmember Campos: And what do you foresee as the critical land use issues that will need to be addressed in this city, and what are your thoughts on those issues?

>> Well, they have been addressed through the general plan 2040, for example. Preserving employment lands so we can compete as a city. Not just -- not just regionally or not just statewide or even national. We're talking international. And finding a balance between that and providing housing options, and different degrees of housing or different options of housing that people can call San José their home and have the opportunity to work in their city. I think that the recent policies and incentives that the city council and the Planning Commission have approved are really going to help spark more development, which I think was very necessary, so that's something

I probably would have brought up in terms of incentives for more housing in Downtown San José, making it easier for businesses to go into North San José so I'm very pleased to see that the council and the Planning Commission are addressing those already.

>> Councilmember Campos: So currently we have a jobs-housing imbalance. Do you foresee us even getting to a one to one ratio? I know that the general plan has it a little bit higher. Do you ever see that and how do you -- do you think the general plan will adequately address that?

>> Well, I know that the -- we are far from being where we should be and I believe it's 1.3 to 1 in the general plan 2040. We're going to strive for it and I know that the general plan allows for that and that there is again we need to compete, and encourage people to choose San José to live and work in. So the city has been doing a great job. The councilmembers and the Planning Commission have been doing a great job in work towards that and reaching that goal.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you mayor. Thank you for applying Christine. I want to ask you about focus oftentimes and this was the experience I had when I was on the commission, the commission can get off focus and go off on tangents not necessarily with bad intention. It's just because maybe certain neighbors or neighborhood groups have a concern or a certain business or maybe a fellow commissioner will have concerns or questions that really veer away from the havoc at hand for the commission, in some cases even the purview of the council. How would you approach that and by -- how would you approach maintaining focus on the issue before you while at the same time, acknowledging and respecting and listening to the concerns of fellow commissioners or neighbors and what have you?

>> Uh-huh. Well first off I want to acknowledge and say that I truly admire the role of the Planning Commission because there are some hard messages to deliver, when the applicant doesn't receive the result that they're hoping for. I think there's a way to deliver that kind of message, and I think it's really important to listen to

communities' concerns. And also listen to the applicant's desires and their goals as well. But there's a way and there's a balance to find that win-win. And we have plans that are in place, and that we can justify. For example, general plan 2040. So it's really just staying in line with what the goals and objectives are of the city, keeping the City's integrity in tact. And it is a way that has worked for me as I worked on several projects and have to attend community meetings and hear the concerns. And I think that if you have the ability to listen, to acknowledge their concerns, whether or not it's what their result you know ultimately wanted to be or they didn't receive the result they really wanted, that they feel they are part of the process, they were respected and they can still move forward. Because at the end of the day for the most part we're probably all moving forward to the same end in mind. So again finding that win-win and finding a good solution.

>> Councilmember Kalra: Thank you.

>> Mayor Reed: You have a little bit of experience in city government. But the Planning Commission is I think different than being a staff member. So as a Planning Commissioner, people are going to ask you to do things, lobby you to do things, insist that you do things, demand that you do things that may or may not follow the general plan or the law or whatever council policy there is and these may be people that are friends of yours or acquaintances or co-workers. It's just one of the things that comes with as being a Planning Commissioner. Because you have to make a decision and people are interested in it. So how will you sort out the competing pressures that can be brought to bear on you as a Planning Commissioner so you make a good decision?

>> Well, again I mentioned listening and allowing the opportunity for the other party to speak, and state their goals, and their concerns. But as a Planning Commissioner, I'm an extension of the city. And the policies and plans are clear. And it's a way that you deliver that message whether it's a you know hard message or even good news. But the way that I work and I would have to go back to my days working in the council office, there were those pressures then and there are those pressures as I was working at the Redevelopment Agency. But keeping in mind what the goals are of the city, and believing in the leadership of the city makes it easy for me to justify some of those decisions that we have to make, and what our leadership has to make, because we have a goal in

mind, a plan that our plans that need to be implemented, that also included a community process. And so I don't feel that I'm easily wavered and would continue to stay focused on implementing the goals and objectives of the city for development.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. Christine, thank you for all your service with the Redevelopment Agency and appreciate your great work for many years here. I wanted to offer a hypothetical just to explore how you would explore how you would think about this problem, regardless of the outcome how you would approach it. The proposal comes to you as a Planning Commissioner to convert industrial warehouse to housing. The surrounding neighborhood is actually strongly in support of seeing housing there, the developer is committed to building a park and they're not well served by parks in the neighborhood. They don't like this blighted industrial warehouse, they don't like all the truck traffic and they want to see this go forward. They get 200 signatures on a petition supporting the general plan amendment, couple dozen of them show up at the Planning Commission. How do you think about that or how do you approach it?

>> It -- I want to make sure I understand the question.

>> Councilmember Liccardo: Uh-huh.

>> Is it zoned properly? Or --

>> Councilmember Liccardo: It's a general plan amendment to they're seeking to -- yeah, it would general plan designation is industrial.

>> Okay. Thank you. I didn't -- thank you.

>> Councilmember Liccardo: Sure.



>> Um -- well, it is going back to my point of -- and it depends where it is, of course. And what's existing around it and what the existing plans are strategic plans around that area. But the general plan 2040 was just adopted and I know some of those questions are pretty -- they have been answered recently already that perhaps an area may not -- the Planning Commission may not recommend support for that, if it's for example a designated employment lands type of property. If -- and going back to the exactly that, creating more jobs, so the employment lands are important. If it's an industrial area, we need to ensure that we have the land that is necessary to develop larger industrial parks and accommodate to future -- future industry that will be coming in. Because we don't have a lot of land in San José. So again, back to the, if it's an industrial area, and it wasn't called out in the general plan, 2040, for some flexibility of other types of use, then it -- it's pretty straightforward, that it would have to probably not be recommended to switch to housing. I think the general plan 2040 calls out very specifically where those concentrations of housing should be. Very thoughtful process, community process and staff and everyone involved, councilmembers and Planning Commission. And I think it would just be very clear that it would have to be industrial. And that's the pressure that I think that Councilmember Kalra was talking about, because I've attended council meetings in which you know they bring out lots of people, and we are told that there will be lots of people. So that item might move to the front of the agenda just to get everything -- allow people to have the opportunity to talk about their concerns. And in a way, that the community or those who are supportive of it, yet they know that policy says we can't, or that this is something that has already been approved, that there's still a win-win in there somewhere. That they were heard. That they were acknowledged. And I think people can walk away feeling a little better about that. So there's an approach, there's a way that you can communicate. And I think to deflate some that, and I've done this in the past, reaching out to some of the community leaders or to even the developer, to try to kind of minimize some of that. So it's not -- doesn't reflect in a negative way, that the city is not supportive of development. It's just that specific site was zoned or excuse me, general plan designation and then zoned for a certain type of use.

>> Councilmember Liccardo: Thank you.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. And thank you, Christine for applying. Can you tell me basically why do you want to be on the Planning Commission and why do you think you're more qualified than the others here today so we should select you?

>> Absolutely. I mentioned that my family moved here to San José in the '70s so I have experienced the positive growth here in San José. So on a personal note, it's just been really exciting and a privilege to work on development in San José during my tenure with the council office and San José Redevelopment Agency. It would allow me to continue to be part of the growth of San José, and build on the existing landscape of San José. I'm a very proud resident, a proud citizen, an active community member, and a big advocate of San José in general. So it's something that resonates with me. The uniqueness that I bring as I mentioned earlier, are my -- is my experience, working on development from the varying degrees of -- of -- various levels, rather. And if, from encouraging people to open in San José, because I'm so proud of San José and what we've accomplished so far, to helping them work through the permitting process, entitlement process in streamlining that process, to seeing the end in mind and being part of that, being part of San José as we grow, being part of a team that has worked together on that. And you know, often time, I've worked with -- I've worked with planning staff, Public Works and you know many of the departments for many years. And we don't always see eye to eye, yet I'm always advocating, I'm a business advocate. But -- and that's okay. But it's just been -- it's been a great experience and I would really just appreciate to continue to be part of the development and the growth of San José. It's an exciting time.

>> Mayor Reed: I think that concludes the questions. Thank you for your interest in the position. We'll move on to the next applicant. You're welcome to stay or go, either way, we won't be offended.

>> Thank you.

>> Mayor Reed: Our next applicant would be Brian O'Halloran, is that correct?

>> Dennis Hawkins: That's correct, Mr. Mayor, he's on his way in.

>> Mayor Reed: Welcome, Mr. O'Halloran, thank you for your interest in this position. We'll let you take a couple of minutes to tell us why you should be appointed, and then we'll have some questions for you.

>> Okay, thanks, Mr. Mayor, members of the council. Thank you for considering me today as a candidate for the Planning Commission. I've had a long personal and professional interest in cities and urban issues. I have a professional planning background. I graduated from U.C. Berkeley with a master's in city and regional planning. My first professional job was at Santa Clara County planning as an intern. I worked on doing the calculations for some of the original works on the jobs-housing imbalance for San José and the other cities in the county. Later I was at Ruth and Going, and I worked on some of the implementing general plan amendments for the Berryessa Evergreen residential industrial swap. For the last 26 years I've been at CH2M Hill, a global program management and engineering firm. Although trained as an urban planner most of my technical work has been as a manager of complex environmental projects, EISs for large infrastructure projects like the Hoover dam EIR -- or EIS near Las Vegas was one of my recent projects. I've had a variety of executive projects at CH2M Hill related to managing our people in transportation, aviation and sustainable land development. Currently I work as a senior consultant. I work part time for CH2M Hill and I'm fortunate that now I can spend a lot of time on volunteer activities on things that I'm really passionate about. One of the examples of that is what I do at Washington school downtown. I spent 20-plus hours a week at Washington. I've taken what started as a small gang diversion program and made it into a much larger leadership development and enrichment program for 120 Latino boys and girls. So on a weekly basis I'm down there mentoring, coping and developing these young kids in the downtown area. My other passion is planning in San José. I've lived here for 43 years. I've valued the diverse city that San José has become. I know the city well. My grandparents were original property owners at Tropicana village in East San José. I grew up in the Cambrian area, I went to school at Mitty in West San José. As an adult I've lived in the Gardner area, Evergreen, and the rose garden. I think probably what distinguishes me as a candidate for a place on the Planning Commission is, bringing a broad and balanced perspective that comes with the diverse set of experiences. I'm a volunteer in an immigrant community. Leader and manager in a corporate environment, hands-on experience in environmental assessment and public involvement. Maybe most

importantly, is the exposure that I've had in the last ten years, working in our offices and project sites in over 80 cities around the United States and more than a dozen outside the United States. In 2008, I actually spent most of the year in Dubai and Abu Dhabi working on projects or seeing projects that were among the most cutting edge in the world. So I have a lot of exposure I have skills and experience and hopefully good judgment that I'd like to bring to bear for the City of San José. So I look forward to your questions.

>> Mayor Reed: Thank you. Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. Two quick questions. First being what is your understanding of the time commitment serving on the Planning Commission?

>> My understanding is that it's obviously attendance at the meetings, but there's preparation, reading the packet, going out to the project sites, talking to staff, and sometimes talking to the neighbors and the proponents. So depending on the workload I can imagine that it could be a 20-hour a week, 20 hour a month kind of commitment, and that's something that I'm able to do.

>> Councilmember Campos: Okay, and my next question centers around critical issues. What do you foresee as the critical issue, the most critical issues that will be coming before the Planning Commission, and the city will be facing in the forthcoming future?

>> I think probably the most critical issue is the preservation and the optimal use of job-producing lands of industrial, manufacturing and commercial lands. So optimally using those, I think particularly in that envision 2040 allows much more use of mixed uses, getting the appropriate mixes, getting that right, is an important issue. I think as major changes are contemplated in a couple of years, I think keeping the discipline, keeping the will, to see the vision of the general plan through to completion, there will be pressure as economic changes happen. For short-term changes. And so keeping the discipline for the execution of the long term vision is an important issue.

>> Councilmember Campos: And as you know we do have a jobs -- housing imbalance and the goal had always been a 1-1 ratio. The general plan asks for slightly more. Do you foresee us being able to get there and do you think the general plan is adequate enough as a guide to get us there?

>> Well, my understanding is that the general plan is geared to get I believe it was a 1.3 ratio. And so we should be able to get there. But obviously, it's a tall order. The city hasn't made that great a change from back in 1978, when I was calculating those numbers. And so that just goes to, again, my point about holding the line and having the discipline to preserve those industrial and job-producing land uses.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you. Thank you for applying Mr. O'Halloran. We're very happy about that. I wanted to specifically address the comparison between projects that you've been in charge with here in the United States and some in California. And those in international situations, Dubai for example. Do you see applications in other countries that could be applied here that would perhaps expedite what we do? Or do you have more appreciation, for example, for --

>> Actually, yeah, the reason I'm smiling was I was in Dubai where they don't have a lot of regulation, and it's fortunately they have a lot of money that they can redo a lot of things and that's what they end up doing. So Dubai was a great experience. Because you really saw, you know, how they slap dash put things together in the last ten years. The traffic was terrible, the infrastructure -- I was just telling someone out in the hall that the highways there are filled with water trucks. Miles and miles of water trucks that are getting ready to get off the freeway. That's how they transport water rather than pipe infrastructure. So no, I haven't seen a lot of things internationally in my personal experience that I might bring back to San José. But in the United States, you go to 60s like Portland and Toronto, in Canada, Seattle, Portland for example. You know has a much more vibrant bicycling community there. And they don't have the advantages that we have in terms of weather and topography. So I see places like that, that we should be taking best practices from cities and bringing them to San José.

>> Councilmember Pyle: Thank you, I appreciate that.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thanks, mayor. Brian, thank you for all your volunteer work in the Washington area, we certainly appreciate the work you're doing there. I have sort of a standard question I've been asking but you probably have answered it in large extent already. If you feel like you want to add something please feel free to do so. It's a hypothetical that you're sitting on the general plan or the Planning Commission, rather, and there's a general plan amendment rezoning application for industrial warehouse in a community that's got some housing around it as well and the neighborhood wants to support the developer's general plan amendment to convert that to housing. They've been -- they've seen commitments for a park to be developed with the fees that are generated from that development. They don't want the eyesore, the blighted warehouse in their neighborhood and they're tired of the trucks coming in and out and the truck traffic. And so the petition has been gathered with 200 signatures and several dozen of them are in the hearing room as you're considering the item. How do you approach that situation? Without necessarily thinking, focusing too much on the outcome, what is your sort of thinking about how you'd approach it?

>> Well, my thinking is as I mentioned, holding the line, looking at the long term. You know, the commission isn't making policy. The policy has already been made in the envision 2040 general plan. And so I think part of the issue is, using Planning Commission hearings as opportunities to educate the community about what the process is. And what the purpose of the general plan meetings are. And why we have a general plan and why it's important for the long term sustainability of the city. Having said that, you know, there's a lot of room for interpretation in the general plan. And we have to listen to the neighborhoods, to community groups, and you know there's plenty of room for disagreement and discussion, and that's where I think a commissioner has to really have an open mind. But in the end, be able to discern what the intent of the citizens and the council in formulating the general plan.

>> Mayor Reed: Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, mayor Reed and again thank you for the volunteer work at the local elementary school in that community. And obviously, your background is extremely technical so I imagine if, on a scale of 1 to 10 your knowledge of an EIR and a CEQA you'd probably rate yourself as --

>> Modestly 8 or 9, I wouldn't say a 10.

>> Councilmember Oliverio: Those seem to be the biggest learning curves on the Planning Commission.

>> Okay.

>> Councilmember Oliverio: And then I think that's its, thank you.

>> Just to amplify on that, that is what I've spent my career on. I've been managing big EISs environmental assessment and public involvement. I'm particularly sensitive to the need for legal adequacy and have seen in various jurisdictions what people bring and how documents can be challenged and so yes that's something I'm sensitive to.

>> Councilmember Oliverio: Thank you very much.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Brian, thank you so much for applying. I think you've already answered it but job lands are particularly important to me and I think I hear you saying we need to protect the general plan, the direction the general plan's going. How do you balance that with when you have a land owner that may have job lands wanting to develop that land, and in looking at over the short term horizon, maybe not an opportunity to do

that. And the pressure to want to do something else to convert that or to do something other than make it job slim, how do you look at it the short term versus the long term, the employment lands?

>> My feeling is by definition the Planning Commission is responsible to help guide the overall implementation of Envision 2040. It's by definition not a short term document. It's the long term vision. And I would hope that most land owners are aware of what most general plan land designations are, it's not a surprise what their designation is. But we need to be looking out for the long term interest of the city. And maintaining those general plan designations. As I alluded to, in 1980, I was working when Exxon did the general plan amendment, out in Evergreen for those industrial lands. And I'm sure over the years there have been various times that land owners have wanted to change those. But to the City's credit we've kept those lands as industrial and I think it's critical that we maintain those.

>> Councilmember Herrera: Thank you very much.

>> Welcome.

>> Mayor Reed: I think that concludes the questioning. Thank you very much. We appreciate your interest. We'll move on to the next applicant. You're welcome to stay or go, whatever your schedule might be. Math Kamkar is our next applicant.

>> Dennis Hawkins: That's correct, Mr. Mayor, he's on his way in right now.

>> Mayor Reed: Mr. Kamkar thank you for your interest in reapplying for the commission. You've been here before. You know the drill, same thing. We'll let you talk for a few minutes on why we should reappoint you to the commission, and we'll do some question-and-answer. So take it away.

>> Thank you, honorable mayor, members of the city council. I appreciate the opportunity to serve San José for another four years. I have my commission volunteership started 16 years ago, believe it or not as a traffic appeals



commission and then small business development commission you know. And my love for San José the only city I've known since coming to the United States, 35, 36 years ago has been San José. And so I'm trying to set an example for my community. As, you know, once you live in the United States and adopt it as your home, you have to put your money where your mouth is and help out. You know, and so that's what I'm doing, and I would like to answer any questions you have.

>> Mayor Reed: Thank you, let me just start with having you talk about the kinds of decisions that often come to a Planning Commissioner where there's competing interest on all sides, people pressuring you to do one thing or the other, you have the law, you have the general plan, you got policies and then you have the political pressures. Now that you've had a few years on the Planning Commission how did you sort that out during your term?

>> First of all, you listen. You listen to the community, you read your packet, you try to understand the argument from both sides. And then, apply the rules. Apply the facts. General plan is our guiding light, you know, so you need to understand the general plan to be able to apply those, you need to understand the goals that the city has. And that's the process, you know. And once you hear everybody you know, look for the facts, make the findings and then give your vote. That's how I do it.

>> Mayor Reed: Thank you. Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. Cull of quick questions. One being, time commitment. You know being on the commission, for several years, how do you see your time commitment? You know, I know that there's been some absences in your tenure. Do you see that you'd be able to increase your attendance?

>> Absolutely. You know, I absolutely will do that. Those absences you mentioned are for the last one year or so, one and a half years. Before that while you were on the commission I believe I had perfect attendance.

>> Councilmember Campos: The first year.

>> The first year you know. And then -- and the reason for some of those was, you know, I actually had a conflicting class on some of those nights. But now that conflict has gone away, you know, and so if you look at my attendance, you know, it has much improved. And it will continue to improve. For the time commitment you mentioned I let my 16 years of service speak to that. And thank you for the question.

>> Councilmember Campos: And then the second question. What do you -- you know again serving several years on the commission, what do you foresee as the continuing critical land use issues that the commission will continue to address in the foreseeable future?

>> Well, naturally, you know, with the new general plan 2040 concept we tackle that question and circulation, transportation, sustainability of our resources, you know, those are all elements that was taken into account. And came up with the village concept. So we use the land more wisely. Well, I happen to know we're not interested in too many more single family developments. Because of the scarcity of land, because of our urban service area. If you go outside, you got a huge cost of extending infrastructure. You know and services, to the outlying areas. So you got to concentrate more on infill, going to concentrate more on getting the density you know, and until the good times and that's when you can start going into the reserves and the outside. But for the future, 2040 future, you know, infill I believe is the key smart growth, transportation corridors, putting density next to transportation corridors, giving incentive to companies, to you know let their employees telecommute. Flexible starting time, you know. So I think all those will go hand in hand in helping the quality of life. That's the bottom line for our citizens.

>> Councilmember Campos: Thank you.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, thanks Matt for all your service in many capacities over the years. You mentioned some of the priorities for high density development. I know that my recollection is that you were a big fan of tandem parking or parking limitations which is in conflict with the direction that the city's been going in which

is reduce parking allocations, do more tandem, get the full ride kind of push towards transit. Are you still averse to tandem parking? You were always an anti-tandem parking guy.

>> Thanks for the question. I would like to talk about that. I didn't like tandem parking because of my experiencing with tandem parking. And you know, and so when I started my tenure on the Planning Commission, you know some of the proposals would remind me of, this is what's going to happen to this project, you know. And I thought I withdrew. That's right now I'm actually advocating tandem parking on some projects that make sense. For example let's say you have commercial projects. The owners and the employees get there first. And they're not going to leave until when the place is shut down. They can probably start using tandem parking in those places and everybody else parking behind them, seeing that they don't need their cars. You know so I'm actually coming around if you will.

>> Councilmember Kalra: You're evolving if you will.

>> I'm evolving, thank you, took the words out of my mouth.

>> Councilmember Kalra: Couple of things and one Councilmember Campos raised, I actually frankly all three sitting commissioners, the attendance is kind of low across the board. And your attendance has been, absence has been over 20% now for three years. I don't know, I understand how difficult it is to go to law school, you know especially a night program where you miss one class it's a big chunk of the semester that you miss. Sit just too much? I don't know it seems like 73%, 75% is a low side from what I recall.

>> Well, let me explain. Some of those absences was because the meeting was 16 minutes long. So if you got here at 7:12 or I mean 6:42, you know, because of parking, the meeting was over because of very light agenda. When you were on the commission, I believe, you know sometimes we were here I think 1:30, 2:00 in the morning was our record you know because of so many -- stuff on the agenda.

>> Councilmember Kalra: I've heard that we've had some extraordinarily short ones.

>> So I think there should be an asterisk on the attendance as to it's not like you know I missed a whole bunch. Even though I regret and I apologize for missing any.

>> Councilmember Kalra: The last question goes to the last point you made and I do recall some of the very long meetings, and I frankly have some concern, especially with commissioner Platten leaving. I know oftentimes he was the one that kind of kept everybody focused and in line in terms of staying on focus. And some of the meetings we'd go off on issues that weren't before us. I have a grave concern of that, you know, of that trend. And I don't know if it's improved since we've left or if it's something that you're aware of and can you know improve upon collectively as a commission and that's my last, so feel free to respond.

>> Okay, so maybe hopefully, when I get out of law school, I could replace him as the attorney on the commission, you know, and keep everybody focused. But no, I think -- I think that you know, everything has been -- has been good, you know, I don't see any complaints about -- I remember when you were on the commission, also, sometimes he would say, I call the question. Because he wanted to end the discussion. I haven't heard that for the past two, three years, to be honest with you. So, you know, I don't see us going on and on and on about the issue.

>> Councilmember Kalra: Maybe the short agendas have something to do with that, too.

>> Good point.

>> Councilmember Kalra: Thanks.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thanks mayor. Matt thank you for your service on the commissions for all these years. I know that's quite service as if law school isn't hard enough. I want to pose a hypothetical question, as I

posed to the others. Won't seem so hypothetical to you since you've seen all kinds of projects coming before you. But imagine a project that requires a general plan amendment and rezoning on an industrial warehouse parcel. And the neighborhood there's some residential neighbors there nearby, they bring a petition with 200 signatures and a couple dozen of them show up in the hearing, saying we want the housing. We want to see a park. We know that park fees come from housing developments and we're promised a park, we don't like this blighted ugly warehouse and we don't like tall truck traffic that it brings. And you're now faced with this GPA in rezoning. How do you think about, how do you approach that particular issue?

>> Well, I would go back to our guiding document, which is the general plan. You know and see, you know, is the general plan updated? Does it -- is the new reality make sense to -- for us to advise the city council of that amendment, of the general plan amendment? And the rezoning? Because it's not a constant thing. It's always evolving, I guess as I said, the only thing constant about it is that it's changing. And so I would you know hear and understand the concerns, for those residents. The applicant. And then see what's best for the citizens of San José. I'm not going to favor one or the other. I'm going to like think globally what makes sense for City of San José, what would be more in line with the goals of the city. You know, and that's the way I would go. I hope I answered your question. Okay. Thank you.

>> Mayor Reed: Okay, I think we're done asking questions. Thank you very much for your interest in this. We'll take up the next applicant. You're welcome to stay or to leave as your schedule allows. Either way is fine with us. Thank you very much for your interest.

>> Thank you very much for your time. Appreciate it, thank you.

>> Mayor Reed: I believe Norm Kline is next on the list.

>> Dennis Hawkins: That's correct, Mr. Mayor.

>> Mayor Reed: Mr. Kline welcome. You've done this before. Same drill as previous. We'll let you talk for a couple of minutes about why we should reappoint you to the commission and then we'll have some questions. Thank you.

>> Thank you very much. Two years goes by really amazingly fast. And I'm not too sure how many of this information I should go into and how much detail you need to know. I'd propose just rather open up for questions. But as motion of you know I do have an extensive background in planning as a Planning Commissioner City of Santa Clara. I served with Jamie Matthews there for four years and then left to go to the City of Saratoga where I was elected city council there. And became mayor. And was the liaison to the Planning Commission in Saratoga. I've served on various I guess I'm a lot of former formers I'm kind of an old man of the Planning Commission now which is interesting. But I have served on lots of commissions and boards on the county from VTA to Silicon Valley leadership group to Guadalupe board to boy the list can go on and on here. When I was appointed and thank you very much I really do want to say that first. Really appreciate the opportunity of serving two years. I've been really, really pleased at the quality and the standards of the staff here. It's pretty amazing, I mean this is not to be taken lightly. Most planning departments in the county are really, really good. They're all professional, they're all experts but this one really doesn't just get it, they're way ahead of the game. And I think the general plan 2040 really represents the best of the best. They went through a process, long, but with 33 people, and the results were pretty amazing. For ten, 15 years we've been talking about new urbanism, villages, turning streetscapes into really vibrant environments to walk and play and ride your bike. Turning shopping malls from strip malls into downtowns. And the 2040 plan really represents the best of all those ideas. In a city that is very difficult to do that on. This is a city, as a lot of let's say, call it sins of the past have occurred here when it comes to quality of life in neighborhoods. And I think this is a really a step forward. Now, this is a blueprint, only the vision of the idea, it's taken this blueprint and you've all been associated with houses, a blueprint is really what you dream about but translating it to reality takes engineering specifications, take guidelines, takes actual things we now have to do. And those are going to be represented in the ordinances and the guidelines will have to be changed to represent the new vision and it's going to be tough to do that. It's not going to be an easy lift because again we have a lot of built-in things that are just simply hard to change. But I have great hopes for the city. I was born in San José, raised in San José, attended six or seven

elementary schools in San José, San José high school, Hester, Hoover, Grant, Lowell, Roosevelt, which is no longer there, San José high school. San José university et cetera. So I really have a heart, my heart really is in San José. I'm really looking forward to taking the skills I've learned and helping the city move forward. I think I've got a real good grasp in understanding what the Planning Commission is all about. It's legislative and quasi-judicial functionality, and I'm always there in the front reminding people to have two hats and be careful what they say and when they say it and trying not to act too big but I try to really walk the talk and talk the walk. Really, just really kind of emotionally about it but I really I love San José and this is a town that I want to succeed. And so I'm just going to stop there and let you ask questions.

>> Mayor Reed: All right, there will be a few questions I'm sure, Councilmember Liccardo.

>> Councilmember Liccardo: Norm I just wanted to thank you for all your service on the commission. And several times I've read reports in which your remarks have helped to steer me, on issues and at least identifying key issues. So I just want to say thank you for your good work. I'm sorry you got kicked out of so many schools that you had to bounce around as much as you did. But thank you for your service over these couple of years.

>> Thank you, sir.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. So I'll ask two quick questions, Norm. First what is -- in your two years, what is your time commitment that it takes to read the packets and attend the meetings, how is that working for you? And is it what you expected?

>> Well, I wish it was a lot longer, to tell you the truth. Frankly, the packets and the workload is a lot less than I expected, coming from -- I was Planning Commissioner in the late '90s in Santa Clara, and it was calming to be at midnight or 1:00 in the morning. It's a different time, different economic development. Usually it takes two to three hours to go through a typical packet nowadays. That's not a long period of time a lot of times there's not much in it

to tell you the truth. I do try to visit every single site, make sure I have a physical idea what's going on. Most cities have offsites where the entire Planning Commission sometimes on special occasions goes to the actual site. This city doesn't have a history of doing that but I'm hoping in the future we can make these -- do the that type of approach especially on the larger projects. But it's taking again two, three four hours to go through the packet and then the site visit is appropriate and a lot less than I expected.

>> Councilmember Campos: And then what do you foresee as the critical land use issues that will -- that you've addressed as a commissioner, in the past two years and that you also see the city having to address in the near future?

>> Well, there's two issues. One is a financial issue, that we are really a deficit in sales tax revenue which is something that has to be addressed and has been addressed in the 2040 plan I believe and quality of life issue too. How do you balance those of needing and building up a sales base without necessarily diminishing neighborhood quality, quality of neighborhoods. Taking that typical shopping mall that needs to be retrofitted and how do you retrofit that, which in many cases putting higher density on it at the same time improving the quality of neighborhoods around it not diminishing it. That is going to be what they call the blue book or the engineering guidelines how we implement that 2040 plan, how we implement those villages and those neighborhoods and those thoroughfares. That is going to be a challenge and it's going to be a little bit of push back from the neighborhoods It's going to be a little bit more dense, going to be a little bit more different. Having the education program going out there and telling them it's going to be better and how it's going to be better. It's going to be a challenge but I think the city and the staff is more than up to that.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: I just wanted to thank you for your service and I'm glad you're happy about being appointed. That you're not unhappy with us for appointing you.

>> Thank you, councilwoman.



>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, thanks for your service, Norm. It's only fair, because I raised the issue with Commissioner Kamkar. Is there any particular reason, I mean, I guess you only missed four, but do we anticipate that it will improve I imagine?

>> Obviously I run a business, I'm CEO of a company. Sometimes there are travel issues that come up and there's a couple of conflicts with valley medical center whose board meeting actually meets exactly the same time as the Planning Commission meets, a little bit earlier, a few minutes, I do have a conflict there. One of those absences, I was racing from the Valley Medical Center to come here, but the council agenda was so light, that 40 minutes into the meeting and it was over as I got in.

>> Councilmember Kalra: That's what Commissioner Kamkar -- I mean, I wish that was the case when we were there, we don't recall that. I have been told there are agendas versus one or two items on consent.

>> But to answer your question I thought my attendance was actually fairly good until this year, where those particular instances occurred. As staff can attest, I'm sure, when I am here I'm on time. And making sure that staff doesn't have to wait for us, making sure that no one has to actually sit on their hands while a meeting is going on and I promise you if I'm ever chair of the Planning Commission our meetings will start exactly on time, the TV will roll and that is something I really, really expect as CEO and a person that runs a company, that your meetings start on time and you get going.

>> Councilmember Kalra: On that same point again something I'll be asking all the incumbents is the idea of focus. I do have some concerns of this remaining focus and I haven't been there last couple of years so I imagine you may with your experience coming here you may have helped in that regard. But just the idea of keeping everything on track and although the agendas are light now we hope that they'll be a little more full in the years to come. And you know I know commissioner Platten has always been good keeping people on task and on the

issue. Do you have any thoughts on that of ensuring going forward as chair or as a board member of having qualms of making sure everyone kind of stays on what the actual issue at hand is and doesn't get distracted on tangents?

>> I have been doing this for 20 years or so, and I have to tell you that the Planning Commission is actually a very good commission, and they pretty much keep on track the last two years I've seen. The only issue that sometimes you get off track is, you sometimes get confused what hat you're wearing. Are you wearing a legislative hat where you can really go into your own personal opinions and bring out some past history, or are you really doing it judicial, where you're really just trying to find the facts and findings to apply to the ordinance. And I have to tell you that this planning commission has been, pretty much on the whole, there are exception and I can run them off for you but they've been pretty much all been kept pretty much to that standard. We remind them try to in a soft way you're getting off track a little bit from what we have to do here. But as the meetings get longer and there's one thing I know for sure, running many meetings that no one's ever accused me of having a long meeting. I run my meetings very short and very tight and very succinct, and again, it's from a business background. At Apple Computer and at Lockheed we learned that we don't want to waste people's time, almost to the extreme. I am one of those people who, if you look at my evaluations at Lockheed, it would be A, A, A, B plus. What's the B plus for, you're too impatient.

>> Councilmember Kalra: Thanks.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Rocha: If I could jump in by mentioning that Councilmember Kalra is applying tangents to the Planning Commission but he's exempting the council from that kind of threshold, but thank you.

>> Councilmember Kalra: You know I have to have that exception for myself of course.

>> Councilmember Pyle: You just couldn't resist could you? Thank you Norm for applying for your service and for reapplying. We really appreciate that. Are we through now, gentlemen?

>> Mayor Reed: I any it's your turn Councilmember Pyle.

>> Councilmember Pyle: Thank you. Norm, as you were doing this job, did you come up with any ideas on how we can go through all of the processes, and getting the community involved in all of that, and yet a timely delivery of whatever the projects, do you have any ideas open that?

>> Well, clearly this goes beyond my pay scale in many instances we are talking about CEQA reform which is a major part of that process. We have had several projects that were held up for some might call technicalities maybe. In some of those cases it means real dollars for the city. Having CEQA reform state level, it's very little we could do with that, we are wink wink let someone go, that's not our job on Planning Commission, especially when we look at a specific applicant and a specific set of findings. You can't say we're going to apply something here but not apply here because there is more money here that's not our role. But best practices is something I always firmly believed in as far as environmental reports, I'm really proud that the Planning Commission put together a really I think a very good report on doing environmental studies, contracting them out little bit differently, being more consistent with what goes on in the rest of the county and 98 I say state, I think that will help to a certainly degree, make the environmental reports a little more transparent. Other than that I have to tell you there's very little the city is doing wrong process-wise. It is actually an extremely good staff and very, very knowledgeable, they have the history to know what the sins of the past were and trying to correct them. They're not trying to continue past practices.

>> Councilmember Pyle: That's my view too, they are doing a phenomenal job. Thank you for your phenomenal job.

>> Mayor Reed: I think we're done, unless we want to go off on a tangent which is probably not a good item.

>> Thank you very much.

>> Mayor Reed: Thank you for your interest. We'll let you leave or stay as you choose and that will be fine. We'll move on to the next applicant, which should be Sergio Jimenez.

>> Dennis Hawkins: That's correct, mayor, he's here.

>> Mayor Reed: Mr. Jimenez welcome, thank you for your interest in the commission. We'll give you a couple of minutes to explain why you should be appointed and then we'll have some questions for you.

>> Thank you. So mayor, council, thank you for giving me this opportunity. I'm going to read a little bit from my notes because I'm sure for those of you that have gone through this process it's a little nerve wracking. I'm just going to read it and then I'll be happy to answer questions. So my name is Sergio Jimenez. I'm a 33 year resident of the city. I'm seeking to be part of the Planning Commission because I realize how important land use is in making the city a central hub of technology and innovation and a regional world destination that will benefit all residents. Furthermore as a father I want to be certain that I play an active role in fostering the vision of the city as is outlined in the general plan so that the future generations can benefit from our work. In addition, public service is very important to me. As is evidenced by my ten plus years of service in the nonprofit world and within the county of Santa Clara. I'm an active member of my community and strive to make this city a better place for all residents. I've resided in District 5, District 10 and District 2. I know the city extremely well. I grew up in affordable housing and road public transportation most of my life. I mention this because I feel that adds to my ability in looking at things from different perspectives. I offer a unique set of skills and perspectives that I think the commission can benefit from. Furthermore as an active participant in the parks and rec commission as well as in my neighborhood I know firsthand the kind of controversial issues that come before the commissions generally and the Planning Commission specifically. I've studied the general plan and have read many of the specific plans. I've met with past and present commissioners and know full well what I'm getting myself into. My current position as an investigator requires that I digest a lot of information as well as be a good listener which are requirements to be a good commissioner. I'm comfortable making difficult decisions and dealing with controversial

issues. I feel confidence that my diverse background and experience will make me a productive asset to the commission and the city. Thank you.

>> Mayor Reed: Thank you for your interest in this appointment. We have a few questions for you. Councilmember Pyle.

>> Councilmember Pyle: Thank you. Sergio you didn't mention that you were an intern in my office. I'm trying not to be offended.

>> I have two minutes councilor.

>> Councilmember Pyle: Thank you for that service and thank you for applying. My question for you would be, how familiar are you with the general plan for the City of San José?

>> Well, you know, it's 500 plus pages. I read through the whole thing. But to -- you know there's a lot of information. So I read it. Certainly it takes time to digest the document and I'm sure it's going to be a learning process but I did read the whole thing and I'm very familiar with the elements and other such things.

>> Councilmember Pyle: Thank you.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. Two quick questions. One, what is your understanding of the time commitment serving on the Planning Commission?

>> So my understanding of the time commitment is that it essentially requires a lot of your time. There's two meetings a month. In getting more information as far as the time commitment, I met with past commissioners, current commissioners, and I try to get a gauge as to whether I would have enough time. I have a family, I work,

as do a lot of you and a lot of other folks that sit on the commission. So I took that very seriously and I talked to my wife about it and I have a very supportive wonderful wife. And I wouldn't have applied if I didn't think I had the time and the energy to devote the sufficient amount of time to the commission.

>> Councilmember Campos: And my second question is what do you foresee as the critical land use issues that will need to be addressed in this city, and what are your thoughts on these issues?

>> Well, one of the things that came to mind when I was reading the general plan, I have a mother, she's about 75 or so, and how we're going to plan for this older population that's coming, you know, into retirement. So I think planning for that, and putting in the proper infrastructure, whether it be transportation, trails, bike lanes, whatever it may be, I think it's important to plan with them in mind. Because there are going to be a large number of folks that are going to be retiring. In talking to my mom and other senior citizens, something as simple as having benches on the streets open the sidewalks, so that way the people can sit down, something as simple as that. That's one of the things I think we need to plan for. And I foresee planning for that as being an important land use decision.

>> Councilmember Campos: Okay, thank you.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. And thank you for taking the time to apply.

>> Thank you.

>> Councilmember Liccardo: And it was a pleasure to meet you last week and sit down. I wanted to offer a hypothetical to assess how you might approach this problem. And get a sense of your thinking. If you are sitting on a Planning Commission, a proposal comes to you. A housing development, and it is a general plan amendment, a rezoning of an industrial warehouse to housing. And the neighborhood, there's some residential,

there's some residential homes nearby and the neighborhood has decided they want to strongly support this developer. There are park fees that come from the development and they want to see a new park and they've been promised they would get a new park if this development came. They are tired of seeing this eyesore of a warehouse in their neighborhood, they don't like all the truck traffic and they think this would be an improvement for their neighborhood. How do you see that general plan amendment in the context of what you know, and where you think you would be, as a Planning Commissioner?

>> As you know every issue that comes before the commission is, it's very involved, right? There are a lot of moving parts. But one of the first things I would do is make sure that the community was engaged, and was aware of the development. And I'm not sure if I'm answering your question correctly but --

>> Councilmember Liccardo: I'm sorry I should have added one element I left out here. They had a petition and 200 members of the community supported the development.

>> Supported the development.

>> Councilmember Liccardo: I should have added that.

>> No problem. Assuming that the development was in conformance with all appropriate laws, CEQA, something that the community wanted and it was something that seemed per city policy to be in align with the general plan and the vision that's laid out in the general plan, then I would certainly support it. Especially with 200 signatures from residents in the surrounding area. I think that's very powerful. It's difficult to get people together to do anything these days. So 200 people signing a petition stating that they're interested in developing this property, and in hopes that a park would come out of it I think is very important. And also, I would need to find out, well you know, if say for example the community's concern is the park, well, do they live in an area that's deficient in parks? And if they do, then that's obviously a major point of the development.

>> Councilmember Liccardo: Thank you.

>> Mayor Reed: I think that concludes our questions. Thank you very much for your interest. You're welcome to stay or go as your schedule allows.

>> Thank you, appreciate it.

>> Mayor Reed: We'll move to the next complicate and that would be Wendy Lee Ho I believe. Ms. Ho, welcome, thank you for your interest in this position. We'll let you take a few minutes to tell us why you want us to appoint you to this position and then we'll ask you questions.

>> Thank you, my name is Wendy Ho and I wanted to tell you why I'm interested in serving on the Planning Commission. First of all I've been a lifelong resident in San José, living in South San José. I see the potential our city has to become a world class city. Another reason I'm interested in serving on the Planning Commission is my background is in Public Health and I want to bring that Public Health orientation and that health policy orientation and so I've been very heartened to see a lot of those Public Health elements incorporated into the 2040 plan, including walkability access, alternative transportation, and community streets and neighborhood concept and would like to be able to execute that, to -- for the purposes of our -- to the benefit of our city's residents. Also, I think as a younger person of this community, I think I have an obligation, and as someone who will -- wants to raise their family in this city, I have an inherent interest in making sure that our city someone that is livable and something that is also sustainable and will be sustainable for future generations to come. And in my current position, I work for a local nonprofit which gives me an interesting lens to view the community and I hope to apply that lens if I should be appointed to the Planning Commission. So I respectfully ask for your consideration this afternoon.

>> Mayor Reed: Councilmember Pyle.



>> Councilmember Pyle: Thank you, mayor. Wendy, I have a question for you that has to do with the role of economic development in the Planning Commission. What role if any do you believe the Planning Commission should play in achieving the City's economic development goals and strategies?

>> Thank you, Councilmember Pyle. I think that's a great question. The charge of the commission is very clear, in terms of its land use decisions. And you know, we as a commission are expected to execute the strategies and -- that are contained in the general plan and in the zoning ordinances. And so to the extent that economic development issue is related to land use I believe that is the appropriate role for the commission to play in that's the way it should be.

>> Councilmember Pyle: And can you give me an example of the type of economic development that you think would be most useful?

>> I definitely believe in the general vision -- the general plan's vision for more mixed use strategy, to build up that tax base, increasing some of that housing density so that we can create the tax base to create sustainable place for the city.

>> Councilmember Pyle: Thank you.

>> Thank you.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. Wendy, thank you for all your service in the community. Certainly United way and the many other activities you're involved in and we appreciate that. I wanted to offer a hypothetical to you. I imagine yourself on the Planning Commission, a project comes to you and this is a housing development that's situated on an industrial parcel or proposed to be situated on an industrial warehouse site. And the neighborhood, there's some residential neighborhood nearby, has brought a petition to the Planning

Commission with 200 signatures on it, residents who are saying that they are tired of truck traffic, they think the warehouse is an eyesore and they've longed to have a park and this development could because developers pay park fees will bring a park to their neighborhood. And they've clearly expressed a desire to see -- support this housing development in this neighborhood. So you're considering a general plan amendment and a rezoning. How do you approach this problem? What's your thinking?

>> Thank you, councilmember, that's another wonderful question, and also a very likely scenario that would come before the Planning Commission. I mean I think for me, first and foremost I would turn to the directives that are contained in the general plan in that you know, there are reasons why industrial lands have been marked industrial lands and other parcels have been marked for put together ordinances. And so you know, I feel very strongly that we need to protect you know those industrial lands so that we can bring future development to those parcels of the city that have been marked as such. Obviously, as a public body the commission has an obligation to hear the rights -- to hear the residents who come before the council. And I would give them their due time and respect and acknowledge their opinions but also at the end of the day, my charge is clearly written in the general plan. Thank you.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. Two quick questions. One, what is your understanding of the time commitment to serve on the Planning Commission?

>> Okay, thank you, Councilmember Campos. I know the Planning Commission is one of the busier commissions, you know, in addition to the regularly scheduled commission meetings I imagine there would be opportunities to go on site visits to actually look at pending applications and see for myself what the site looks like. I also know that many of the stakeholders involved in the process, the application process, seek input, and would want to address different members of the commission to have their viewpoint heard. So you know, I would welcome that. So I know it can be a very lengthy commitment, but I'm definitely up for the challenge and would welcome that interaction with all the stakeholders.

>> Councilmember Campos: And what do you foresee as the critical land use issues that will need to be addressed in this city, and what are your thoughts on those issues?

>> Sure. Critical land use issues. I think we need to be very cognizant that of our jobs and housing imbalance right now. We don't have the tax base that we need to sustain the thriving level of city services I think our residents deserve and expect from us. So I think making sure that we get that jobs -- housing imbalance right now through some higher density housing more mixed use developments to really get the tax base that we need to sustain the level of services that our city residents expect of us.

>> Councilmember Campos: So given that we do have that jobs-housing imbalance, and before the goal was to be at a one to one, now the current general plan is asking for slightly more, do you see this general plan being adequate enough to get there?

>> I think so. I think it definitely prioritizes smart growth and targeting growth to particular areas of the city in terms of those designated smart growth areas, as well as developing the concept of the urban villages that are transit oriented accessible walkable complete neighborhoods and streets. So I think we're on target.

>> Councilmember Campos: Okay, thank you.

>> Thank you.

>> Mayor Reed: I think that concludes our questioning. Thank you very much for your interest.

>> Thank you so much for your consideration.

>> Mayor Reed: You're welcome to stay or go as your schedule allows. And we'll move to the next complicate which would be Dave Fadness.

>> Dennis Hawkins: That's correct, Mr. Mayor.

>> Mayor Reed: Welcome, Mr. Fadness. We'll give you a couple of minutes to talk about why we should appoint you to this commission and then we'll have some questions. Thank you.

>> Thank you very much, Mr. Mayor and council, it's a pleasure to be asked to be here today I'm honored to be one of the finalists for these appointments to the Planning Commission. You have my resume so you'll know that I'm a retired mechanical engineer. I've been self employed for the last 20 years of my career, and you'll also see from my resume that since 1974 I've been actively and continuously involved as a volunteer in the community. I'm here today because I love my city. And I want to work with you to make it even better and stronger. That's a real commitment of mine. And in my involvements I've always, paying for and paying back at the same time. My volunteer involvement got me started in 1974. And as a participant in developing the general plan 75. A wonderful document, I was really proud of that. And really an advocate for it, for many years. And I've stayed involved in the development of the succeeding general plans. So horizon 2000, GP 2020 and I'm proud to say and thanks to Councilmember Pyle, I was honored to be a member of the envision 2040 task force. And that document is I think an incredible one. It is the culmination of 36 years of cut and try and learning how to do jeopardies. And I think we've reached pretty close perfection in that document. Thank you Sam.

>> Councilmember Liccardo: You had to say that, hmm Dave?

>> It was a great effort, took three years but the final result was well worth all of that work. And I -- as a member of the task force, I think that people that serve with me on the council will agree, that I did more than just the ten meetings. I was actively involved in some of the really important initiatives, I think, on -- in this document that are brand-new. Among them is for the first time, I think, incorporating in the term sustainability, the concept of having our economy and our fiscal condition included as well as the environment. And that's really a kind of a singular accomplishment. The other thing I think is critically important and one of the reasons I want to serve on the Planning Commission is that we have included in this document the requirement to do periodic major reviews. My

experience in business leads me to believe that having a one point check on progress, that being the final day, for delivery of product, doesn't work. You have to check and inspect along the way to make sure that progress is being done and that the track you're on is still a viable track. You've got that in our general plan now and I'd like to be involved as we jokingly said on the task force, holding your feet to the fire, to make sure that we accomplish these goals. Which are the shared goals of our city. Of our citizens. So now that I'm retired, I have the time, and I still have the energy. I'm glad to say. To serve my city, making their wishes come true in this general plan. Working with you, to make our city a better place to live. Thanks for interviewing me.

>> Mayor Reed: Thank you for your interest in applying, we appreciate that. Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. I think Dave, you answered one of my questions, was understanding the time commitment, since you're retired you have all the time in the world. But if you'd like to add, I'd certainly love to hear.

>> Thank you, Councilmember Campos. We were just talking about this back in the green room about, you know, our lives, and you've got a great group of applicants today. All of us I think have seen through it, to dedicate a fair share of our lives to community service. And this is something that I've done. I met my wife 50 years ago, as a volunteer. It's a part -- it's an integral part of my life. And I'm willing to give whatever it takes to do the job right. And there is no exception now that I'm retired.

>> Councilmember Campos: And you sort of touched on this one as well. But what do you foresee as the critical land use issues that will need to be addressed in the city and what are your thoughts on those issues?

>> Well, basically, I'm a firm believer that sustainability which is an important goal for us, includes economic development, making sure that our citizens, that we as policy makers, and policy enforcers in this city, lay the plans open for the private sector to bring jobs, good jobs for our citizens. And when those good jobs come they're going to be happier and they're going to contribute to our fiscal condition in our city. We've got the land to do that. We've got to do it wisely henceforth. We have to hold firm I believe in making sure that the potential for

economic development remains in place. That we don't give it away to other kinds of development, make any kinds of mistakes along the way. Because the supply's getting shorter and shorter. But the economic development, the City's fiscal condition and providing housing and all the other things that go along with that are critically important for environmental sustainability.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thanks mayor. Thank you, Dave, for all of your service. You know I knew you were as engaged or involved as anybody I knew. But seeing this two pages of task forces and commissions, certainly gives me even greater admiration for your commitment and service. Also makes me question your sanity for wanting to sit through another set of commission hearings. But I appreciate your serial participation in task forces in this community. I wanted to pose a hypothetical to you, just to get a sense about your approach and your thinking to this kind of problem. You're sitting on a Planning Commission, and a proposal comes forward for housing development on an industrial -- a parcel where there's industrial warehouse located there and there's a general plan and a rezoning proposal. There is a residential neighborhood nearby, and the neighbors are adamantly in support of this conversion to housing, because they've wanted a park for a long time, and the housing developer is obviously going to be paying park fees and is committed to build a park. They're tired of all the truck traffic. They don't like the eyesore of this warehouse. How do you think about or approach that kind of problem as it's coming to you on the commission.

>> So in this hypothetical example, the proposal is to change the general plan? First, and then to go forward?

>> Councilmember Liccardo: It's a general plan amendment and a rezoning, yes.

>> Yes. Well, clearly the general plan hearing has to come first. And I think that during that general plan hearing all the issues like the fiscal impacts and the economic impacts will have to be vetted. And obviously, on first blush I would be resistant to doing that change. Because I understand the importance of our history in this city, going back to the late '70s where the council, Jim Self and mayor Hayes and so forth came back after a session in

Asilomar and declared that the number one problem in San José is the jobs-housing imbalance. And we know, after this three-year process with GP 2040, we have hardly made a move on that. We're still at .8. So it's really critically important that we hold to that 1.3 goal that we have. Because after this process we may, in fact, have a ratio of 1. Wouldn't that be wonderful? So I'd be resistant to that but clearly, if the will of the council and the will of the people holds otherwise, that's something we just have to do. This is the people's city.

>> Councilmember Liccardo: Thank you for that. And I also wanted to note, I know you've -- while you were on the general plan task force you were very deeply engaged in very detailed comments and always articulate, and even when we disagreed I always respected your point of view. One of the areas we disagree quite a bit is around transit. And I know you've had a lot of service on Santa Clara County transportation commission, years past before the VTA days and everything else. And I was hoping you could explain sort of philosophically or based on your experience what your concern has been about investment in transit in this valley.

>> We could talk for hours over this and maybe drink a case of beer together. But let me try to be brief. In GP 75, our city measured and acknowledged the existence of 100,000 mobility handicapped people. People who for one reason or another, couldn't drive a car. And in that document, which I really subscribe to and knew quite well, we suggested that county transit have no fewer than 1500 buses in Santa Clara County, no fewer than 750 of which would serve the City of San José. The first bus fleet we had in this city and this county was 516, that was our 516 plan, we started from 356 and worked it up. We now have essentially the same number of buses. To me that means that that 100,000 then and maybe more today is not being adequately served. We really need, in order to have our system work correctly, and to serve as a feeder for rail transit, we need to have more buses on the ground. Buses, they're the baseline for public transit. We're not there yet, and we're a long way from getting there and I'm sad to say it appears to me that we've simply given up on that. Now, there's another dimension to this. In an evident to try to build transit, public transit, we've essentially turned our backs on the critical need to support the physical plant that each of us predominantly uses every day and that's our streets and roads. I didn't explain this to you folks. You know what the horrific backlog is in streets maintenance alone let alone any expansion that we might need to support a growing population and a growing economy. So my concern is that we strike a -- we resume a better balance in the way we're spending this money. Keeping that eye to the future, when more people

use transit, but also, maintaining that incredibly important baseline infrastructure that we have on the ground today. Our streets and roads. Which by the way, pedestrians, bicyclists, buses, you name it, use to get to and fro.

>> Councilmember Liccardo: Thanks, Dave.

>> Thank you.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you, thanks for trying for one more position with us.

>> It's my pleasure.

>> Councilmember Pyle: Really appreciate that. I have just a quick question for you, and that would be, San José as you know is a city of almost a million people. So how would you balance your personal preference regarding the type of community you live in and the need to have well planned communities reflective of our population and the fact that we're going to be running out of land here pretty soon. How would you address that issue?

>> You know, thank you for that question, Nancy. I have no issue whatsoever with our general plan, which I think addresses this issue frontally. What we have done I think importantly, is in the general plan 2040 we have continued our policy protecting historic existing neighborhoods. This is very important to me because that's been the life blood of my avocational pursuits in community associations for 38 years. At the same time, we've set aside areas where high density growth is going to occur. And I think that that's an appropriate thing. The only issue to me is making sure that the boundaries of that growth are done sensitive to the existing uses. So I'm in support of that. And I'm in support of that and I've learned this from my son. That is, that his way of viewing the world and mine are completely different. People of his age are very happy to live in a high rise place. They don't want to do yard work. And to me, that's kind of an unthinkable thing, but I understand it and I've accepted that.



>> Councilmember Pyle: That's great, thanks Dave.

>> Thank you.

>> Mayor Reed: They call it yard work for a reason. It's work.

>> Exactly. He hated it when he was a kid so --

>> Mayor Reed: I think that concludes our questioning. We'll let you go or stay as you please, we'll take our next applicant.

>> Thank you very much and if selected I look forward to serving.

>> Mayor Reed: Thank you. Our next applicant is Sandra Paim. Ms. Paim, welcome. Thank you for your interest in this position. We'll give you a couple of minutes to explain why you think we should appoint you to this position and then we'll ask you a few questions.

>> Thank you. My name is Sandra Paim. I'm a practicing architect in San José, Los Gatos and the surrounding area. My interest in being a planning commissioner stems from my background in design and planning issues. I'd like to give back, I've had many opportunities for mentorships and so on. I've also sat on the landmarks commission here for the City of San José, and enjoyed that experience very much. I feel that I have a great deal to offer. My practice includes putting teams together. So I'm always part of a team. I'm very interested in the planning issues here in the city. I was born here in San José. And I find that the general plan 2040 is very, very intriguing and I'm specifically interested in the issues at hand regarding jobs, and the concept of villages.

>> Mayor Reed: Thank you. We'll have a few questions. I have one to start with. And that is how do you reconcile the competing pressures that might come upon you as a Planning Commissioner? You've got the law,

you've got the general plan you've got policies but yet there are political pressures, there are neighborhood people who want you to do something, there's developers, there's lobbyists, there are all kinds of people who will come to you and ask you to do something. How do you reconcile those positions and come to a good decision?

>> I think that's the beauty of being on the commission is, you really have to learn how to do that. That's not something that you just arrive to automatically. You have to truly understand what each group is interested in. You'll have your special interest groups, you'll have your developers, you'll have your attorneys and so on, so forth. The city planners. You really have to take all those elements and balance them very carefully for the betterment of the community and the ultimate goal. I think looking carefully at the consistency of those proposals with the general plan is a very good start.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. What is your understanding of the time commitment needed to effectively serve as a Planning Commissioner?

>> My understanding of the planning -- excuse me of the time commitment is that it might be up to 26 hours of meetings and perhaps six or more hours of preparation time. I also understand, from time to time, there may be special meetings called, and certainly a fair share of trips out to projects, which I would say would be one of my favorite portions of the work, is actually physically seeing the context of the projects their proposed context.

>> Councilmember Campos: And second question would be, what do you foresee as the critical land use issues that will need to be addressed in this city, and what are your thoughts on those issues?

>> Well, critical land use issues, that I sort of put forefront as an architect, is how we can best develop projects that support sustainability. And it's not only in terms of our resources, natural resources, but it's the embodied energy that's in these old buildings. These are properties that can be restored and much time and effort and money can be saved. Specifically, I'm interested in how developments can be sustainable in terms of housing and

jobs and retail and restaurants. You call them urban villages. I think these are -- these are developments that I'm used to. I've lived in Europe, and very much enjoyed being in those developed areas, where you could ride your bike to work or easily work above the shop that you -- or live above the shop that you work at. And so forth. And there is a great deal to be said about these kinds of mixed use projects. So I'm very excited to see that the general plan has a serious emphasis on developing near these transit nodes and having the mixed uses that then decrease our impacts on our carbon footprint and so forth.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor and thank you Ms. Paim for your willingness to serve and your interest in serving, particularly pursuant to your background experience as an architect. That's certainly a great background to bring to this. I wanted to offer a hypothetical and ask how you might approach or think about this kind of problem if you're sitting as a commissioner on the Planning Commission. If a housing developer brought forward a proposal for a general plan amendment ultimately rezoning on a site that's currently an industrial warehouse sitting there it's an industrial site, and they wanted to build housing there, and the neighborhood there's a surrounding group of residents and they've gathered a petition with 200 signatures, supporting the housing development. They don't have much park land around, they want to see a park, knowing that park fees would be paid, and they would be likely seeing a park as a result of this, they are tired of seeing and hearing all the trucks that are coming in and out of the site, they think the warehouse is an eyesore. How do you -- if this general plan amendment's coming to you, how do you think about it? How do you approach this?

>> I think it would be an exciting opportunity to review some alternatives to just simply changing it from industrial, commercial to residential. I think there's a wonderful opportunity for, again, this mixed use, where you have places to work, you have places to live, you have some green space, and you have restaurants and shops as well. I think just to take a big piece of land that's industrial, and just put a bunch of housing there, isn't really thinking of the long term goals of the general plan 2040.

>> Councilmember Liccardo: Thank you.

>> Mayor Reed: I think that concludes the questions. Thank you for your interest in this appointment.

>> Thank you for listening to me.

>> Mayor Reed: You are welcome to stay or go. We have one more applicant, that would be Dori Yob. Welcome Ms. Yob. Thank you for your interest in reapplying for the commission. You've been through this drill before, we'll pretty much do it the same way, we'll give you a few minutes to tell us why you with should be reappointed to the Planning Commission and then we'll have some questions.

>> Great. I just wanted to start by thanking the council for your support and confidence in me when I was here eight months ago and for asking me to come before you again today to interview. The past eight months has been rewarding and interesting but I feel like I'm juts getting started so I'm enthusiastically reapplying for another term. I think you'll remember that my background is I'm a land use and real estate attorney in downtown San José in particular and I feel that that background uniquely qualifies me in serving the city in this role. I'm comfortable with and familiar with the subject matter that comes before the Planning Commission, I have a particular interest in the subject matter and in my day-to-day career I apply a body of law to a set of facts which I feel is a very important piece of what the Planning Commission does. And so I'm prepared to continue serving in this role. So with that I welcome your questions.

>> Mayor Reed: Thank you. We appreciate your interest. Councilmember Pyle.

>> Councilmember Pyle: Thank you. Thank you for reapplying Dori and thank you for your service. We really appreciate what you've done. My question to you is, since you had mentioned that you applied the body of law to the particular situation that you're facing, have you found quite a number of times whether that law degree really helped you to, A, understand the situation a little better and bring some light to your fellow commissioners?

>> Thank you. Absolutely I do think that the degree and the background help. In particular I think there's instances where the community comes to commission meetings to express their concern and a lot of times they are expressing their concern about the underlying policy or a broader issue rather than the specific application that's before them. So a couple instances that come to mind are with the stadium which, the earthquakes stadium which in large part the community was here expressing their support of the idea of a stadium or the payday ordinance that we considered, a lot of people were here to consider the idea of a payday ordinance in general and whether payday lenders are a good thing or a bad thing for the community. And I think it's a very easy thing for a Planning Commissioner to get distracted by those comments and take your eye off the ball, which the job we're here to do which is to apply the ordinance and the general plan to the particular application that's before us. And see if it is all within the confines and can be approved based on land use concerns. So yes, I do think it's important.

>> Councilmember Pyle: Thank you, thank you very much.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you Dori. I just wanted to thank you for your service, and Councilmember Pyle sort of got to that and what I was concerned about in her answer to her question. Do you see any issues where the Planning Commission is going outside its purview, and if so how do you as a Planning Commissioner help adjust for that or help make sure that doesn't happen?

>> I think that this commission in large part what I've seen so far has done a pretty good job of understanding its role and staying pretty focused. But I think sometimes we do get lured in by comments that the community makes. And one of the things that you can do as a commissioner is comment on that, and say you know, I think it's important that we keep in mind why we're here and the application we're considering. And just draw the conversation back to where we should be so that we don't spend everybody's time and efforts on a subject that we shouldn't be discussing to begin with. So I do think we can all help each other stay focused and I think in large part this commission does do that.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. Dori, can you tell us in the last eight months, the time commitment as serving on the commission, how has that worked for you, and, you know, going forward, do you see, you know, the need to put in enough time to be an effective Planning Commissioner?

>> Sure. I think one of the important things is certainly coming to meetings prepared. Which involves reviewing the packets that are provided in advance and going out and actually looking at the sites to understand at a deeper level what's going on. For me personally I will honestly say that the time commitment has been a lot less than I expected. Probably because the agendas have been a little bit light. I'm eager for the agendas to be a little bit heavier, I think it's good for the city if they are and I'm eager to dig in and help any way that I can. It hasn't been an overwhelming time commitment and I'm pleased to nerve this way.

>> Councilmember Campos: And my last question is, what do you see as the critical land use issues that will need to be addressed in the city and what are your thoughts on those issues?

>> That's a tough question. I think that there's a finite amount of land here and so we will continue to struggle with the idea of providing adequate housing, driving industry, and creating a livable space and an enjoyable space for our citizens to live in. I think the city is making a tremendous leap forward in that direction with the 2040 plan in the idea of density requirements and in-fill and making use of our existing infrastructure. I think those are challenges however that we will continue to face and need to keep focusing on.

>> Councilmember Campos: So given that we currently have a jobs-housing imbalance and the goal before was to have a one to one ratio jobs to housing, the current plan is slightly higher than one to one do you see the current general plan being adequate enough to be able to reach its goal?

>> I mean I think that's the hope, we're a little bit constrained by what applications come before us and what development is going on. I think we need to work towards driving industry and bringing more industry into the area and I think that's an important focus.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. Thank you Dori for your continued interest in the Planning Commission. I mentioned this to the other incumbents and overall amongst the three of the incumbents that are on a little bit of the low side, yours is the best one so hopefully going forward you can have a positive impact and try and encourage and make sure you have good attendance numbers, of course you have to be there in order to do the work. Additionally with commissioner Platten leaving, being a lawyer in addition to being the way you have a clear understanding of the role of the commission, in my experience when I was there when Xavier was there, commissioner Platten did a good job in keeping people focused and on issue. You referred to that in answering Councilmember Pyle's question. Is that an unwritten or informal role you're willing to take on, given the fact that commissioner Platten has been there for a decade, is that something that, now that you've been there for a few months, you feel comfortable in that role?

>> Absolutely Councilmember Kalra, I appreciate you saying that. I really thank commissioner Platten for all the service that he has given to the city. I do think he's done a tremendous job keeping people focused, and I really look forward to the opportunity to hopefully step up into that role and learn from his example that I've seen over the past eight months.

>> Councilmember Kalra: And mayor, given this is a final applicant, if I can go off on a really quick tangent, so I don't have to talk again, Dori, yourself and everyone else, I thought last time was hard this time --

>> Mayor Reed: What do you mean by "quick"?

>> Councilmember Kalra: Quick by my standards, not yours.

>> Mayor Reed: Okay.

>> Councilmember Kalra: Tremendous number of applicants. Everyone showed up operator, understanding, clearly came here understanding what the role of the Planning Commission was, and I'm just incredibly impressed. We only get four votes each. So for those who don't get votes from any of us, respectfully, it doesn't mean that we don't think you're qualified, and for those that don't get in, apply again. But I'm just so thankful to live in a city that has so many qualified and willing members of the community.

>> Mayor Reed: That was quick for you. Councilmember Liccardo.

>> Councilmember Liccardo: Dori, thank you for your service and for your willingness to serve again. I also actually agree with Councilmember Kalra. We've had an outstanding field of candidates. We are very fortunate to have the opportunity to choose among such accomplished people.

>> Mayor Reed: All right. I think we are done with the questioning. Thank you very much. We appreciate your interest in being reapplied or reappointed.

>> Thank you.

>> Mayor Reed: All right before we get into the voting I have a request for public comment so I'm going to take that at this time. Mr. Wall.

>> Good afternoon, and I want to say that I don't want to hurt anybody's feelings that is in attendance today. But for all the people that have applied for these commissions, not one of them, Councilmember Campos on land use has even mentioned or referenced the Santa Clara Valley habitat plan as reference planning any type of developments throughout the city. Second, all of them have in common that adhering to the plan 2040. I particularly think envision 2040 is an abomination and should be put before the voters to decide how they want



this city to be built out in the next 28 years. Furthermore, Councilmember Liccardo's hypothetical, well-intended, but not one Planning Commissioner appears to pay any attention to what goes on at City Hall, with reference to cutting developers all sorts of Mulligans with reference again to charging people for parks, but not delivering parks, not having enough garage or car park areas so people are parking on the streets. We had one individual candidate that talked about streets, and they are abominations as far as the deferred maintenance, that is reprehensible by council standards, close to \$1 billion that may go into parcel taxes, that wasn't discussed. There are also the issues of all concerning one applicant who I found technical expertise from CH2M Hill whether or not he had any dealings with the water pollution control plant, South Bay water recycling or any Public Works project within the City of San José. Personally, I think the Planning Commission in its entirety should be abolished. The citizens are not served by this commission whatsoever.

>> Mayor Reed: That conclusion the public testimony. The City Clerk will explain the balloting process or anything he needs to bring to our attention.

>> Dennis Hawkins: Thank you, Mr. Mayor. The ballots have been distributed to the councilmembers. We'll ask that each councilmember put your name on it so we can read out the names who you voted for. Please vote for 4 in this first round and based on the results we are prepared for subsequent rounds of balloting if necessary. And so Sarah and Rebecca will help. As if ballots come from we'll read them off and we'll tally them so that the votes will be displayed. Thanks. So John will mark them off as I read them. Councilmember Liccardo votes for Mr. O'Halloran, Mr. Kamkar, Mr. Kline.

>> Mayor Reed: Wait a minute. Got to slow down.

>> Dennis Hawkins: Oh, I'm sorry.

>> Mayor Reed: O'Halloran Kamkar and Kline were the three.

>> Dennis Hawkins: That's correct and Ms. Yob. Councilmember Constant votes for Mr. Kamkar, Mr. Kline, Mr. Fadness, and Ms. Yob. Councilmember Campos votes for Mr. Allen, Mr. Kline, Mr. Jimenez, and Ms. Yob. Mayor Reed votes for Mr. O'Halloran, Mr. Kamkar, Mr. Kline, and Ms. Yob. Councilmember Oliverio votes for Mr. O'Halloran, Mr. Kamkar, Mr. Fadness, and Ms. Yob. Councilmember Kalra votes for Mr. Allen, Mr. Kline, Mr. Jimenez, and Ms. Yob. Councilmember Rocha votes for Mr. Allen, Mr. O'Halloran, Mr. Jimenez, and Ms. Yob. Vice Mayor Nguyen votes for Mr. O'Halloran, Mr. Kamkar, Mr. Kline, and Ms. Yob. Councilmember Pyle votes for Mr. O'Halloran, Mr. Kline, Mr. Fadness, and Ms. Yob. Councilmember Herrera votes for Mr. O'Halloran, Mr. Kamkar, Mr. Kline, and Ms. Yob. Councilmember Chu votes for Ms. Velasquez, Mr. Kamkar, Mr. Kline, and Ms. Yob. That should be everyone.

>> Mayor Reed: I think you've got a mistake on the last one, Mr. Allen --

>> Dennis Hawkins: Mr. Allen should be three.

>> Mayor Reed: Three, top line.

>> Dennis Hawkins: Okay. So --

>> Mayor Reed: How does that look to the clerk?

>> Dennis Hawkins: So we have Ms. Yob with 11, Mr. Kline with 9, Mr. Kamkar and Mr. O'Halloran with seven each. So we have six votes required for appointment so we have four who are appointed.

>> Mayor Reed: And we have four positions, do we have an issue among the terms and the dates that we need to decide?

>> Dennis Hawkins: No, Mr. Mayor, these are all full four-year terms through June 30, 2016.

>> Mayor Reed: Okay, those are the four. Thank you all. It's a great pool. Very competitive. So that we're just about to start the council agenda now. The rest of the agenda. I do need to modify the agenda order. Item 9.1, we need to take up immediately because we're about 15 minutes away from a call to the controller's office on this matter. It would be good to have this action taken before that phone call gets made. So let's turn to item 9.1. Which is actions relating to the J.P. Morgan letter of credit. We previous on approval of orders of the day made the findings necessary to add this to the agenda on shortened notice. And so now we're dealing with the substantive issues here. We have a motion to approve the staff recommendation. Don't think I have any cards to speak on that. On the motion all in favor, opposed, none opposed, that's approved. Now we'll go back to the beginning of the council agenda to the consent calendar. There are some items that are going to be pulled off the consent calendar. We will take the balance in one motion. Councilmember Kalra.

>> Councilmember Kalra: I just want to register a no vote on 2.9 and 2.10.

>> Mayor Reed: Okay. I think Councilmember Constant's going to register a no vote on 2.2B and 2.15, 2.16 and 2.17 will be pulled off for further discussion. Any others beyond that to discuss? Motion to approve the balance. Mr. Wall you want to speak on the motion? The motion is for all of the consent calendar except for the three items that will be pulled for discussion. However if you are persuasive enough somebody else might pull another item off for more discussion in which case you can have some more time.

>> Mayor, I'll relegate my discussion to 2.7. Agreement with the transportation security administration to fund eligible cost for deployment of law enforcement officers at the airport. The citizens should really read this report from the City Manager's office. This deals with putting forth for a grant the amount of police officer time, San José police officer time at one rate, \$78 per hour, to try to secure a grant that's basically going to fund law enforcement officers at \$26.01 per hour. Most citizens including myself might be taken aback by the term law enforcement officers. Does this really mean San José police officers? Or does this mean contracting secondhand gun slingers that are taking the place of San José police officers? Now, with reference to contracting-out security people, at the airport, we then, on measure B day, today, we reference Councilmember Rocha's apparent generosity in trying to gift sick leave and vacation time, to contract employees. Now, at the same point in time that city employees and

retirees are taking hits on all sorts of benefits, how account city then gift contract employees with sick leave and vacation time? So I really think that you should have a moment of self-reflection and discernment and possibly retract this type of beneficial conduct until you enter the priesthood. Thank you.

>> Mayor Reed: That concludes the public testimony on the consent calendar. So the motion on the consent calendar is to register the no votes by Councilmember Constant on 2.2 B, no vote been Councilmember Kalra on 2.9 and 2.10 and then 15, 16 and 17 we'll have further discussion on. So we have a motion. The motion on the balance, all in favor? Opposed, none opposed, those are approved. 2.15, third quarter financial reports for FY 11-12, Councilmember Liccardo.

>> Councilmember Liccardo: Mayor, I since had conversations with City Attorney about this item so I'll simply move to approve it.

>> Mayor Reed: Great we have a motion to approve. I have a couple of requests to speak on this item. We'll take that testimony now. James Anthony and Preston Connolly.

>> Good afternoon, James Anthony. As you know I speak politically and legally on behalf of dozens of the tax paying medical cannabis collectives in San José. We want to thank the council for taking the wait and see approach on regulating, and we also want to thank you for the enforcement that is happening in terms of the appropriate location to schools, and the code enforcement issues that have arisen. We are also pleased by the tax collection efforts by the finance department, but we are confused. If you look at this report on the third page of the report itself at the bottom there it's clear that there are 33 collectives identified, that have not ever paid the marijuana business tax in over a year. They haven't paid it once. They're not going to start paying it. Nice phone calls from the revenue departments and letters are not going to do it. And I'm concerned that there is no indication of any action by the City Attorney. So I think as a matter of revenue for the city for needed programs and fairness to those who do pay the substantial tax that would be a good question. The other issue of course is that new collectives continue to open without business licenses presumably which the city council instructed staff to stop issuing in December of 2010. Again, that you're getting a reputation here that you can just open up in San José,

not pay that tax, not have a business license and there are no consequences. City Attorney some time ago advised this council not to pass a moratorium. I'm not sure what the solution is to that issue but again it seems that you either need to pass that moratorium or have the city attorney's office take action against them. Thank you so much.

>> Mayor Reed: Preston Connolly.

>> Honorable mayor and council. What is the City Attorney doing? This is a question I hope you guys take away from the meeting today. What is the City Attorney doing? 33 cannabis businesses have not and do not pay the voter approved measure U marijuana business tax. What is the City Attorney doing? It is not out of the question to say that no action is costing the city a number that reaches into the seven figures. What is the City Attorney doing? I hope that whenever you think about the finances of the city and the sinking feeling in your stomach that is overwhelming you comes to, please ask yourself, about the voter approved measure U marijuana business tax and think what is the City Attorney doing. Thank you.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. I know that the speakers raised the same issue I had some concerns about. And I would say it's not just the 33 establishments but in fact 56 establishments, if you consider the category of those institutions as paid taxes only sporadically, which I'm pretty sure sporadically usually doesn't cut mustard with the IRS. And I would expect that if they're paying sporadically, they would be paying the consequences as well. I understand there are measures in measure U I would ask the City Attorney to examine whether council can independently alter the municipal code to provide council with the tools, that is provide the city staff with the tools, to be able to close clubs that are noncompliant with their obligations to pay taxes. I would ask that the referral could be included in the motion.

>> Mayor Reed: Who had the motion?

>> Councilmember Liccardo: I made the motion.

>> Mayor Reed: Who had the second? It's part of the motion. Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, mayor Reed. City Attorney, Mr. Moran, I believe there is something you should be able to comment on this topic. Because I think we've already had this come up.

>> We have, we have looked at the issue. Currently, the municipal code does not provide a remedy. Other than a collection for any failure to pay taxes. Failure to pay taxes is not a nuisance in the City of San José. Which would allow us to have other remedies available. And so our office can look at that to see if it would be prudent to make any modifications that would provide other types of remedies.

>> Councilmember Oliverio: And just so I'm clear here that it's the municipal code and not any state law or federal law that doesn't impede us changing the municipal code to allow the municipal code to allow us to close facilities that don't pay taxes?

>> Well, it depends on how you would structure the ordinance. Local municipalities are allowed to define what a nuisance is. And so to the extent that we could define it, that is something that we need to look at, that would allow us to close them down. Most remedies for failure to pay taxes is not to -- is not considered a nuisance but we would have to look to see if that's a possibility.

>> Councilmember Oliverio: Not considered a nuisance by a law higher than a city?

>> It's never been defined as a nuisance and so the question is whether or not we could support a finding that it is a nuisance that would allow us to use our nuisance remedies.

>> Councilmember Oliverio: I would have a strong interest if it's legally possible if the municipal code could make not paying taxes a nuisance. I would have a strong interest there. I believe in the past I was told there was some higher law above us that was not allowing us to make that. So --

>> Again, we'd have to look at it, and we would be happy to provide you with an analysis of that.

>> Mayor Reed: Well, it certainly is extremely annoying, that might constitute a nuisance. Councilmember Rocha.

>> Councilmember Rocha: Thank you, mayor. Could you cover what your recommendation is so I can get a sense what we're asking of staff?

>> Councilmember Liccardo: Certainly, the recommendation is to accept the report to ask and to refer to City Attorney an inquiry as to whether we can change the municipal code to ensure that staff has the tools to seek an injunction or otherwise close those establishments that are not paying the marijuana tax.

>> Councilmember Rocha: And could I make a friendly amendment to that motion to include just generally an update to the full council to have that discussion? As opposed, I don't know if you had envisioned an info memo to --

>> Councilmember Liccardo: What I'd like to do is ask, make a referral, I know there's concerns and we had a memorandum I recall a month ago. There may be some concerns that council's concerned about raising publicly so I'd like to give the City Attorney the discretion and certainly if we decide to agendize it after receiving that report we should do so. But I'd like to get the information first and then decide how we should best act.

>> Mayor Reed: That's agreeable?

>> Councilmember Rocha: That's agreeable. My interest is us having a little bit further discussion on this, not in terms of the update of the status is beyond what's here. I can't tell you how often I go to a community meeting and over and over and over again this is a serious major concern and they're frustrated by the answer that I'm giving them and I'm frustrated giving them that answer. I'm hoping at some point that we can do more than we're doing, which I'm not sure exactly what that is.

>> Councilmember Liccardo: Yeah, I join you in that and I will be looking at every pathway forward to ensure we can change the muni code.

>> Mayor Reed: I would predict that we can't just call out marijuana business taxes by itself. It would have to be a more generic failure to pay taxes, of some kind, but that's just a guess.

>> Right, that would be something we'd have to look at. Because as the mayor just indicated, we wouldn't be able to just say failure to pay the marijuana business tax would allow for remedies. We'd have to make it so it applies across the board. Those are the issues we're going to have to take a look at.

>> Councilmember Liccardo: I recognize equal protection issues. All I ask -- I ask the question very specifically. I expect that certainly the city attorney's office will read it as broadly as it needs to be read in order to enable us to move forward with something that gives us the tools that we need.

>> Councilmember Rocha: So that means just looking exclusively at the taxes, not any other issue that we might have, available to us?

>> My understanding is that you would like the City Attorney to look at remedies for those establishments that are not paying business license tax so we would look at remedies available including the possibility of exercising some nuisance remedies.

>> Councilmember Rocha: Yes.



>> Mayor Reed: All right we have a motion as described. On the motion, all in favor? Opposed? None opposed, motion carries. Item 2.16, the agreement with the county of Santa Clara to accept program funds for the county emergency management grant funding. Councilmember Pyle.

>> Councilmember Pyle: Thank you, mayor. We have before you, hopefully you'll see it soon, some information about our emergency management performance grant. And I would like to give a tremendous commendation to Alex Frazier who has volunteered, and if you can make it a at that time bigger I can read it. This is a fellow that for the first 11 months between 2011 and 2012 has volunteered 953.8 hours, which is equivalent to about 20 hours per week. He drove 3,416 miles, he has also done the community emergency responder trainer, 162 hours and has taught 915 -- that's wonderful thanks I can really see it now, emergency preparedness students. So I just wanted to be able to say this. Because we don't often have volunteers that respond with this kind of dedication. So thank you for that.

>> Mayor Reed: I don't have any requests to speak on that one so we need a motion.

>> Councilmember Pyle: Motion to approve.

>> Second.

>> Mayor Reed: Motion is to approve. All in favor, opposed, none opposed, motion is -- carries taking us to item 2.17, Team San José, Councilmember Constant.

>> Councilmember Constant: Thanks mayor. It's so long ago I barely remember why I pulled it. But I just wanted to make sure we took a moment or two so that everyone sees the much-improved performance of Team San José and particularly looking at a couple of the items. The fact that they grew revenue 4.26 million over the original adopted budget, and most importantly the T.O.T. revenue which supports the operations, exceeded the budgeted goal by 117% which equates additional, additional T.O.T. transfers to fund 536 of \$629,400. So

significant improvements. I just think it's important that we take time to recognize those improvements publicly when we see them, and it's been several reports in a row we've been seeing this, and I think it's a very good trend that I know will continue. Motion to approve.

>> Second.

>> Mayor Reed: Motion is to approve. On the motion all in favor opposed, none opposed, motion is approved. That concludes the consent calendar. Item 3.1 report of the centering is the next item.

>> Debra Figone: No report today, mayor, thank you.

>> Mayor Reed: Items 4.1 through 4.7 all have to do with the historic properties Mills act related matters so I'm going to take all those items together for purposes of the staff report to the extent there is one and public testimony to the extent anybody wishes to speak on those and then we'll dispose of them as a group if we can. Laurel Prevetti.

>> Laurel Prevetti: Thank you, Mr. Mayor. Laurel Prevetti, assistant director of Planning, Building, and Code Enforcement. The items before you today are proposed landmark designations and historic property contracts. All these properties went before our historic landmarks commission. The commission had significant comment on several of the historical property contracts and I just wanted to assure the council that if these contracts are approved that we will continue to work with the owners to assure that the items for which they are going to be reinvesting their tax savings are going to the restoration of the resource itself. So I know that in your documents the landmarks commission comments were referred to you and we will be working with those property owners to ensure that their investments are going to the right kinds of improvements. Thank you.

>> Mayor Reed: I have one request to speak from the public, take that at this time. Steve Cohen.

>> I'm not applying for a job. Good afternoon everybody or it's almost evening since I've been here. Steve Cohen, West of 4th street neighborhood group, San Carlos Street stakeholders coalition, and vice chair of the landmarks commission. I specifically want to address the mills act for the Rucker mansion, MA 12-003. We are asking you not to approve the mills act for this property. If you look at the ordinance in the municipal code 13.48.520 for the property contracts number 5, it calls for the preservation and maintenance of the landmark property. This is a beautiful property, and deserves landmark status. It does not deserve the mills act. The owner for the past eight years has let this property absolutely go. This, if you look at the contract for the mills act, it doesn't even make any sense. In two areas they talk about doing termite repairs for the main house. For two different years with a five-year spread. There is no termite damage in this property. There wasn't termite damage in this property when it was first purchased. I know the property very well. I've been here -- actually I've lived on that same block for over 50 years, I looked at the property when it was for sale and I've known the owner now for 25 years. The outside of this property, when the property was purchased, the owner -- excuse me the owner lived there. He did a reasonable amount of work and kept that property up. Then the owner moved out of the carriage house. The first thing he did was, he turned the water off for the outside sprinklers and that's the status of how that property has been maintained since. The lawn is now crab grass, there is garbage all over the front of the property. I pick up the big stuff. I don't pick up the little stuff. He had somebody that maintained it when he lived there. As soon as he moved out, he had one of his other guys, this guy owns a lot of property. He paid for this one in cash. He has one of his maintenance guys come. The man's allowed one hour to clean the property every other week. And he's collecting at least \$10,000 a month in rent, cash. So we ask you not to approve the mills act. Because the mills act has --

>> Mayor Reed: Sorry, your time is up.

>> Mills act had nothing to do with maintaining the property. Thank you.

>> Mayor Reed: That concludes the public testimony on these items. Is there any additional staff comments? Councilmember Liccardo.

>> Councilmember Liccardo: I do have a question for Laurel and I want to certainly recognize Steve Cohen and Tang Do, I want to thank both of them for their commitment to historic preservation in this community. Yesterday at the T&E committee meeting we talked about the monitoring for CEQA conditions. And you know, I inquired about broadening our monitoring because recognizing there are many conditions, the DDAs and so forth. What monitoring really happens with mills act? My understanding is sort of the terms of the deal are they get a break on property taxes in exchange for a commitment to really invest. In preserving the home. And does anybody follow up or is this just another situation where we don't have the staff and it's just going to keep declining if that's the desire of the owner?

>> Laurel Prevetti: Thank you, councilmember. Actually, the state legislature shared that concern. And so effective January 1st, 2012, all Mills act contracts are required to have property investigations by staff prior to Mills act determination. And then at least every five years. And so next week, staff is bringing forward for your consideration modifications to title 13 to essentially align our historic preservation ordinance with state law. Prior to consideration of all of the mills act contracts that are before you this afternoon, my staff did go out to each site and did independent evaluation, interior and exterior and it is for that reason that staff has positive recommendations for all of the contracts. And we will be out on the sites, state law says no more than five years should transpire. I think given the interest on a couple of these we will probably be there in shorter duration to make sure that the investments are happening where they need to be. So we've got baseline on all the contracts that are coming before you today.

>> Councilmember Liccardo: Okay, Laurel I recognize you yourself probably haven't had the benefit of going out to every house. I'm guessing that's been other staff. So I won't probe too deeply. But I guess my question really is, what sort of our standard, if as Mr. Cohen represents this is a property that's really been let go, at what point do we say look, this isn't likely something we're -- the City's getting its end of the bargain.

>> Laurel Prevetti: Right. When I brought that to staff's attention since actually commissioner Cohen had a conflict so he needed to step aside on this issue, but did share his concerns to the balance of the commission. I asked my staff pointedly about the different issues that Mr. Cohen had raised and they said they had a completely

different experience when they visited the property and toured it inside and out. So I think we've got a difference of opinion in terms of the status of the property that she actually thought it had been -- was in much better shape than had been represented.

>> Councilmember Liccardo: Okay.

>> Laurel Prevetti: And I personally have not gone out, so I apologize, I am not able to provide a third opinion for you.

>> Councilmember Liccardo: I rode my bicycle past the site approximately, I don't know, three or four days ago, I didn't look closely, obviously, and I do agree, it is certainly an impressive structure. I would like to make a motion with regard to this, accelerate the monitoring, recognizing that there may be concerns in the community that are quite valid about the upkeep and condition of the site.

>> Laurel Prevetti: Thank you.

>> Second.

>> Mayor Reed: All right we have a motion. Councilmember Oliverio.

>> Councilmember Oliverio: Laurel on these new requirements for monitoring can any of these be cost recovery for the applicant or do they come out of our standard planning budget?

>> Laurel Prevetti: They will be cost recovery. Actually as part of fees and charges that you'll be considering with the 12-13 budget, there is a new fee that we will be installing onto our fee schedule so that way all this work will be cost recovery.

>> Councilmember Oliverio: Thank you.

>> Laurel Prevetti: Thank you.

>> It is not in the contract (inaudible).

>> Mayor Reed: Sorry. I'd like to have you look at what we do with foreclosed properties that aren't being maintained. We can put them on a list and they get charged more because we got to go out there regularly to make sure they're doing it. And we ought to be able to do that. So if we put somebody in the contract and they're not performing we ought to be able to go out more frequently and they should pay more than the ones that are performing. So I think we have maybe a model that can work when you look at that. All right, we have a motion to approve with the modification as made by Councilmember Liccardo. On that motion, all in favor? Opposed? None opposed, motion is approved. That is for 4.1 through 4.7, inclusive. Our next item is 4.8, rezoning of property at the north side of Story Road. 4.8 I have requests to speak, Councilmember Campos.

>> Councilmember Campos: No, just move to approve.

>> Mayor Reed: All right, we have a motion to approve, no requests from the public. On the motion, all in favor? Opposed? None opposed that is approved. Sen.1, report on bids and award of contract for El Dorado and gold street storm sewer improvement project. Motion is to approve the recommendation. On the motion? All in favor, opposed, none opposed, that's approved. Last item on our agenda is the open forum. Mr. Wall.

>> Reported today on the front page of the San José Mercury News. This is an article entitled victory for homeless in San José encampments. This article's a biased article. It doesn't mention that the majority, the vast majority of people that live down there on these rivers, and creeks, are the dregs of our society, as well as other societies that are in the country illegally. The mere aspect that the independent police auditor is involved in this matter is disturbing, for in my opinion it exceeds the scope of her office. In addition, the mere aspect that also, that personal property is being collected and tagged and stored, as a matter of law, is up for debate. But I contend that as a citizen, taxpayer, resident, of San José, I want the city to enforce a lien on this property. For these

people cannot come down to these rivers and creeks just because of their economic conditions and trash it, dump their raw sewage into the creeks and rivers at will, and expect their property to be maintained for free. In addition, I want criminal charges brought against these people. Because they are trespassers, they are felons as far as the clean water act goes. And not to mention, cutting section 8 vouchers or any type of other housing with reference to the inclusionary housing policy and the dispersion policy and putting these dregs back into our neighborhoods is unacceptable. But if you look in this article there's a picture of two shopping carts, one is Mi pueblo, the other one is Save mart or Walmart. I guarantee taking away some of these shopping carts a lot of this stuff will go away. I'm very disgusted by how long it's taken this issue to be resolved and I believe this is a prime example why the City of San José should have municipal stockades. Thank you.

>> Mayor Reed: That concludes the open forum, concludes our meeting, we're adjourned.