



CITY COUNCIL AGENDA

+

OCTOBER 18, 2016

SYNOPSIS

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MANH NGUYEN
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

PIERLUIGI OLIVERIO
TAM NGUYEN
ROSE HERRERA VICE MAYOR
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

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

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

- **Call to Order and Roll Call**
 - 9:10 a.m.** - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: All Present.
 - 1:34 p.m.** - Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present.
 - 7:00 p.m.** - Public Hearings, Council Chambers, City Hall
Absent Councilmembers: All Present.
- **Invocation (District 9)**

The San José Youth Shakespeare Troupe performed scenes from their recent performances.
- **Pledge of Allegiance**

Mayor Liccardo led the Pledge of Allegiance accompanied by third grade students from Castlemont Elementary School.

- **Orders of the Day - *Heard after Ceremonial Items***
The Orders of the Day and the Amended Agenda were approved with Item 11.2 deferred to November 1, 2016, and with land use items to be heard first this evening.
- **Closed Session Report**
None provided.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Filipino American National Historical Society. (Kalra)**
 Mayor Sam Liccardo and Councilmember Ash Kalra offered a commendation to the Filipino American National Historical Society in commemoration of Filipino American History Month and the anniversary of the landing of first Filipinos in the Continental United States on this day in 1587.
- 1.2 Presentation of a commendation to the Country Club Watch Group for their dedication and vigilance in keeping their neighborhood safe. (Khamis)**
 Mayor Sam Liccardo and Councilmember Johnny Khamis offered a commendation to the Country Club Watch Group for their dedication and vigilance in keeping their neighborhood safe.
- 1.3 Presentation of a proclamation recognizing October 16 – 22, 2016 as Freedom from Workplace Bullies Week in the City of San José. (Peralez)**
 Mayor Sam Liccardo and Councilmember Raul Peralez recognized October 16 – 22, 2016 as Freedom from Workplace Bullies Week in the City of San José.
- 1.4 Presentation of a proclamation recognizing the month of October to be Disability Awareness Month in the City of San José. (Jones)**
 Mayor Sam Liccardo and Councilmember Johnny Khamis recognized the month of October as Disability Awareness Month in the City of San José.
- 1.5 Presentation of a commendation to the Umunhum Conservancy. (Khamis)**
 Mayor Sam Liccardo and Councilmember Johnny Khamis presented a commendation to the Umunhum Conservancy for preserving the historic Radar Tower on Mt. Umunhum.
Heard in the evening.
- 1.6 Presentation of a proclamation recognizing the month of October to be Breast Cancer Awareness Month in the City of San José. (Peralez)**
 Mayor Sam Liccardo and Councilmembers Jones and Peralez recognized the month of October as Breast Cancer Awareness Month in the City of San José.
Heard in the evening.

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of June 7, 2016.
- (b) Final Budget Hearing Minutes of June 13, 2016.
- (c) Regular Minutes of June 14, 2016.
- (d) Joint San José Financing Authority Minutes of June 14, 2016.
- (e) Regular Minutes of June 21, 2016.
- (f) Joint San José Financing Authority Minutes of June 21, 2016.
- (g) Special Evening Minutes of June 21, 2016.
- (h) Regular Minutes of June 28, 2016.

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

Approved.

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29794 – An ordinance of the City of San José amending Part 8 to Chapter 17.23 of Title 17 of the San José Municipal Code extending the termination date. CEQA: Exempt, Section 15061 (b)(3), No potential for causing a significant effect on the environment, File No. PP16-051. (Housing)
Ordinance No. 29794 adopted.
- (b) ORD. NO. 29789 – An ordinance of the City of San José adding Chapter 14.34 to Title 14 of the San José Municipal Code adopting a Traffic Impact Fee on new development within the Interstate 280/Winchester Boulevard Transportation Development Policy Area. CEQA: Environmental Impact Report for the Santana West Development Project and I-280-Winchester Transportation Development Policy. (Planning, Building and Code Enforcement)
[Deferred from 10/4/16 – Item 2.2(b)]
Ordinance No. 29789 adopted.
- (c) ORD. NO. 29798 – An ordinance of the City of San José amending Chapters 4.46 and 4.47 of Title 4 of the San José Municipal Code to suspend the collection of the building and structure construction tax and the commercial residential mobilehome park building tax on one downtown commercial high rise project. CEQA: Not a Project, File No. PP10-067(a), Non-Project Specific Funding Mechanism, Increase or Adjustment to Fees, Rates & Fares. (Economic Development)
Ordinance No. 29798 adopted.
Noes: Rocha.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Ad-Hoc Committee on Development Services Minutes of August 25, 2016.
(Mayor)
- (b) Rules and Open Government Committee Minutes of September 21, 2016.
(Mayor)
- (c) Community and Economic Development Committee Minutes of September 26, 2016. (Khamis)
- (d) Rules and Open Government Committee Minutes of September 28, 2016.
(Mayor)

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Approved.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

Vice Mayor Rose Herrera reported on her participation in the Annual Business meeting for the League of California Cities (LOCC) in Long Beach, California.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Purchase Order With HCI Systems, Inc. for Fire Alarm Monitoring, Inspections, Testing, and Repairs.

Recommendation: Adopt a resolution authorizing the City Manager to exercise up to four, one-year options to the Purchase Order with HCI Systems, Inc. (Hayward, CA) to provide labor, material, and equipment for monitoring, inspections, testing, and repair services for the Fire Alarm Systems located at City Hall, 4th Street & St. John Parking Garage, and 4th Street & San Fernando Parking Garage to extend the term of the Purchase Order from July 1, 2017 through June 30, 2021, for an aggregate maximum compensation of \$450,000, subject to the annual appropriation of funds. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts, Purchase Order of Supplies, Equipment and Professional Services that involve no changes to the physical environment. (Finance)

Resolution No. 77950 adopted.

2. CONSENT CALENDAR

2.8 Amendment to the Agreement with People Assisting the Homeless for the Homeless Outreach Program at the Martin Luther King Public Library.

Recommendation: Adopt a resolution authorizing the City Manager to execute the Third Amendment to a Grant Agreement with People Assisting the Homeless (PATH) to increase funding by \$75,000 and amend the scope of services to support additional services for the PATH San José Homeless Outreach Program for a total grant award not to exceed \$335,000. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts, Services that involved no physical changes to the environment. (Housing)
Resolution No. 77951 adopted.

2.9 Amendment to the City Pay Plan for Various Classifications.

Recommendation: Adopt a resolution to amend the City of San José Pay Plan effective October 18, 2016, to create the Senior Retirement Investment Officer U (7505) classification with a salary range of \$116,596.00- \$181,749.68 annually. CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)
Resolution No. 77952 adopted.

2.10 Actions Related to Mayor's Staff, Shireen Santosham, Chief Innovation Officer, Travel to Miami, Florida.

Recommendation: Approve travel payments and authorize for Mayor's staff, Shireen Santosham, Chief Innovation Officer, to Miami, Florida, from October 23 to October 25, 2016 for the CityLab Conference. Source of Funds: The Aspen Institute. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)
Approved.

2.11 1st Annual Transportation Forum.

Recommendation: As recommended by the Rules and Open Government Committee on October 5, 2016:

- (a) Retroactively approve the 1st Annual Transportation Forum held on Saturday, August 20, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Jones)
[Rules Committee referral 10/5/16 – Item G.1.a]
Approved.

2. CONSENT CALENDAR

2.12 Santa Clara County Emergency Medical Services Task Force.

Recommendation: As recommended by the Rules and Open Government Committee on October 12, 2016, approve the appointment of the Mayor and Councilmember Don Rocha to the Santa Clara County Emergency Medical Task Force. CEQA: Not a Project, File. No. PP10-069, City Administrative Activities. (Mayor)
[Rules Committee referral 10/12/16 – Item F.1.a.]

Approved.

2.13 East San José Halloween Safety Day.

Recommendation: As recommended by the Rules and Open Government Committee on October 12, 2016:

- (a) Approve the East San José Halloween Safety Day scheduled in various areas on October 31, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Carrasco)
[Rules Committee referral 10/12/16 – Item G.1.a]

Approved.

2.14 Del Roble Neighborhood Beautification Day.

Recommendation: As recommended by the Rules and Open Government Committee on October 12, 2016:

- (a) Approve the Del Roble Neighborhood Beautification Day scheduled for October 29, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Khamis)
[Rules Committee referral 10/12/16 – Item G.1.b]

Approved.

2.15 Refugee Foster Care Dinner.

Recommendation: As recommended by the Rules and Open Government Committee on October 12, 2016:

- (a) Retroactively approve the Refugee Foster Care Dinner held on Tuesday, September 27, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event. (Khamis)

[Rules Committee referral 10/12/16 – Item G.1.c]

Approved.

2. CONSENT CALENDAR

2.16 Kostumes for Kids.

Recommendation: As recommended by the Rules and Open Government Committee on October 12, 2016:

- (a) Approve the Kostumes for Kids event scheduled for Saturday, October 22, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Khamis)
[Rules Committee referral 10/12/16 – Item G.1.d]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).

City Manager Norberto Dueñas and Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. presented a proclamation declaring City of San José's participation in the 2016 Combined Giving Campaign and welcomed everyone's participation. (Parks, Recreation and Neighborhood Services)

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
None provided.

3.3 2015-2016 City Manager's Annual Report.

Recommendation:

- (a) Accept the 2015-2016 City Manager's Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F).

Accepted.

- (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2015-2016 Annual Report recommendations, including appropriate technical adjustments, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up/Rebudget Actions).

Ordinance No. 29803 adopted.

Resolution No. 77953 adopted.

(Item Continued on the Next Page)

3. STRATEGIC SUPPORT SERVICES

3.3 2015-2016 City Manager's Annual Report (Cont'd.)

Recommendation:

- (c) Approve the addition of 0.75 Senior Recreation Leader PT and the elimination of 0.50 Recreation Leader PT in the Parks, Recreation and Neighborhood Services Department and the elimination of 1.0 limit-dated Executive Analyst in the City Manager's Office, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up/Rebudget Actions).

CEQA: Not a Project, File No. PP10-069(a), Annual Reports; and File No. PP10-067(b), Appropriation Ordinance. (City Manager)

Approved.

3.4 Support of the Muwekma Ohlone Tribe. *DEFERRED*

Recommendation: As recommended by the Rules and Open Government Committee on September 21, 2016:

- (a) Adopt a resolution supporting the Muwekma Ohlone Tribe in their ongoing pursuit of status as a Federally Recognized Tribe and direct staff to provide support to our state legislators as they pursue the process to federally recognize the Muwekma Ohlone Tribe.
- (b) Direct the City Manager to draft and execute a letter transmitting the resolution to the appropriate party.

CEQA: Not a Project, File No. PP10-069, City Administrative Activities.
(Herrera/Carrasco)

[Rules Committee referral 9/21/16 – Item G.3(a)(c)]
(Deferred from 10/4/16 – Item 2.8)

Deferred to 10/25/16 per Administration.

3.5 Welcoming San José Plan.

Recommendation: Approve the Welcoming San José Plan 2016-2019 for the Office of Immigrant Affairs. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports. (City Manager)

Note: Heard in the evening following land use items.

Approved, with direction as included in Mayor Sam Liccardo's memorandum dated 10/17/16, to: (1) Approve the Welcoming San Jose Plan 2016-2019 and direct the City Manager to return to Council supplementing the Fiscal Year 2016-17 metrics with specific goals relating to: (a) Translation of City forms, applications, and documents; (b) Translation of key pages on the City website; (c) Education and engagement with small, immigrant-led businesses, specifically focused on facilitating business permitting and licenses, and on providing access to business support services and City contracting opportunities, and (2) Direct the City Manager to return to Council with a comprehensive update of the implementation. (9-1-1. Noes: Oliverio. Absent: Khamis.)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Amendments to Title 6 and Title 20 – Medical Marijuana Zoning Code.

Recommendation:

- (a) Adopt a resolution approving a Third Addendum to the Medical Marijuana Ordinance Project Negative Declaration, for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended.

Resolution No. 77954 adopted.

- (b) Consideration of an ordinance of the City of San José, amending Title 20 (the Zoning Code) of the San José Municipal Code by amending: Section 20.50.100 of Chapter 20.50; Section 20.70.100 of Chapter 20.70; Section 20.80.775 of Chapter 20.80; and Section 20.100.1530 of Chapter 20.100 to add “Medical Marijuana Collective, Dispensary Site Only” as a newly enumerated Restricted Use in specified Industrial Zoning Districts and the Downtown Primary Commercial Zoning District, and to remove the fifty (50) foot minimum required distance between Medical Marijuana Collectives, Cultivation Sites, and making other technical, non-substantive, or formatting changes within those sections to add and amend land use regulations pertaining to Medical Marijuana Collectives.

Ordinance No. 29804 passed for publication.

- (c) Consideration of an ordinance of the City of San José amending Title 6 (Business Licenses of Regulations) of the San José Municipal Code by amending Chapter 6.88 to add and amend regulations pertaining to Medical Marijuana Collectives, and the cultivation and dispensing of medical marijuana, and making other technical, non-substantive, or formatting changes:
- (1) Allow each Registered Collective to have two locations for cultivation, manufacturing and extraction in addition to one dispensing-only location;
 - (2) Allow each Registered Collective to locate one of their allotted cultivation-only facilities outside of San José anywhere within the State of California subject to state and local law and regulations;
 - (3) Allow for cultivation facilities within the City of San José to be shared by two Registered Collectives;
 - (4) Allow each Registered Collective to deliver medical marijuana to patients and establish the parameters under which deliveries could take place;
 - (5) Allow transactions/transfers between Registered Collectives and Registered/Licensed/Permitted cultivators, manufacturers, and dispensaries of medical marijuana products throughout the State of California; and
 - (6) Approve technical changes to update the Code with respect to definitions, badging procedures, crime reporting requirements, daily purchases, changing the calendar for payment of the Annual Operating Fee from calendar year to fiscal year, and other administrative changes.

Ordinance No. 29805 passed for publication.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Amendments to Title 6 and Title 20 – Medical Marijuana Zoning Code. (Cont'd.)

Note: Item 4.1(d) was bifurcated, with 4.1(d)(2) heard separately.

Recommendation:

(d) Provide direction to staff to:

- (1) Suspend further work on CEQA review and Code changes related to allowing medical marijuana greenhouses in industrial zoning districts due to low interest from the industry;

Approved.

- (2) Refer to the next City Council Priority Setting Session the issue of exploring whether to allow medical marijuana distributors, manufacturers, and testing labs to operate in San José and, if so, how many and where; and

The Staff's recommendation to refer to the next City Council Priority Setting Session was not accepted; instead, the joint memorandum from Councilmember Ash Kalra, Councilmember Raul Peralez, Councilmember Magdalena Carrasco and Councilmember Tam Nguyen, dated October 14, 2016, providing direction to staff to report back to the Public Safety, Finance & Strategic Support Committee with staff recommendations regarding the issue of exploring whether to allow medical marijuana distributors, manufacturers, and testing labs to operate in San Jose and, if so, how many and where, no later than June 2017, instead of to the next City Council Priority Setting Session, was approved. (Noes: Herrera, Jones; Liccardo.)

- (3) Return to Council with analysis of Proposition 64, the Adult Use of Marijuana Act, and next steps for the City of San José.

Approved.

Planning Commission recommends approval (4-0-3, Ballard, Bit-Badal, Yesney absent). CEQA: Negative Declaration (File No. PP11-039, Resolution No. 75984), as addended by File Nos. PP11-076, PP14-030, and PP16-076. (Planning, Building and Code Enforcement/Police)

PP16-076 – Citywide

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 2016 California Building Standards (Cont'd.)

Recommendation: As recommended by the Community and Economic Development Committee on September 26, 2016, accept the report and:

- (a) Approve an ordinance to amend Title 24 of the San José Municipal Code to:
- (1) Adopt the 2016 editions of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Historical Building Code, California Existing Building Code, California Green Building Standards Code, International Existing Building Code Appendix Chapters A2 and A5, and Building Energy Efficiency Standards;

Ordinance No. 29806 passed for publication.

- (2) Find that the City of San José's local climatic, geological and topographical conditions warrant additional protections in the Municipal Code; and
- (3) Adopt local amendments regarding certain structural design requirements, fire sprinkler regulations, and other building requirements.

Approved, local amendments adopted.

- (b) Approve an ordinance to amend Chapter 17.12 of Title 17 of the San José Municipal Code to:
- (1) Adopt the 2016 edition for the California Fire Code (CFC), and the Standards referenced in 2016 CFC; and
 - (2) Adopt local amendments regarding the design and installation requirements for fire sprinkler systems, fire standpipe and hose systems, centrifugal fire pumps, private fire service mains, fire alarm systems, clean agent extinguishing systems, fire protection systems in clean rooms, and other fire safety requirements.

Ordinance No. 29807 passed for publication.

- (c) Approve an ordinance to amend Title 17 of the San José Municipal Code to update Chapter 17.82 to match current cross-referenced Chapter 33 formerly Chapter 11 of the 2001 CFC.

CEQA: Exempt, Section 15308 – Actions by Regulatory Agencies for the Protection of the Environment, File No. PP16-090. (Planning, Building and Code Enforcement/Fire) [Community and Economic Development referral 9/26/16 – Item d.2]

Ordinance No. 29808 passed for publication.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Amendment to the Residential Permit Parking Ordinance.

Recommendation: Approve an ordinance to amend Section 11.48.130 of Chapter 11.48 of Title 11 of the San José Municipal Code to modify the Convention Center Permit Parking Area and rename the zone Market-Almaden Permit Parking Area. CEQA: Exempt, File No. PP14-069. Council District 3. (Transportation)
Ordinance No. 29809 passed for publication.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Agreement with Civilian, Inc. for the Provision of Recruiting and Marketing Consulting for the Police Department.

Recommendation: Adopt a resolution authorizing the City Manager to execute:

- (a) An Agreement between the City of San José and Civilian, Inc. for recruiting and marketing consulting services for the San José Police Department, in the amount of \$200,000 for the period of November 1, 2016 through October 31, 2017; and
- (b) Four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$1,000,000 subject to the appropriations of funds.

CEQA: Not a Project; File No. PP10-066(e), Agreements and Contracts, Services that involve no physical changes to the environment. (Police)
Resolution No. 77955 adopted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

The meeting of the San José City Council was recessed at 5:24 p.m., and the Successor Agency to the Redevelopment Agency of the City Of San José was convened.

9.1 Amendment to the Purchase and Sale Agreement and Escrow Instructions with Mr. Lawrence Wu for Real Property located at South Almaden Boulevard.

Recommendation: Successor Agency Board approve the First Amendment to the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José and Mr. Lawrence Wu for the sale of that certain real property located at South Almaden Boulevard (APN 264-03-101) to provide for monthly non-refundable deposits into escrow until the purchase price in the

(Item Continued on the Next Page)

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Amendment to the Purchase and Sale Agreement and Escrow Instructions with Mr. Lawrence Wu for Real Property located at South Almaden Boulevard (Cont'd.)

amount of Five Hundred Eight Thousand Dollars (\$508,000) has been deposited fully into escrow and to extend the close of escrow until receipt of the entire purchase price into escrow but in no event later than February 3, 2017. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Successor Agency)

Approved.

The meeting of the Successor Agency to the Redevelopment Agency of the City Of San José was adjourned at 5:27 p.m., and the San José City Council meeting was reconvened.

- **Open Forum**
 - (1) **Jill Borders spoke on the preservation of the foothills, and urged Council to reject the proposal for the Southeast corner of Almaden Road and Burnside Drive.**
 - (2) **Valerie Driscoll spoke on safety issues in the City of San José.**
 - (3) **Judi Zamora spoke on the alarming number of businesses in San José that are fronts for prostitution and how neighborhoods are forced to deal with the consequences.**

- **Adjournment**

Mayor Sam Liccardo adjourned the afternoon Council Session at 5:48 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

- (a) **Conventional Rezoning Located on the Northeasterly Corner of South Montgomery Street and West San Fernando Street at 92 South Montgomery Street.**

Recommendation: Consideration of an ordinance of the City of San José rezoning certain real property of approximately 0.16 gross acre site, located on the northeasterly corner of South Montgomery Street and West San Fernando Street (92 South Montgomery Street) from the LI Light Industrial Zoning District to the DEC Downtown Primary Commercial Zoning District (Imwalle Properties, Owner). CEQA: Determination of Consistency with Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)

C16-031 – Council District 6

Ordinance No. 29810 passed for publication.

- (b) **Conforming Rezoning Located at 2211 Junction Avenue and the Adjacent Vacant Parcel to the Southwest at the Terminus of Dado Street.**

Recommendation: Consideration of an ordinance of the City of San José rezoning certain real property of approximately 7.127 gross acre site, located at 2211 Junction Avenue and the adjacent vacant parcel to the southwest (at the terminus of Dado Street) from the IP Industrial Park Zoning District to the LI Light Industrial Zoning District (Pacific Bell, Owner). CEQA: Determination of Consistency with the Addendum to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)

C16-035 – Council District 4.

Ordinance No. 29811 passed for publication.

END OF CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Administrative Hearing for an Appeal of the Planning Commission's Approval of a Conditional Use Permit for a Real Property Located at the Southeast Corner of Bollinger Road and Miller Avenue (6164 Bollinger Road).

Recommendation:

- (a) Consideration of the Determination of Consistency with the Envision 2040 Final Environmental Impact Report, adopted by City Council Resolution 76041 on November 1, 2011; and, the Envision San José 2040 Final Supplemental Environmental Impact Report adopted by City Council Resolution No. 77617 on December 15, 2015.
- (b) Conduct an Administrative Hearing on and consider an Appeal of the Planning Commission's approval of Conditional Use Permit File No. CP15-085 to construct a 50-foot tall wireless communication facility (monopole), associated equipment enclosure, and emergency generator in the CN Commercial Neighborhood Zoning District, located at the southeast corner of Bollinger Road and Miller Avenue (6164 Bollinger Road) (Marchese Christopher Trustee & Et Al, Owner).
- (c) Adopt a resolution denying an appeal and approving a Conditional Use Permit No. CP15-085 to construct a 50-foot tall wireless communication facility (monopole), associated equipment enclosure, and emergency generator in the CN Commercial Neighborhood Zoning District, located at the southeast corner of Bollinger Road and Miller Avenue (6164 Bollinger Road) (Marchese Christopher Trustee & Et Al, Owner).

CEQA: Determination of Consistency with the Envision San José 2040 Final Environmental Impact Report, adopted by City Council Resolution No. 76041 on November 1, 2011; and, the Envision San José 2040 Final Supplemental Environmental Impact Report adopted by City Council Resolution No. 77617 on December 15, 2015. (Planning, Building and Code Enforcement)

CP15-085 – District 1

(Continued from 8/16/16 – Item 11.2)

Deferred to 11/1/16 per Orders of the Day.

11. PUBLIC HEARINGS

11.3 **First Amendment to the Development Agreement with Jackson Taylor Partners, LLC, et. al. Related to the Subject Property Located at 696 North 6th Street. DEFERRED**

Recommendation: Consideration of an ordinance to approve the First Amendment to the Development Agreement between Jackson Taylor Partners, LLC, et. al. and the City of San José to vest previously approved Planned Development Zoning (File No. PDC15-018) and Planned Development Permit (File No. PD15-055) for the subject property located at 696 North 6th Street (City of San José, Owner). The First Amendment to the Development Agreement would vest the Zoning District designation of R-M(PD) Planned Development and the development standards set forth in the rezoning and also authorize the construction of 520 residential units and 19,191 square feet of commercial space as further set forth in the Planned Development Permit. CEQA: Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report, adopted by City Council Resolution No. 74384, and addendum thereto. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)

DA16-001 – Council District 3

[Deferred from 9/20/16 – Item 11.1(b)]

Deferred to 11/8/16 per Administration.

11.4 **Administrative Hearing for Appeal of the Planning Commission’s Approval of a Conditional Use Permit for Real Property Located Approximately 400 feet Southerly of East Santa Clara Street (58 South 1st Street). DEFERRED**

Recommendation:

- (a) Consideration of the statutory exemption pursuant to CEQA Guideline Section 15301(a) for Existing Facilities.
- (b) Conduct an Administrative Hearing on and consider an Appeal of the Planning Commission’s approval of a Conditional Use Permit to allow late night use for a public drinking establishment in an existing 8,684-square foot building an approximately 0.15-gross acre site, in the DC Downtown Primary Commercial Zoning District, approximately 400 feet southerly of East Santa Clara Street (58 South 1st Street) (Martin Trust, Owner).
- (c) Adopt a resolution and make the required findings to either grant or deny the appeal for a Conditional Use Permit to allow late night use for a public drinking establishment in an existing 8,684-square foot building an approximately 0.15-gross acre site, in the DC Downtown Primary Commercial Zoning District, approximately 400 feet southerly of East Santa Clara Street (58 South 1st Street) (Martin Trust, Owner).

Planning Commission recommends approval (4-1-2, Abelite opposed, Allen and Vora abstained). CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. (Planning, Building and Code Enforcement)

CP16-005 – Council District 3

Deferred to 11/1/16 per Rules & Open Government.

11. PUBLIC HEARINGS

11.5 Administrative Hearing for Appeal of the Planning Commission's Approval of a Conditional Use Located at the Northwesterly Corner of Story Road and Olinder Court (1299 Story Road).

Recommendation:

- (a) Consideration of the statutory exemption pursuant to CEQA Guideline Section 15303(c) for New Construction or Conversion of Small Structures.

Approved.

- (b) Conduct an Administrative Hearing to consider the appeal of the Planning Commission's decision to approve a Conditional Use Permit to allow an auto detailing use with incidental car wash services, and the construction of an associated 468-square foot canopy structure at an existing gas station on a 0.47-gross acre site, in the CIC Combined Industrial/Commercial Zoning District, located at 1299 Story Road (RJ Polar, Inc., Owner).

Hearing held.

- (c) Adopt a resolution denying the appeal and upholding the Planning Commission's approval of a Conditional Use Permit to allow an auto detailing use with incidental car wash services, and the construction of an associated 468-square foot canopy structure at an existing gas station on a 0.47-gross acre site, in the CIC Combined Industrial/Commercial Zoning District, located at 1299 Story Road (RJ Polar, Inc., Owner).

Planning Commission recommends approval (7-0-0). CEQA: Exempt under CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)

CP15-039 – Council District 7

Resolution No. 77956 adopted.

- **Open Forum**

- (1) **Wendi Baker promoted the Turkey Trot Fun Run to be held on November 24, 2016, Thanksgiving Day.**
- (2) **Maria urged more community support and involvement and thanked the Council for their service to the community.**

- **Adjournment**

The Council of the City of San José adjourned at 9:10 p.m. in memory of Carol Jean Ashman, a beloved member of Evergreen who was actively involved in the District 8 Community Round Table and in making a difference for her local community. (Herrera)