



# CITY COUNCIL AGENDA

**OCTOBER 18, 2016**

**AMENDED AGENDA**

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 14<sup>th</sup> 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](mailto:CityClerk@sanjoseca.gov) for the final document.

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

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

- **Call to Order and Roll Call**

- 9:00 a.m. - Closed Session, Call to Order in Council Chambers  
Open Session, Labor Negotiations Update (See Item 3.2)  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
See Separate Agenda
- 1:30 p.m. - Regular Session, Council Chambers, City Hall
- 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 9)**

San José Youth Shakespeare.

- **Pledge of Allegiance**

- **Orders of the Day — *To be heard after Ceremonial Items***

ADJOURNMENT: This meeting is adjourned 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)

\* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

- Orders of the Day (Cont'd.)

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- Closed Session Report – *To be heard after Ceremonial items*

## **1. CEREMONIAL ITEMS**

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- 1.1 Presentation of 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. (Kalra)
- 1.2 Presentation of a commendation to the Country Club Watch Group for their dedication and vigilance in keeping their neighborhood safe. (Khamis)
- 1.3 Presentation of a proclamation recognizing October 16 – 22, 2016 as Freedom From Workplace Bullies Week in the City of San José. (Peralez)
- 1.4 Presentation of a proclamation recognizing the month of October to be Disability Awareness Month in the City of San José. (Jones)
- 1.5 Presentation of a commendation to the Umunhum Conservancy for preserving the historic Radar Tower on Mt. Umunhum. (Khamis)  
**TO BE 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)  
**TO BE HEARD IN THE EVENING**

## **2. CONSENT CALENDAR**

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

### **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.

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.1 Approval of City Council Minutes. (Cont'd.)

**Recommendation:**

- (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.

### 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)
- (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)]
- (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)

### 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.

## 2. CONSENT CALENDAR

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### 2.4 Mayor and Council Excused Absence Requests.

### 2.5 City Council Travel Reports.

### 2.6 Report from the Council Liaison to the Retirement Boards.

### 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, 4<sup>th</sup> Street & St. John Parking Garage, and 4<sup>th</sup> 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)

### 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)

### 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)

### 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)

## 2. CONSENT CALENDAR

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### 2.11 1<sup>st</sup> Annual Transportation Forum.

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

- (a) Retroactively approve the 1<sup>st</sup> 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]

### 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.]

### 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]

### 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]

## 2. CONSENT CALENDAR

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### 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.

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

### 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]

## 3. STRATEGIC SUPPORT SERVICES

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

Presentation of a proclamation declaring City of San José's participation in the 2016 Combined Giving Campaign. (Parks, Recreation and Neighborhood Services)

### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.  
**TO BE HEARD AT 9:00 A.M.**



### 3. STRATEGIC SUPPORT SERVICES

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#### 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).
- (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).
- (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)

#### 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)

**TO BE HEARD FIRST IN THE EVENING**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 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.
- (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.
- (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.
- (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;

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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

**Recommendation:**

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

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

### 4.2 2016 California Building Standards.

**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;
  - (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.
- (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.
- (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]

## 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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### 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)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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### 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)

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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- **RECESS THE MEETING OF THE CITY COUNCIL AND CONVENE THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE**
  
- **REDEVELOPMENT – SUCCESSOR AGENCY CONSENT CALENDAR TO BE HEARD IMMEDIATELY FOLLOWING CITY COUNCIL CONSENT CALENDAR**

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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### 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 264-31-101) to provide for monthly non-refundable deposits into escrow until the purchase price in the 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)

- **ADJOURN THE MEETING OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE AND RECONVENE THE MEETING OF THE CITY COUNCIL**
- **Open Forum**  
*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.*
- **Council will recess until 7:00 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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No General Plan Public Hearing at this time.

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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(To be heard by the City Council at 7:00 p.m.)

**Notice to the public:** There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

### 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

- (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.

**END OF CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

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### 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)

## 11. PUBLIC HEARINGS

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### 11.3 **First Amendment to the Development Agreement with Jackson Taylor Partners, LLC, et. al. Related to the Subject Property Located at 696 North 6<sup>th</sup> 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 6<sup>th</sup> 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 1<sup>st</sup> 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

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### 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.
- (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).
- (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

- **Open Forum**

*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.*

- **Adjournment**

This meeting is adjourned 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)

## **CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.