



CITY COUNCIL AGENDA

DECEMBER 8, 2015

SYNOPSIS

CHAPPIE JONES	DISTRICT 1	PIERLUIGI OLIVERIO	DISTRICT 6
ASH KALRA	DISTRICT 2	TAM NGUYEN	DISTRICT 7
RAUL PERALEZ	DISTRICT 3	SAM LICCARDO MAYOR	DISTRICT 8
MANH NGUYEN	DISTRICT 4	ROSE HERRERA VICE MAYOR	DISTRICT 9
MAGDALENA CARRASCO	DISTRICT 5	DONALD ROCHA	DISTRICT 10
		JOHNNY KHAMIS	

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.

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

- **Call to Order and Roll Call**
 - 9:07 a.m.** - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.
 - 11:04 a.m.**- Regular Morning Session, Council Chambers, City Hall
Absent Council Members: All Present.
 - 1:40 p.m.**- Regular Afternoon Session, Council Chambers, City Hall
Absent Council Members: All Present.
 - 7:02 p.m.** - General Plan/Public Hearings, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (Mayor)**
Pastor Shinya Goto, San José First United Methodist Church offered the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 3.6 heard no earlier than 2:00 p.m.

- **Closed Session Report**
Heard at 1:30 p.m. after the Ceremonials.

City Manager Norberto Dueñas disclosed the following Closed Session action of December 8, 2015.

A. Public Employment/Public Employee Recruitment/Appointment Pursuant to Government Code Section 54957:

1. Title: Director of Transportation
Name: James Ortbal

Council Vote:

Ayes: Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Noes: None.

Abstain: None.

Not Present: None.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Choicelunch San José for their dedication to environmental stewardship and successful implementation of the Wet/Dry collection program. (Peralez)

Heard at 1:30 p.m.

Mayor Sam Liccardo and Council Member Raul Peralez recognized and commended Choicelunch San José for their commitment and accomplishments.

- 1.2** Presentation of a commendation to the Santa Clara Valley Science and Engineering Fair Association honoring participants of the 2015 Synopsys Championship Science Fair in San José. (Kalra)

Heard in the Evening.

Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Ash Kalra and former Council Member Forrest Williams recognized and commended Santa Clara Valley Science and Engineering Fair Association honoring participants of the 2015 Synopsys Championship Science Fair.

- 1.3** Presentation of a commendation to Americorps NCCC Blue 2 Team for their work with community partners and the City of San José in removing over 10 tons of trash from our creeks, planting trees and conducting trail maintenance along Coyote Creek, Los Gatos Creek and the Guadalupe River. (T. Nguyen)

Heard in the Evening.

Mayor Sam Liccardo and Council Member Tam Nguyen recognized and commended Americorps NCCC Blue 2 Team for their excellent work.

1. CEREMONIAL ITEMS

- 1.4 Presentation of a commendation to attorney, artist and community leader Jennie Do, in recognition of her contributions to the City of San José. (Kalra)

Heard at 3:30 p.m.

Mayor Sam Liccardo and Council Member Ash Kalra recognized and commended Jennie Do for her outstanding contributions to the City of San José.

- 1.5 Presentation of a commendation to the Rast Family, recognizing their contributions to the Japantown community of San José. (Mayor)

Heard at 1:30 p.m.

Mayor Sam Liccardo and Council Member Raul Peralez recognized and commended the Rast Family for their amazing contributions to the Japantown community of San José.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.

- 2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29657 – An ordinance to provide for the designation of specified areas of the City of San José as a Special Event Zone to prohibit certain activities on public property including peddling, distribution of merchandise, goods or coupons for a commercial purpose, the sale of counterfeit merchandise, and the flying of unmanned aircraft systems within the Special Event Zone and to provide for the temporary suspension of the authority of the Director of the Office of Cultural Affairs under Part 16 of Chapter 20.80 of Title 20 of the San José Municipal Code to issue permits for temporary outdoor uses of private property within the Special Event Zone during the time period beginning at six o'clock (6:00) a.m. on Monday, February 1, 2016 and ending at six o'clock (6:00) p.m. on Tuesday, February 9, 2016, relative to the use of these areas in conjunction with the 2016 National Football League's Super Bowl 50 related activities and events. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy amendments that involve no changes in the physical environment.

Ordinance No. 29657 adopted.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Community and Economic Development Committee Meeting Minutes of November 16, 2015. (Khamis)
- (b) Public Safety, Finance, and Strategic Support Committee Meeting Minutes of November 19, 2015. (Oliverio)

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities that involve no approvals of any City actions with a potential to impact the physical environment.

Approved.

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

Recommendation:

- (a) Travel Report on Council Member Carrasco's attendance at National League of Cities Annual Conference. (Carrasco)

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities that involve no approvals of any City actions with a potential to impact the physical environment.

Approved.

Council Member Magdalena Carrasco presented highlights of her attendance on November 3 through 5, 2015 at the National League of Cities Annual Conference in "Music City" Nashville, Tennessee.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2.7 Amendment to the Lease of Airport Premises with Sky Chef's Inc.

Recommendation:

- (a) Approve a Second Amendment to the Lease of Airport Premises between the City of San José and Sky Chefs, Inc. ("Sky Chefs") to:
 - (1) Extend the term of the Lease for one year with two renewal options of one year each.
 - (2) Increase the Minimum Annual Guarantee (MAG) floor to be paid by Sky Chefs from \$500,000 to \$550,000 annually with an annual MAG adjustment made based on gross sales. In no event will the MAG be reduced below \$550,000 per year.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute up to two one-year amendments to extend the term of the Lease through February 14, 2019 on the same terms and conditions.

CEQA: Not a Project, File No. PP10-066(f), Lease of equipment or existing space for the same use and will involve no physical changes to the environment. (Airport)

Deferred to December 15, 2015 Per Administration.

2. CONSENT CALENDAR

2.8 Amendment to the Airport Advertising Agreement with Clear Channel Outdoor, Inc.

Recommendation: Approve a Fifth Amendment to the Airport Advertising Concession Agreement between the City of San José and Clear Channel Outdoor, Inc. to:

- (a) Add additional Director approved advertising sites;
- (b) Modify the percentage fee for these sites to 25% in addition to the existing \$4,200,000 Minimum Annual Guarantee (MAG); and
- (c) Effective July 1, 2017, when the MAG decreases to \$1,800,000, increase the percentage fee on the additional sites to the standard amount of 65%.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

Approved.

2.9 East San José Holiday Celebration.

Recommendation: As recommended by the Rules and Open Government Committee on November 18, 2015:

- (a) Approve the East San José Holiday Celebration for December 2015 as a City Council sponsored Event and approve the expenditure of funds; and
- (b) Approve and accept donation from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Carrasco)

Approved.

2.10 Settlement of Longtin v. City of San José.

Recommendation: Approve a settlement in the amount of \$150,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of *Longtin v. City of San José*.

CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney)

Approved.

2.11 Settlement of Seacrist v. City of San José.

Recommendation: Approve a settlement in the amount of \$70,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of *Seacrist v. City of San José*, a lawsuit for personal injuries.

CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney)

Approved.

2. CONSENT CALENDAR

2.12 Calling for Municipal Elections on June 7, 2016 and November 8, 2016.

Recommendation: Adopt a resolution calling for a Regular Municipal Election on June 7, 2016 and Run-Off Municipal Election on November 8, 2016, if need be, for the purpose of electing Council Members for Districts 2, 4, 6, 8, and 10 and requesting consolidation with the County of Santa Clara.

CEQA: Exempt, Guidelines Section 15061(b)(3). Actions with no possible impact on the physical environment. (City Clerk)

Resolution No. 77595 adopted.

2.13 Continuation Agreement with Hanson Bridget, LLP for Services as the Evaluator to the San José Ethics Commission.

Recommendation: Adopt a resolution authorizing the City Attorney to execute a Continuation and Third Amendment to Agreement between the City of San José and Hanson Bridgett, LLP to provide legal and investigative services as the Evaluator to the San José Ethics Commission extending the agreement through January 31, 2016 to pay for services rendered through June 30, 2015 and increasing compensation by \$7,625 for a total amount of compensation not to exceed \$317,625. CEQA: Not a Project, File No.

PP10-066(e), Services that involve no physical changes to the environment. (City Clerk/ City Attorney)

Resolution No. 77596 adopted.

Abstain: M. Nguyen.

2.14 Standing Against Human Trafficking in the Bay Area Before the 2016 Super Bowl and Beyond.

Recommendation: Adopt a resolution standing against human trafficking in the Bay Area before the 2016 Super Bowl and beyond.

CEQA: Exempt, Guidelines Section 15061(b)(3). Actions with no possible impact on the physical environment. (City Manager)

The memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Donald Rocha, dated November 24, 2015, was approved, in Support of the City of San José Resolution "Standing Against Human Trafficking." Resolution No. 77597 adopted.

2. CONSENT CALENDAR

2.15 Implementation of Changes to Retiree Healthcare Funding for the Bargaining Units Representing Employees in the Federated City Employees' Retirement System and Modifications for Employees in Unit 99.

Recommendation: Adopt a resolution to provide as follows:

- (a) Approve the terms of agreements with the bargaining units listed below that would modify retiree healthcare funding effective December 20, 2015, by extending the current retiree healthcare contribution rates until implementation of an alternative pension reform settlement and authorize the City Manager to execute said agreements, pending ratification by their memberships. If an alternative pension reform settlement has not been implemented by June 19, 2016, the City may choose to increase the funding of retiree healthcare to the annual required contribution:
 - (2) Association of Engineers and Architects, IFPTE Local 21 (AEA Units 41/42 and 43)
 - (3) Association of Legal Professionals (ALP)
 - (4) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP)
 - (5) City Association of Management Personnel, IFPTE Local 21 (CAMP)
 - (6) Confidential Employees' Organization, AFSCME Local 101 (CEO)
 - (7) International Brotherhood of Electrical Workers, Local No. 332 (IBEW)
 - (8) Municipal Employees' Federation, AFSCME Local 101 (MEF)
 - (9) International Union of Operating Engineers, Local No. 3 (OE#3)
- (b) Approve modifications to the retiree healthcare funding phase-in for Executive Management and Professional Employees (Unit 99) effective December 20, 2015, by extending the current retiree healthcare contribution rates until implementation of an alternative pension reform settlement. If an alternative pension reform settlement has not been implemented by June 19, 2016, the City may choose to increase the funding of retiree healthcare to the annual required contribution.

CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)
Resolution No. 77598 adopted.

Item(a)(1) Association of Building, Mechanical and Electrical Inspectors (ABMEI) was excluded per Staff.

2. CONSENT CALENDAR

2.16 Actions Related to the Report on Bids and Award of Contract for the 7796 - Cadwallader Reservoir Rehabilitation Project.

Recommendation:

- (a) Report on bids and award of contract for the 7796 - Cadwallader Reservoir Rehabilitation Project to the low bidder, Blastco, Inc., in the amount of \$1,695,880 and approve a contingency in the amount of \$169,588.

Approved.

- (b) Adopt the following 2015-2016 Appropriation Ordinance Amendments to the Water Utility Capital Fund:
- (1) Increase the appropriation to the Environmental Services Department for the Cadwallader Reservoir Rehabilitation by \$263,000.
 - (2) Decrease the Unrestricted Ending Fund Balance by \$263,000.

CEQA: Exempt, File No. PP15-016. Council District 8. (Environmental Services/City Manager)

Ordinance No. 29659 adopted.

2.17 Actions Related to the Acceptance of the California Governor's Office of Emergency Services (Cal OES) Fiscal Year 2051 Internet Crime Against Children Task Force Award.

Recommendation:

- (a) Adopt a resolution accepting the Fiscal Year 2015 Internet Crimes Against Children Task Force Award in the amount of \$200,000 and authorize the City Manager to execute the Grant Agreement and all related documents and to execute additional amendments and related documents without further Council action.

Resolution No. 77599 adopted.

- (b) Adopt the following 2015-2016 Appropriation Ordinance and the Funding Sources Resolution amendments in the General Fund:
- (1) Establish a City-Wide appropriation to the Police Department for the Internet Crimes Against Children State Grant 2015-2016 in the amount of \$200,000.
 - (2) Increase the estimate for Revenue from the State of California by \$200,000.

CEQA: Not a Project, File No. PP10-066 Agreements and Contracts with no changes to the physical environment. (Police/City Manager)

Ordinance No. 29660 adopted.

Resolution No. 77600 adopted.

2. CONSENT CALENDAR

2.18 Reports on Bids and Award of Contract for the 6728 – Stevens Creek Boulevard Sanitary Sewer Improvement Project.

Recommendation: Reports on bids and award of contract for the 6728 – Stevens Creek Boulevard Sanitary Sewer Improvement Project to the low bidder, Ranger Pipelines, Inc., in the amount of \$2,371,765, and approve a contingency in the amount of \$237,176. CEQA: Exempt, File Nos. PP12-076 and PP13-076. Council District 1. (Public Works)
Approved.

2.19 Report on Bids and Award of Contract for the 2016 CDBG ADA Accessibility Ramps Project.

Recommendation: Report on bids and award of a Construction Contract for the 8052-2016 CDBG ADA Accessibility Ramps Project to the low bidder, JJR Construction, Inc., in the amount of \$571,177 and approve a contingency in the amount of \$57,118. CEQA: Exempt, Guidelines Section 15301, Existing Facilities, File No. PP13-051. Council Districts 3, 5 and 7. (Transportation)
Approved.

2.20 Revisions to Conflict of Interest Code.

Recommendation:

- (a) Adopt a resolution by the City Council amending the Conflict of Interest Code for the City of San José.

Resolution No. 77601 adopted.

- (b) Adopt a resolution by the City Council, as the code reviewing body pursuant to the California Political Reform Act, amending the Conflict of Interest Code for the Successor Agency to the Redevelopment Agency of the City of San José.

CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Clerk)

Renumbered From Item 9.2.

Resolution No. 77602 adopted.

2.21 Appointment of a Member to the Federated City Employee Retirement System Board of Administration.

Recommendation: Appoint Matt Loesch as the employee representative to the Board of Administration for the Federated City Employee retirement System to a term ending November 30, 2019.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities that involve no approval of City actions with a potential change in the environment. (City Clerk)

[Deferred from 12/1/15 – Item 3.6(b)]

Approved.

2. CONSENT CALENDAR

2.22 Actions Related to the Agreement with Reed & Graham Inc. for West Home Street.

Recommendation:

- (a) Approve the Purchase Agreement with Reed & Graham Inc., in the amount of \$2,314,260 for the purchase of land located at West Home Street, San José, CA, Assessor Parcel Numbers (APN) 264-11-024, 264-11-026, 264-11-027, 264-11-028, 264-11-106 (portion only), and 264-11-111 for the future expansion of the Del Monte Park.

Approved.

- (b) Adopt a resolution authorizing the City Manager to execute the purchase agreement and all other documents necessary to complete the transaction, and to settle any relocation claims stemming from the City's purchase of the properties up to a maximum of \$120,740.

Resolution No. 77603 adopted.

- (c) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (375):

- (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$2,435,000 for the West Home Street Land Acquisition.
- (2) Decrease the Future PDO/PIO Projects Reserve by \$2,435,000.

CEQA: Exempt, File No. PP08-220. Council District 6. (Economic Development/Parks Recreation and Neighborhood Services/City Manager)

Renumbered From Item 5.1.

Ordinance No. 29661 adopted.

2.23 City Council Committee and Board and Commission Appointments.

Recommendation: As recommended by the Rules and Open Government Committee on November 18, 2015, appoint Council Member Charles "Chappie" Jones to represent the City of San José on the State Route 85 Policy Advisory Board. (Mayor)

CEQA: Not a Project, File No. PP15-069(c), City Administrative Activities that involve no approvals of any City actions with a potential to impact the physical environment.

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report). No Report.

3. STRATEGIC SUPPORT SERVICES

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

Heard at 9:07 a.m.

No Report.

3.3 Amendments to City's Pay Plan for City Manager and Direction for Additional Salary Surveys and Analysis.

Recommendation: As recommended by the Rules and Open Government Committee on November 18, 2015:

- (a) Adopt a resolution to amend the City of San José Pay Plan to create a salary range for the City Manager U (1689) classification.

Resolution No. 77604 adopted.

- (b) Direct the City Manager to:
- (1) Conduct a salary survey for the remaining Council Appointees (City Attorney, City Clerk, Independent Police Auditor and City Auditor) and report back to the City Council by March 2016; and
 - (2) Bring the Salary Setting Commission Report and their recommendations to City Council, along with a supplemental memorandum describing the extent of City workforce pay increases since 2010-2011, by December 31, 2015. To the extent possible, the analysis should cover all general wage increases, step increases, and management pay for performance increases.

CEQA: Not a Project, File No. PP10-068(b), General Procedure and Policy Making Municipal Code, Title 3, Personnel. (Mayor)

[Rules Committee referral 11/18/15 – Item G(2)]

Approved.

3.4 Amendments to the City Pay Plan for Various Classifications.

Recommendation: Adopt a resolution to:

- (a) Amend the City of San José Pay Plan effective December 8, 2015, to create the following classifications:
- (1) Network Technician I FT/PT (1324/1325)
 - (2) Network Technician I C FT/PT (8551/8552)
 - (3) Buyer III (1544)
 - (4) Parking Manager II (1694)
 - (5) Senior Deputy City Manager U (1685)
- (b) Amend the City of San José Pay Plan effective December 8, 2015, to change the title for the following classifications:
- (1) Network Technician II FT/PT (1326/1327) (formerly Network Technician I FT/PT)
 - (2) Network Technician II C FT/PT (8553/8554) (formerly Network Technician I C FT/PT)

3. STRATEGIC SUPPORT SERVICES

3.4 Amendments to the City Pay Plan for Various Classifications. (Cont'd.)

- (b) (3) Network Technician III FT/PT (1323/1321) (formerly Network Technician II FT/PT)
- (4) Network Technician III C FT/PT (8550/8557) (formerly Network Technician II C FT/PT)
- (5) Parking Manager I (1691) (formerly Parking Manager)
- (6) Economic Development Manager (1997) (formerly Manager of Corporate Outreach)
- (c) Amend the City of San José Pay Plan effective December 8, 2015, to change the salary range for the following classifications:
 - (1) Assistant City Manager U (1688)
 - (2) Deputy City Manager U (1686)

CEQA: Not a Project, File No. PP10-068(b), General Procedure and Policy Making Municipal Code, Title 3, Personnel. (Human Resources)

Resolution No. 77605 adopted.

3.5 Council Priority Setting Session.

Recommendation:

- (a) Approve new items for the Council Priority list.
- (b) Rank items on Council Priority list.

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

Deferred to December 15, 2015 Per Administration.

3.6 Actions Related to the Amendment to Title 6 Medical Marijuana Ordinance.

Recommendation:

- (a) Approve an ordinance of the City of San José amending Chapter 6.88 of Title 6 of the San José Municipal Code to add Section 6.88.295 to add the definition of transport; to add Section 6.88.425 to require collective owners, managers and operators to wear an identification badge issued by the Chief of Police; to add Section 6.88.445 to expressly prohibit deliveries of medical marijuana; to add Section 6.88.465 to allow a registered collective to transfer medical marijuana to other collectives who are registered with the City; to amend Sections 6.88.212, 6.88.235, 6.88.242, 6.88.310, 6.88.330, 6.88.420, 6.88.430, 6.88.435, 6.88.440, 6.88.460 and 6.88.900 to allow registered collectives to manufacture medical marijuana products at their off-site cultivation location, clarify disqualification from the registration process, revise the requirements for cultivation, decrease the time required for storing video from surveillance cameras from 90 to 30 days, limit the square footage used at a residence for personal use cultivation, and to make other technical, nonsubstantive, or typographical changes to Chapter 6.88 of Title 6 of the San José Municipal Code.

3. STRATEGIC SUPPORT SERVICES

3.6 Actions Related to the Amendment to Title 6 Medical Marijuana Ordinance. (Cont'd.)

- (a) The memorandum from Council Member Donald Rocha, dated December 8, 2015, was approved, approving the memorandum from Council Members Kalra, Jones, T. Nguyen and Carrasco, dated December 4, 2015, with the following amendments:**
 - (1) Provide direction that the City take a position against any State regulation that would preempt the local taxation of medical marijuana cultivation, processing, transfers and sales, and charter powers, including policing and land use.**
 - (2) Amend Recommendation 6 in the memorandum signed by from Council Members Kalra, Jones, T. Nguyen and Carrasco to read as follows: “allow for greenhouse but not sun-grown cultivation in appropriately zoned locations (as is currently permitted for out-of-the-City cultivation) which is more environmentally friendly.”**
- (b) The memorandum from Council Members Kalra, Jones, T. Nguyen and Carrasco, dated December 4, 2015, was approved, with direction to Staff to return in March 2016 with analysis and recommendations on potential changes to the Medical Marijuana Program discussed in the memorandum:**
 - (1) Recommendation (a) in the Staff memorandum dated November 20, 2015, “Amendments to Medical Marijuana Regulatory Ordinance” was approved.**
 - (2) Regarding recommendation (b) in the Staff memorandum dated November 20, 2015, “Amendments to Medical Marijuana Regulatory Ordinance”, direct Staff return in March 2016 with the cost of creating a Division of Medical Marijuana Control and sources of funding.**
 - (3) Direct Staff to return in March 2016 with their analysis on allowing Transactions/Transfers with Registered and Licensed/Permitted Cultivators and Manufacturers of Cannabis products throughout the State of California. In addition, accept the Staff recommendation from the supplemental memorandum dated November 24, 2015, recommending that Collectives be provided a carryover period beginning December 18, 2015 but have the carryover period extended until December 18, 2016.**
 - (4) Allow for dispensaries to make quarterly payments of the annual licensing fees consistent with a prior request made by the City Council in December 2014 for Staff to incorporate into the ordinance.**

Staff directed to return to Council in March 2016 with analysis and recommendations regarding the following potential changes to Title 20:

 - (5) Whether to allow Secondary/Multiple Locations for Cultivation, Manufacturing and Extraction for the certified dispensaries (not at retail locations).**

3. STRATEGIC SUPPORT SERVICES

3.6 Actions Related to the Amendment to Title 6 Medical Marijuana Ordinance. (Action Cont'd.)

- (b) (5) (a) Whether to allow Collectives to locate offsite facilities for Cultivation, Manufacturing and Extraction throughout the State of California because the contiguous counties currently allowed by San José at present have banned or placed a moratorium or prohibit its existence – Collectives should be charged the Staff time and expense to do the inspections.
- (b) Whether to permit Collectives to inhabit a single location/site for multiple separate grows.
- (c) Whether to remove the 50-foot restriction for cultivation and manufacturing but keep it in place for retail dispensary locations.
- (6) Whether to allow for greenhouse, but not sun-grown cultivation, in appropriately zoned locations (as is currently permitted for out-of-the-City cultivation) which is more environmentally friendly.

Ordinance No. 29664 passed for publication, as amended.

Noes: M. Nguyen.

- (b) Accept staff's report regarding the creation within the City of a Division of Marijuana Control.

CEQA: Addendum to a Negative Declaration, File No. PP11-076. (City Manager)
Accepted.

Noes: M. Nguyen.

Some of the above changes may require review under California Environmental Quality Act (CEQA), Planning Commission review and public outreach per Council Policy. Such outreach will include outreach to medical marijuana patients and the industry.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Inclement Weather Response for Vulnerable Populations.

Recommendation:

- (a) Adopt a resolution declaring the existence of a shelter crisis in the City of San José pursuant to and in accordance with the provisions of California Government Code section 8698 et seq. and designating the following four City owned facilities to be occupied as overnight warming facilities by homeless individuals during the crisis:
 - (1) Bascom Community Center, 1000 S Bascom Ave, San José, CA 95128.
 - (2) Tully Community Library, 880 Tully Rd, San José, CA 95111.
 - (3) Washington United Youth Center, 921 S 1st St, San José, CA 95110.
 - (4) Biblioteca Branch Library, 921 S 1st St, San José, CA 95110.

Resolution No. 77606 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Inclement Weather Response for Vulnerable Populations. (Cont'd.)

- (b) Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with HomeFirst to serve as the administrator of the overnight warming center program and provide other shelter and services for homeless individuals during periods of inclement weather from December 15, 2015 through March 31, 2016 for an amount not to exceed \$430,000.

Resolution No. 77607 adopted.

- (c) Direct staff to create a pilot Temporary Church Shelter Program and authorize the following:
 - (1) Waive the public outreach requirement in Council Policy 6-30.
 - (2) Fund all related expenses through the General Fund (001) Homeless Rapid Rehousing appropriation.

Not Approved.

- (d) Adopt an urgency ordinance amending Part 17 of Chapter 20. 80 of Title 20 of the San José Municipal Code to suspend Sections 20.80.1600 and 20.80.1610 until June 30, 2016 and to amend Section 20.80.1620 to allow a church/religious assembly which is a legal use to provide temporary shelter to homeless persons without obtaining a special use or conditional use permit subject to the existing limitations specified in Section 20.80.1620.

CEQA: Exempt, Guidelines Section 15301, Existing Facilities, File No. PP15-119. (Housing) **Urgency Ordinance No. 29663 adopted.**

4.2 Actions Related to the Development Agreement with Habitat for Humanity East Bay/Silicon Valley.

Recommendation:

- (a) Adopt a resolution:
 - (1) Approving an Amended and Restated Disposition and Development Agreement for the 868 Delmas Avenue development with Habitat for Humanity East Bay/Silicon Valley, the resulting entity from a merger of Habitat for Humanity Silicon Valley and Habitat for Humanity East Bay.
 - (2) Approving a funding commitment for a conditional grant of up to \$325,000 of Low and Moderate Income Housing Asset Funds to Habitat for the 868 Delmas Avenue development.
- (b) Adopt the following Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:
 - (1) Increase the Housing Loans and Grants appropriation to the Housing Department in the amount of \$325,000.
 - (2) Decrease the Housing Project Reserve appropriation in the amount of \$325,000.

CEQA: Exempt, File No. PP06-144. Council District 3. (Housing/City Manager)

Dropped.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Envision San José 2040 General Plan Annual Performance Report.

Recommendation: Accept the Envision San José 2040 General Plan Annual Performance Review report.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City actions. (Planning, Building and Code Enforcement)

Accepted.

4.4 Explore a Pilot Sanctioned Encampment in San José.

Recommendation: Accept the staff report on a plan to explore a pilot sanctioned encampment in San José.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City actions. (Housing)

Accepted.

Noes: Khamis, Oliverio.

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the Agreement with Reed & Graham Inc. for West Home Street.

Recommendation:

- (a) Approve the Purchase Agreement with Reed & Graham Inc., in the amount of \$2,314,260 for the purchase of land located at West Home Street, San José, CA, Assessor Parcel Numbers (APN) 264-11-024, 264-11-026, 264-11-027, 264-11-028, 264-11-106 (portion only), and 264-11-111 for the future expansion of the Del Monte Park.
- (b) Adopt a resolution authorizing the City Manager to execute the purchase agreement and all other documents necessary to complete the transaction, and to settle any relocation claims stemming from the City's purchase of the properties up to a maximum of \$120,740.
- (c) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (375):
 - (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$2,435,000 for the West Home Street Land Acquisition.
 - (2) Decrease the Future PDO/PIO Projects Reserve by \$2,435,000.

CEQA: Exempt, File No. PP08-220. Council District 6. (Economic Development/Parks Recreation and Neighborhood Services/City Manager)

Item 5.1 was Renumbered to Item 2.22. See Item 2.22 for Action.

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Actions Related to the Amendment to Title 6 Massage Parlor Regulation.

Recommendation: Approve an ordinance of the City of San José Amending Chapter 6.44 of the San José Municipal Code to add a purpose section, add additional and clarifying definitions, require all massage therapists to be certified by the California Massage Therapy Council, require massage businesses to provide the Police Chief with copies of massage therapist certificates, require mandatory reporting to the Police Chief and to make other technical and required revisions to be consistent with State law. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (Police)

Ordinance No. 29662 passed for publication, as amended.

- (a) **The memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Pierluigi Oliverio, dated December 4, 2015, was approved:**
 - (1) **Approving an Ordinance of the city of San José Amending Chapter 4.4 of the San José Municipal Code to better regulate Massage Parlors.**
 - (2) **Direct the City Manager to evaluate the overconcentration of massage parlors in neighborhoods and return to the Public Safety, Finance and Strategic Support Committee and Council in 2016 with a report and recommendation.**
- (b) **The memorandum from Council Member Raul Peralez, dated December 8, 2015, was approved:**
 - (1) **Approve the Staff recommendation.**
 - (2) **Direct Staff to work with Code Enforcement to review Santa Clara County’s recently approved massage parlor establishment Ordinance No. 78289 (*County of Santa, California: Ordinance 78289: “Adoption of Ordinance No. NS-516.4 Amending Division 22 of Title B of the Santa Clara County Ordinance Code relating to massage establishments , massage therapists and massage practitioners”, 6 October 2015.*) and include the following into the City of San José’s regulation changes:**
 - (a) **A human trafficking conviction or arrest as a basis for the denial, suspension or revocation of a massage parlor establishment permit.**
 - (b) **See Page 20 for direction on Item (b).**
 - (c) **Require that massage parlor clients enter only through the front door.**
 - (d) **Require that massage parlor table be at least two feet from each wall.**
 - (e) **Ban sleeping quarters in massage establishments.**

8. PUBLIC SAFETY SERVICES

8.1 Actions Related to the Amendment to Title 6 Massage Parlor Regulation. (Action Cont'd.)

The City Attorney was directed to explore the Item (b) from the memorandum from Council Member Raul Peralez, dated December 8, 2015 and to return to Public Safety, Finance and Strategic Support Committee in 2016 with a report and recommendation, along with overconcentration of massage parlors:

- (b) *Prohibit the opening of a massage parlor in the same location as one that has been closed due to trafficking/prostitution activity.*

9. REDEVELOPMENT – SUCCESSOR AGENCY CONSENT CALENDAR

Redevelopment – Successor Agency Consent Calendar was heard following the City Council Consent Calendar.

Mayor Sam Liccardo convened the Successor Agency to the Redevelopment Agency of the City of San Jose at 11:21 a.m.

9.1 Amendment to the Amended and Restated Lease with the Comedy Club of San José, LLC.

Recommendation: Successor Agency Board approve the Third Amendment to the Amended and Restated Lease with the Comedy Club of San José, LLC for the use of the Jose Theater located at 62 South Second Street. CEQA: New Century Block Project Supplemental EIR, Resolution No. 67721. (Successor Agency)
Approved.

9.2 Revisions to Conflict of Interest Code.

Recommendation:

- (a) Adopt a resolution by the City Council amending the Conflict of Interest Code for the City of San José.
- (b) Adopt a resolution by the City Council, as the code reviewing body pursuant to the California Political Reform Act, amending the Conflict of Interest Code for the Successor Agency to the Redevelopment Agency of the City of San José. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Clerk)
Item 9.2 was renumbered to Item 2.20. See Item 2.20 for Action.

Mayor Sam Liccardo adjourned the Successor Agency to the Redevelopment Agency of the City of San Jose at 11:25 a.m.

- **Open Forum**
Thomas Monary presented his ideas and solutions for homelessness.

Mayor Sam Liccardo asked Assistant City Manager David Sykes to speak with Mr. Monary after the afternoon Council Session break.
- **Adjournment**
The Council of the City of San José adjourned the afternoon session at 6:13 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

10.1 Tentative approval of General Plan Consent Calendar items.

- (a) **General Plan Text Amendment: Increase in Floor Area Ratio (FAR) for the Downtown Land Use Designation.**

Recommendation:

- (a) Consideration of determination of consistency with Envision San José 2040 General Plan EIR, Resolution No. 76041.
- (b) Tentative approval of the City-initiated General Plan Text Amendment to increase Floor Area Ratio (FAR) from up to 15.0 FAR to up to 20.0 FAR for the Downtown Land Use Designation.

Planning Commission recommends approval (6-0-1) (Ballard absent). (Planning, Building and Code Enforcement)

GPT15-001 – Citywide

The City Council tentatively approved the proposed General Plan Amendment. Staff was directed to increase the cap up to 30.0 FAR.

- (b) **General Plan Text Amendment: Consider City Initiated Land Use and Text Amendments No More Than Four Times a Year.**

Recommendation:

- (a) Consideration of determination of consistency with Envision San José 2040 General Plan EIR, Resolution No. 76041.
- (b) Tentative approval of the City-initiated General Plan Text Amendment to allow the San José City Council to consider City-initiated General Plan land use and/or text amendments up to four times a year.

Planning Commission recommends approval (5-1-1) (Yesney opposed, Ballard absent). (Planning, Building and Code Enforcement)

GPT15-003 – Citywide

The City Council tentatively approved the proposed General Plan Amendment.

- (c) **General Plan Text Amendment: Compliance with California Government Code Section 65302 and Complete Streets Act of 2008.**

Recommendation:

- (a) Consideration of determination of consistency with Envision San José 2040 General Plan EIR, Resolution No. 76041.
- (b) Tentative approval of the City-initiated General Plan Text Amendment to include text referencing California Government Code Section 65302 and Complete Streets Act of 2008.

Planning Commission recommends approval (5-0-2) (Yob and Pham absent). (Planning, Building and Code Enforcement)

GPT15-004 – Citywide

The City Council tentatively approved the proposed General Plan Amendment.

10. GENERAL PLAN PUBLIC HEARINGS

10.2 General Plan Amendment: Land Use/Transportation Diagram North of Silver Creek Valley Road, Approximately 210 feet North of Hellyer Avenue.

Recommendation:

- (a) Adopt a resolution approving the Edenvale East General Plan Amendment and Rezoning Project Negative Declaration (File Nos. GP15-002 and C15-011).

Resolution No. 77608 was tentatively adopted by the City Council.

- (b) Tentative approval of a General Plan Amendment request to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Industrial Park to Light Industrial on a 4.48 gross acre site located on the north of Silver Creek Valley Road, approximately 210 feet north of Hellyer Avenue (5880 Hellyer Avenue). (Ag Key, LLC, Owner).

Director of Planning, Building and Code Enforcement and Planning Commission (5-0-2) (Yob and Pham absent) recommended approval. (Planning, Building and Code Enforcement)

GP15-002 – District 2

Heard Jointly with Item 11.10.

The City Council tentatively approved the proposed General Plan Amendment.

10.3 General Plan Amendment: Land Use/Transportation Diagram at the Northwest Corner of North 10th Street and East Taylor Street.

Recommendation:

- (a) Adopt a resolution approving the Cannery Park/Hanover Project Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program (File Nos. GP15-001, PDC15-001, PD15-004 and PT15-001).

Resolution No. 77609 was tentatively adopted by the City Council.

- (b) Tentative approval of a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood to Urban Residential and Combined Industrial/Commercial and a Text Amendment to the Jackson-Taylor Residential Strategy on an 11.43 gross acre site located on the northwest corner of North 10th Street and East Taylor Street (Libitzky Holdings, LP, Owner).

Director of Planning, Building and Code Enforcement and Planning Commission (5-1-1) (Bit-Badal opposed, Ballard abstained) recommended approval. (Planning, Building and Code Enforcement)

GP15-001 – District 3

Heard Jointly with Item 11.11.

The memorandum from Mayor Sam Liccardo and Council Member Raul Peralez, dated December 4, 2015, was approved, tentatively approving the Planning Commission recommendations outlined on Page 2 of the memorandum dated November 17, 2015.

The City Council tentatively approved the proposed General Plan Amendment.

10. GENERAL PLAN PUBLIC HEARINGS

10.4 General Plan Amendment: Land Use/Transportation Diagram at the Southeast Corner of Redmond Avenue and Mancusco Street.

Recommendation:

- (a) Adopt a resolution approving the Redmond Avenue General Plan Amendment Negative Declaration.

Resolution No. 77612 was tentatively adopted by the City Council.

- (b) Tentative approval of a General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood on a 0.91 gross acre site located at the southeast corner of Redmond Avenue and Mancusco Street (12360 Redmond Avenue). (Redmond Road Fam LP Faz Ulla, Owner). Director of Planning, Building and Code Enforcement and Planning Commission (5-0-2) (Yob and Pham absent) recommend approval. (Planning, Building and Code Enforcement)

GP15-003 – District 10

The City Council tentatively approved the proposed General Plan Amendment.

10.5 General Plan Amendment: Land Use/Transportation Diagram at the East Side of St. Elizabeth Drive South of McKinley Street.

Recommendation: Tentative approval of a General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Public/Quasi-Public to Mixed Use Neighborhood on an approximately 3.6 gross acre site, located on the east side of St. Elizabeth Drive south of McKinley Street (950 St. Elizabeth Drive) (St. Elizabeth Day Home, Owner). CEQA: Negative Declaration to be adopted. (Planning, Building and Code Enforcement)

GP15-006 – District 6

Dropped per Applicant Request.

10.6 General Plan Amendment: Land Use/Transportation Diagram at the Northeast Corner of Joseph Avenue and Shamrock Drive.

Recommendation:

- (a) Adopt a resolution approving the 2898 Joseph Avenue General Plan Amendment Negative Declaration.

Resolution No. 77613 was tentatively adopted by the City Council.

Noes: Herrera; Liccardo.

10. GENERAL PLAN PUBLIC HEARINGS

10.6 General Plan Amendment: Land Use/Transportation Diagram at the Northeast Corner of Joseph Avenue and Shamrock Drive. (Cont'd.)

- (b) Tentative approval of a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Mixed Use Neighborhood and to remove the site from the Urban Village Boundary, with the subject 0.19 acre site located on the northeast corner of Joseph Avenue and Shamrock Drive (2898 Joseph Avenue) (Schwartz, Jeffrey A. and Barry, Cynthia Trustee, Owners). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-0-2-1) (Yob and Pham absent; Abelite abstain). (Planning, Building and Code Enforcement)

GP15-005 - District 9

**The City Council tentatively approved the proposed General Plan Amendment.
Noes: Herrera; Liccardo.**

10.7 Continue General Plan Hearing to December 15, 2015 for Final Adoption. Continued to December 15, 2015.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

- (a) **Rezoning the Real Property Located on the West Side of South De Anza Boulevard, Approximately 120 Feet West of the Intersection of South De Anza Boulevard and Rainbow Drive.**

Recommendation:

- (1) Adoption of a resolution approving the 1191-1195 De Anza Boulevard Retail Project Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program (Project File Nos. H15-006 and C15006).

Resolution No. 77614 adopted.

- (2) Consideration of an ordinance rezoning the real property located on the west side of South De Anza Boulevard, approximately 120 feet west of the intersection of South De Anza Boulevard and Rainbow Drive from the A(PD) Planned Development Zoning District to the Commercial Pedestrian (CP) Zoning District on a 0.13 gross acre site (Vigagold Inc., Owner).

Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

C15-006 and H15-006 – District 1

Renumbered From Item 11.4.

Ordinance No. 29668 passed for publication.

- (b) **Rezoning Certain Real Properties Located on the Northwest Corner of West San Carlos and Delmas Avenue.**

Recommendation: Consideration of an ordinance rezoning four properties located on the northwest corner of West San Carlos and Delmas Avenue (267 and 279 Delmas Avenue and 405 West San Carlos Street) from LI Light Industrial to the DC Downtown Primary Commercial Zoning District on an approximately 0.47 gross acre site (San Carlos Parts LLC, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), and addenda thereto, including Addendum File No. C15-042. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement) C15-042 – District 3

Renumbered From 11.6.

Ordinance No. 29669 passed for publication.

END OF CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Conditional Use Permit and Determination of Public Convenience or Necessity to Allow the Off-Sale of Alcohol at an Establishment Located at 1093 Minnesota Avenue.

Recommendation: Consideration of a resolution approving a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol at a small retail establishment of approximately 2,100 square feet, on a 0.15 gross acre site, located at 1093 Minnesota Avenue (Jasvir Kaur, Owner).

CEQA: Exempt, Guidelines Section 15301, Existing Facilities. Planning Commission recommends approval (5-0-2) (Yob and Pham absent). (Planning, Building and Code Enforcement)

CP15-007/ABC15-002 – District 6

There was no motion. Not Approved.

11.3 Conditional Use Permit and Determination of Public Convenience or Necessity to Allow the Off-Sale of Alcohol at a Grocery Store Located at 3002 Story Road.

Recommendation: Consideration of a resolution approving a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol at a 38,204 square foot grocery store (Food Maxx) on an approximately 3.87 gross acre site, in the CP Commercial Pedestrian Zoning District, located at 3002 Story Road (Save Mart Supermarkets, Owner).

CEQA: Exempt, Guidelines Section 15301, Existing Facilities. Planning Commission recommends approval (5-0-2) (Yob and Pham absent). (Planning, Building and Code Enforcement)

CP15-042/ABC15-009 – District 5

Resolution No. 77615 adopted.

11.4 Rezoning the Real Property Located on the West Side of South De Anza Boulevard, Approximately 120 Feet West of the Intersection of South De Anza Boulevard and Rainbow Drive.

Recommendation:

- (a) Adoption of a resolution approving the 1191-1195 De Anza Boulevard Retail Project Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program (Project File No. C15006).
- (b) Consideration of an ordinance rezoning the real property located on the west side of South De Anza Boulevard, approximately 120 feet west of the intersection of South De Anza Boulevard and Rainbow Drive from the A(PD) Planned Development Zoning District to the Commercial Pedestrian (CP) Zoning District on a 0.13 gross acre site (Vigagold Inc., Owner).

Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

C15-006 – District 1

Renumbered to 11.1(a). See Item 11.1(a) for Action.

11. PUBLIC HEARINGS

11.5 Rezoning the Real Property Located at 1707 Ringwood Avenue. (

Recommendation:

- (a) Adopt a resolution approving the 1707 Ringwood Avenue Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program.
- (b) Consideration of an ordinance rezoning the real property located at 1707 Ringwood Avenue from the A Agricultural Zoning District to the A(PD) Planned Development Zoning District to allow four residential units (two attached units and two detached units) on an approximately 0.29 gross acre site (JWC Investments, Inc., Owner).

(Planning, Building and Code Enforcement)

PDC14-038 – District 4

Deferred to January 26, 2016 Per Administration.

11.6 Rezoning Certain Real Properties Located on the Northwest Corner of West San Carlos and Delmas Avenue.

Recommendation: Consideration of an ordinance rezoning four properties located on the northwest corner of West San Carlos and Delmas Avenue (267 and 279 Delmas Avenue and 405 West San Carlos Street) from LI Light Industrial to the DC Downtown Primary Commercial Zoning District on an approximately 0.47 gross acre site (San Carlos Parts LLC, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), and addenda thereto, including Addendum File No. C15-042. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

C15-042 – District 3

Renumbered to 11.1(b). See Item 11.1(b) for Action.

11.7 Conditional Use Permit to Allow the Late-Night Use at a Drinking Establishment Located at 65 Post Street.

Recommendation: Consideration of adoption of a resolution approving a Conditional Use Permit to allow the late-night use until 2:00 a.m. at a drinking establishment (for more than 250 people) on a 0.05 gross acre site, located at 65 Post Street (Joel Wyrick, Owner).

CEQA: Exempt, Guidelines Section 15301, Existing Facilities. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

CP15-051 – District 3

Resolution No. 77616 adopted.

11. PUBLIC HEARINGS

11.8 Rezoning the Real Property Located at 1785 Oakland Road.

Recommendation:

- (a) Consider the Addendum to the North San José Development Policies Update Environmental Impact Report and adopt a related Mitigation Monitoring and Reporting Program for the Oakland Road Self-Storage Project (Files No. PDC15-017).

Approved.

- (b) Consideration of an ordinance rezoning the real property located at 1785 Oakland Road from the A(PD) Planned Development Zoning District to the IP(PD) Planned Development Zoning District to allow uses of the IP Industrial Park Zoning District and miniwarehouse/ministorage uses on an approximately 1.25 gross acre site (Union Carbide Industrial Gases Inc., Owner).

Planning Commission recommends approval (6-0-1) (Bit-Badal absent). (Planning, Building and Code Enforcement)

PDC15-017 – District 4

The memorandum from Council Member Manh Nguyen, dated December 4, 2015, was approved approving the rezoning as described above in 11.8(b).

Ordinance No. 29670 passed for publication.

11.9 Rezoning the Real Property Located at 3167 Senter Road.

Recommendation:

- (a) Adopt a resolution approving the Rocketship Public Charter Elementary School Project Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program (File Nos. SP15-027 and C15-020).

Resolution No. 77611 adopted.

Noes: Rocha.

- (b) Consideration of an ordinance rezoning the real property located at the southwest corner of Senter Road and East Capitol Expressway at 3167 Senter Road from the CP Commercial Pedestrian Zoning District to the PQP Public/Quasi-Public Zoning District for consideration of education land uses on a 1.58 gross acre site (Arnold Perez, Owner).

Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. (Planning, Building and Code Enforcement)

C15-020 – District 7

The memorandum from Mayor Sam Liccardo and Council Member Tam Nguyen, dated December 4, 2015, recommending acceptance of the Staff recommendation to approve the Conventional Conforming Rezoning with the following modification:

That the applicant be conditioned during the Special Use Permit process to contribute \$100,000 towards mitigation of traffic impacts in the vicinity of the development.

Ordinance No. 29667 passed for publication.

Noes: Rocha.

11. PUBLIC HEARINGS

11.10 Rezoning the Real Property Located on the North of Silver Creek Valley Road, Approximately 210 feet North of Hellyer Avenue.

Recommendation: Consideration of an ordinance to rezone from IP Industrial Park to LI Light Industrial Zoning District on a 4.48 gross acre site, located on the north of Silver Creek Valley Road, approximately 210 feet north of Hellyer Avenue at 5880 Hellyer Avenue (AgKey, LLC, Owner).

CEQA: Edenvale East General Plan Amendment and Rezoning Project Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission (5-0-2) (Yob and Pham absent) recommend approval. (Planning, Building and Code Enforcement)

C15-011 – District 2

Heard Jointly With Item 10.2.

Ordinance No. 29665 passed for publication.

11.11 Actions Related to the Real Property Located on the Northwest Corner of North 10th Street and East Taylor Street.

Recommendation:

(a) Consideration of an ordinance rezoning the real property located at the northwest corner of North 10th Street and East Taylor Street from A(PD) Planned Development Zoning District to CIC(PD) Planned Development Zoning District to allow up to 403 residential units and up to 5,000 square foot of retail space, the uses of the CIC Combined Industrial Commercial Zoning District (with mini storage per applicant). (Libitzky Holdings, LP, Owner).

PDC15-001 – District 3

Ordinance No. 29666 passed for publication.

(b) Consideration of a resolution to approve a Master Planned Development Permit to allow construction of up to 403 residential units and up to 5,000 square foot of retail space, the uses of the CIC Combined Industrial Commercial Zoning District, the demolition of three existing industrial buildings, and the removal of seven ordinance sized trees on an 11.43 gross acre site located on the northwest corner of North 10th Street and East Taylor Street. (Libitzky Holdings, LP, Owner). If Council approves the rezoning ordinance in subsection (b), continue the Planned Development Permit for approval on the same date as the final adoption of the rezoning ordinance in accordance with Title 20 of the Municipal Code.

CEQA: Cannery Park/Hanover Project Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission (5-1-1) (Bit-Badal opposed, Ballard absent) recommend approval. (Planning, Building and Code Enforcement)

PD15-004 – District 3

Heard Jointly With Item 10.3.

Continued to December 15, 2015.

- **Open Forum**

- (1) **James McDonald voiced his own personal issues.**

Mayor Sam Liccardo asked the City Manager to speak with Mr. McDonald after the Council Meeting.

- (2) **Blair Beekman provided his input regarding homeless sanctioned encampments.**
 - (3) **Brian Darby expressed concerns about the mobilehome parks, particularly the one on Williams and Winchester.**

- **Adjournment**

The Council of the City of San José was adjourned at 12:31 a.m.