



City Council Meeting

Synopsis

Tuesday, September 25, 2018

SAM LICCARDO, MAYOR
CHAPPIE JONES, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5
DEV DAVIS, DISTRICT 6
TAM NGUYEN, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
DONALD ROCHA, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



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

- **Call to Order and Roll Call**

9: 38 a.m.- Closed Session, Call to Order in Council Chambers
All present.

1:35p.m.- Regular Session, Council Chambers, City Hall

6:00 p.m.- Public Hearings, Council Chambers, City Hall

- **Invocation (District 8)**

The Villages Music Society provided the Invocation.

- **Pledge of Allegiance**

Vice Mayor Magdalena Carrasco led the Pledge of Allegiance.

- **Orders of the Day**

Councilmember Arenas requested continuation of Item 10.3, The Dove Hill Project.

- **Closed Session Report**

There was no report.

1. CEREMONIAL ITEMS

- 1.1 Vice Mayor Magdalena Carrasco and Councilmember Tam Nguyen presented a commendation to Ankith Maremanda for his leadership and commitment to the youth in the City of San José.
- 1.2 Vice Mayor Magdalena Carrasco and Councilmember Dev Proclaimed 100 Day countdown until the College Football Championship Playoff and celebrations in in the City of San José.
- 1.3 Vice Mayor Magdalena Carrasco and Councilmember Raul Peralez presented a proclamation to recognize the month of September as Suicide Awareness Month in the City of San José.

2. CONSENT CALENDAR

The Consent Calendar was approved as recommended, with items 2.5 and 2.6 pulled, and the below listed actions taken as indicated.

2.1 18-1279 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

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 18-1254 Biennial Review of Conflict of Interest Code.

Recommendation: Adopt a resolution amending the Conflict of Interest Code for the City of San José.
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy
Making resulting in no changes to the physical environment. (City Clerk)
Resolution No. 78798 Adopted.

2.8 18-1255 Agreement with Vitol, Inc. for California Carbon Allowances for the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and Vitol, Inc., for the purchase of California Carbon Allowances for the San José-Santa Clara Regional Wastewater Facility to fulfill the compliance obligation under the California Cap-and-Trade Program, for an amount of \$295,728.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Environmental Services)
Resolution No. 78799 Adopted.

2.9 18-1256 Actions Related to the Purchase Order for Citywide Health and Safety Training Services.

Recommendation:

Adopt a resolution to authorize the City Manager to:

(a) Execute a Purchase Order with Safety Compliance Management, Inc. (San Ramon, CA) for Citywide health and safety training services for an initial twelve-month period, starting on or about October 1, 2018 and ending on or about September 30, 2019, for an amount not to exceed \$200,000, subject to the appropriation of funds.

(b) Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about September 30, 2023, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Finance)

Resolution No. 78800 Adopted.

2.10 18-1257 Actions Related to the Purchase Order for Turnout Gear Inspection, Cleaning, Repair, and Alteration Services.

Recommendation:

Adopt a resolution to authorize the City Manager to:

(a) Execute a Purchase Order with ECMS (Oakland, CA) for turnout gear inspection, cleaning, repair, and alteration services for the San José Fire Department for an initial twelve-month period, starting on or about October 1, 2018 and ending on or about September 30, 2019, for an amount not to exceed \$220,000.

(b) Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about September 30, 2023, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Finance)

Resolution No. 78801 Adopted.

2.11 18-1258 Amendment to the Master Agreement with Tax Credit Asset Management, LLC. for Consultant Services Pertaining to the Maintenance of the City's Multifamily Loan Portfolio.

Recommendation:

Approve the Second Amendment to the Master Agreement with Tax Credit Asset Management, LLC. for consultant services pertaining to the maintenance of the City's multifamily loan portfolio, increasing the maximum total amount of compensation by \$175,000 from \$270,000 to \$445,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Housing)

Approved.

2.12 18-1261 8719-Cast Iron Sewer Replacement FY 2018-2019 Package I.

Recommendation: Report on bids and award of contract for the 8719-Cast Iron Sewer Replacement FY 2018-2019 Package I project to the low bidder, Pacific Underground Construction Inc., in the amount of \$1,190,510, and approve a contingency in the amount of \$119,051.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP17-031. Council Districts 2 and 10. (Public Works)
Approved.

2.13 18-1286 Retroactive Approval of Ethiopian Flag Raising Ceremony as a City Council Sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on September 12, 2018:

1. Retroactively approve the Ethiopian Flag Raising Ceremony scheduled on September 10, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. Retroactively approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor Liccardo)
[Rules Committee referral 09/12/18 - Item G.1.a]
Approved.

2.14 18-1287 Retroactive Approval of September 12th Caltrans-City of San José Litter Day as a City Council Sponsored Special Event, to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on September 12, 2018:

1. Retroactively approve the CalTRANS - City of San José Litter Clean-up Day scheduled on September 12, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. Retroactively approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor Liccardo)
[Rules Committee referral 09/12/18 - Item G.1.b]
Approved.

2.15 18-1288 Approval of Keep Coyote Creek Beautiful Events as a City Council Sponsored Special Event Series, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event.

Recommendation:

As recommended by the Rules and Open Government Committee on September 12, 2018:

1. Approve the Keep Coyote Creek Beautiful event series scheduled from September of 2018 to July of 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor Liccardo)
[Rules Committee referral 09/12/18 - Item G.1.d]

Approved.

2.16 18-1289 Approval of October 6, 2018 Mayor's Gang Prevention Task Force Crime and Gang Prevention Summit as a City Council Sponsored Special Event to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event.

Recommendation:

As recommended by the Rules and Open Government Committee on September 12, 2018:

1. Approve the Mayor's Gang Prevention Task Force Crime and Gang Prevention Summit to be held on October 6, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor Liccardo)
[Rules Committee referral 09/12/18 - Item G.1.f]

Approved.

2.17 18-1290 Retroactively Approval of September 12th Global Climate Action Summit Affiliate Event as a City Council Sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event.

Recommendation:

As recommended by the Rules and Open Government Committee on September 12, 2018:

1. Retroactively approve the Global Climate Action Summit Affiliate Event held on September 12, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. Retroactively approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor Liccardo)
[Rules Committee referral 09/12/18 - Item G.1.g]

Approved.

2.18 18-1291 Approval of September 15th Ethiopian New Year Event as a City Council Sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on September 12, 2018:

1. Approve the Ethiopian New Year event scheduled on September 15, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor Liccardo)
[Rules Committee referral 09/25/18 - Item G.1.h]
Approved.

2.19 18-1294 Vice Mayor's Travel to Austin, TX

Recommendation: Authorize travel for Vice Mayor Magdalena Carrasco to Austin, Texas on November 12-15, 2018 for the Policy Link fall convening, and excuse absence from a Study Session on November 13, 2018, Rules and Open Government Committee on November 14, 2018, and the Public Safety, Finance & Strategic Support Committee on November 15, 2018.

CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Carrasco)
Approved.

2.20 18-1310 Acting Independent Police Auditor's Travel to St. Petersburg, FL

Recommendation: Authorize travel for Shivaun Nurre, Acting Independent Police Auditor, to St. Petersburg, Florida on October 1-5, 2018 to attend the Annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference.

CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Independent Police Auditor)
Approved.

2.21 18-1323 Approval of College Football Playoff Flag Raising Sponsored By Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on September 12, 2018:

1. Approve the College Football Playoff 100 days to playoff scheduled on September 28, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Davis)
[Rules Committee referral 09/12/18 - Item G.1.j]
Approved.

2.22 18-1325 Approval of the Friends of Five Wounds Trail Fall Cleanup Sponsored by the Mayor's Office as a City Council Sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event.

Recommendation:

As recommended by the Rules and Open Government Committee on September 19, 2018:

1. Approve the Friends of the Five Wounds Trail Fall Clean Up on October 13, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor Liccardo)
[Rules Committee referral 09/19/18 - A.1.a]

Approved.

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)

There was no report.

3.2 Labor Negotiations Update.

Heard at 9:30 A.M.

3.3 18-1259 Approval of the Terms of an Agreement with the International Union of Operating Engineers, Local Union No. 3 (OE#3) for the Term of October 1, 2018 through September 30, 2021.

Recommendation:

Adopt a resolution approving the terms of a collective bargaining agreement between the City and the International Union of Operating Engineers, Local Union No. 3 (OE#3) for the term of October 1, 2018 through September 30, 2021, and authorizing the City Manager to execute an agreement with those terms.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no changes to the physical environment. (City Manager)

Dropped

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-1260 San José Stage Company Equipment Assistance Grant Agreement.

Recommendation: Approve an Equipment Assistance Agreement with the San José Stage Company in an amount not to exceed \$1,000,000 for modern theater equipment and furniture to be installed in a new mixed-use renovated facility located at 490 South First Street.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 3. (Economic Development)
Approved.

4.2 18-1262 2017-2018 Consolidated Annual Performance Evaluation Report.

Recommendation: Accept the report on the progress towards achieving the housing and community development goals identified in the City's five-year Consolidated Plan (2015-2020) and the FY 2017-2018 Annual Action Plan regarding the use of federal funds from the U.S. Department of Housing and Urban Development.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)
Accepted.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 18-1263 Proposed Air Service Support Program Revisions.

Recommendation: Adopt a resolution revising the airline support program to update and increase the North American marketing funds, reduce fee waivers to reflect current constraints on airport facilities, and authorize the Director of Aviation to extend the program benefits and award marketing funds in cases where an airline introduces multiple low frequency services within a 12-month period, and repealing Resolution No. 77634.
CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Airport)
Resolution No. 78802 Adopted.

6.2 18-1264

Public Hearing for New Air Service Support Program.

Recommendation:

(a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding application of the City's Air Service Support Program, as authorized by the Federal Aviation Administration to Delta, Volaris, and California Pacific Airlines.

Public hearing conducted.

(b) Adopt a resolution authorizing the Director of Aviation or the Director's designee to provide the Air Service Support Program to new air carrier service as outlined below:

Airline: Delta
Market: Detroit
Airport: DTW
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$174,521)
Marketing Funds: (\$75,000)

Airline: Volaris
Market: Morelia
Airport: MLM
Frequency: 2/Week
Support Period: 18 Months
Landing Fee Waivers: (\$49,592)
Marketing Funds: (\$33,333)

Airline: Volaris
Market: Zacatecas
Airport: ZCL
Frequency: 2/Week
Support Period: 18 Months
Landing Fee Waivers: (\$46,962)
Marketing Funds: (\$33,333)

Airline: Volaris
Market: Leon
Airport: BJX
Frequency: 2/Week
Support Period: 18 Months
Landing Fee Waivers: (\$49,592)
Marketing Funds: (\$33,333)

Airline: CP Air
Market: Carlsbad
Airport: CLD
Frequency: 2 Daily
Support Period: 12 Months
Landing Fee Waivers: (\$56,204)
Marketing Funds: (\$25,000)

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6.2 18-1264 Public Hearing for New Air Service Support Program. (Cont'd)

For each route, landing fees are waived under the program for the qualifying periods and/or marketing funds are provided to promote the new services.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Airport)

Resolution No. 78803 Adopted.

6.3 18-1273 Shared Micro-Mobility.

Recommendation:

As recommended by the Transportation and Environmental Committee on August 13, 2018, accept the background information report from City Staff on shared micro – mobility - dockless bikes, electric-assist bikes, and electric scooters - in and around Downtown San José, and provide feedback to staff on a proposed regulatory framework. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation) [Transportation and Environmental Committee referral 8/13/18 - Item D.1]

Deferred to 10/16/18 per Administration.

6.4 18-1274 Vehicle Abatement Audit.

Recommendation:

As recommended by Transportation and Environment Committee on September 10, 2018, accept the Vehicle Abatement Audit.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual reports, and Informational Memos that involve no approvals of any City action. (City Auditor) [Transportation and Environment Committee referral 9/10/18 - Item D.1]

Deferred to 10/2/18 per Administration.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 18-1265 Community Energy Revolving Credit Agreement.

Recommendation:

Adopt a resolution authorizing the City Manager, the Director of Finance, the Assistant Director of Finance or their authorized designees to negotiate, execute, and deliver a revolving credit agreement with Barclays Bank PLC providing for a commitment to issue revolving loans and standby letters of credit in an aggregate principal amount not to exceed \$50,000,000 outstanding at any one time to finance start-up costs of the City of San José's Community Energy Program, purchase power, and in the case of standby letters of credit, secure payments under power purchase agreements, and other costs associated and consistent with the Community Energy Implementation Plan, and to take other related actions in connection therewith.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Finance/Community Energy)

Heard Immediately After Consent.

Resolution No. 78804 Adopted.

7.2 18-1266 Actions Related to the Agreement with HydroScience Engineers, Inc. for Engineering Services at the San José/Santa Clara Regional Wastewater Facility.

Recommendation: (a) Approve the Master Service Agreement with HydroScience Engineers, Inc. for engineering support and services for the San José/Santa Clara Regional Wastewater Facility for various operation and maintenance projects requiring engineering support and services on an as-needed basis for an initial term starting from the date of execution to June 30, 2019, for a maximum compensation of \$500,000 during the initial term, subject to the annual appropriation of funds.

Approved as Recommended.

(b) Adopt a resolution authorizing the City Manager to exercise up to three twelve-month options to extend the term through June 30, 2022, for an amount not to exceed \$500,000 for each option term; and to amend the Agreement to adjust the compensation to reflect changes in support service needs, provided the total aggregate amount does not exceed \$2,000,000 for the full term, subject to the annual appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

Resolution No. 78805 Adopted.

7.3 18-1275 Actions Related to the Recycle Plus Residential Solid Waste Agreements and China's Policy on Importing Recyclable Material.

Recommendation: [Deferred from 6/5/18 Item 7.4 (18-771); 6/26/18 Item 7.2 (18-939); 8/21/18 Item 7.1 (18-1058); 9/11/18 Item 7.1 (18-1178); 9/18/18 Item 7.2 (18-1222)]

Deferred to 10/16/18 per Administration.

7.4 18-1276 Actions Related to the Negotiations of Recycle Plus Residential Solid Waste Agreements.

Recommendation: [Deferred from 6/5/18 Item 7.5 (18-774); 6/26/18 Item 7.3 (18-940); 8/21/18 Item 7.2 (18-1059); 9/11/18 Item 7.2 (18-1179); 9/18/18 Item 7.3 (18-1223)]

Deferred to 10/16/18 per Administration.

7.5 18-1277 Actions Related to the Living Wage Requirements for Recycle Plus Residential Garbage and Recycling Contracts.

Recommendation: [Deferred from 6/5/18 Item 7.6 (18-773); 6/26/18 Item 7.4 (18-941), 8/21/18 Item 7.3 (18-1060); 9/11/18 (18-1180); 9/18/18 Item 7.4 (18-1224)]

Deferred to 10/16/18 per Administration.

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

- (a) 18-1267 C17-014 - Conventional Rezoning for Real Property Located at 735 South Second Street.

Recommendation: (a) Adopt a resolution approving the 735 South Second Street Rezoning Project Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

Resolution No. 78806 Adopted.

(b) Consideration of an ordinance of the City of San José rezoning an approximately 0.15-gross acre site located at 735 South Second Street from the R-2 Two-Family Residence Zoning District to R-M Multiple Residence Zoning District. (Andranik Karam, Owner)

CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto, File No. C17-014. Planning Commission recommends approval (6-0-1, Vora absent). (Planning, Building and Code Enforcement)

C17-014 - Council District 3

Heard during Afternoon Session.

Ordinance No. 30157 passed for publication.

- (b) 18-1268 C18-015 - Conforming Rezoning for Real Property Located at 1298 Michigan Avenue.

Recommendation: Consideration of an ordinance of the City of San José rezoning an approximately 0.13-gross acre site, located on the northwest corner of Michigan Avenue and Archer Street at 1298 Michigan Avenue from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residence Zoning District (Theresa Fernandez & Jesus Montañez, Owner).

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Environmental Impact Report (Resolution No. 76041) and the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto, File No. C18-015. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

C18-015 - Council District 4

Heard during Afternoon Session.

Ordinance No. 30158 passed for publication.

- (c) 18-1269 **PDC17-050/PD17-024/PT17-054 - Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit for Real Property Located at 1508 Murphy Avenue.**

Recommendation:

(a) Adopt a resolution adopting the Murphy Villas Subdivision Project Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance to the California Environmental Quality Act, as amended.

Resolution No. 78807 Adopted.

(b) Consideration of an ordinance of the City of San José rezoning an approximately 0.45-gross acre site, located at the southeast corner of Murphy Avenue and Ringwood Avenue at 1508 Murphy Avenue from the A Agricultural Zoning District to the R-M(PD) Planned Development Zoning District to allow up to five single-family detached residences (Villa Developers and Investment LLC, Owner).

Ordinance No. 30159 passed for publication.

(c) Adopt a resolution approving a Vesting Tentative Map, subject to conditions, to subdivide one parcel into five residential condominium parcels and one common area parcel.

Resolution No. 78808 Adopted.

(d) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow the demolition of an existing single-family residence, removal of four ordinance size trees and allow the construction of up to five single-family detached residences.

CEQA: Mitigated Negative Declaration for the Murphy Villas Subdivision Project, File Nos. PDC17-050, PD17-024, and PT17-054. Planning Commission recommends approval (6-0-1, Vora absent). (Planning, Building and Code Enforcement) PDC17-050/ PT17-054/PD17-024 - Council District 4.

Heard during Afternoon Session.

Resolution No. 78809 Adopted.

- (d) 18-1270 **C16-012 - Conforming Rezoning for Real Property Located at 945 Lincoln Avenue.**

Recommendation:

(a) Adopt a resolution adopting the 945 Lincoln Avenue Redevelopment Project Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance to the California Environmental Quality Act, as amended.

Resolution No. 78810 Adopted.

(b) Consideration of an ordinance of the City of San José rezoning a 1.1-gross acre site located at 945 Lincoln Avenue from the CN Commercial Neighborhood Zoning District to the CIC Combined Industrial/Commercial Zoning District. (Croatian Franciscan Fathers, Owner).CEQA: Mitigated Negative Declaration for the 945 Lincoln Avenue Redevelopment Project, File No. C16-012. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) C16-012 - Council District 6

Heard during Afternoon Session.

Ordinance No. 30160 passed for publication.

- (e) 18-1271 C18-010 - Conventional Rezoning for Real Property Located at 231 West Capitol Expressway.

Recommendation:

(a) Adopt a resolution approving the 231 West Capitol Expressway and 3911 Snell Avenue Rezoning Project Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and the Envision San José 2040 General Plan Supplemental Environmental Impact Report, as addended, all in accordance with the California Environmental Quality Act, as amended,
Resolution No. 78811 Adopted.

(b) Consideration of an ordinance of the City of San José rezoning an approximately 6.4-gross acre site located at 231 West Capitol Expressway from the A(PD) Planned Development Zoning District (File No. PDC06-019) to LI Light Industrial Zoning District. (Storage Equities, Inc, Owner).

CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto, File No. C18-010. Planning Commission recommends approval (6-0-1, Vora absent). (Planning, Building and Code Enforcement)
C18-010 - Council District 10

Heard during Afternoon Session.

Ordinance No. 30161 passed for publication.

CONTINUE GENERAL PLAN AMENDMENT HEARING TO OCTOBER 23, 2018

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- 10.2 18-1272 **Amendment to the General Plan Land Use Policy CD-10.4, City Council Policy 6-4, and Title 23 of the San José Municipal Code (the Sign Code).**

Recommendation:

Consideration of signs on City-owned property, including Billboards, Programmable Electronic Signs, and Signs Displaying Off-site Commercial Speech, and:

(a) Adopt a resolution approving the “General Plan Text, Municipal Code, and Council Policy Amendments for Signs on City-owned Sites, including Billboards, Programmable Electronic Signs and Signs Displaying Off-site Commercial Speech Negative Declaration,” for which an Initial Study was prepared, all in accordance to the California Environmental Quality Act, as amended.

Approved as Recommended, including approval of Memorandum by Councilmembers Peralez, Arenas, Rocha, and Jones, to accept the original August 22, 2018 staff recommendations with the following additions, but excluding Item 5 Of the above-referenced memo, but, inclusive of Items 2, 4b and 4c to be in Phase II:

1. Allow staff discretion to add or substitute sites proposed by applicants through the competitive procurement process and ensure that no potentially viable sites are eliminated without first allowing public comment, (clarified to say the bidder may suggest alternative sites but then those would still need to go through

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Amendment to the General Plan Land Use Policy CD-10.4, City Council (Cont'd).

environmental review paid for by the applicant.)

2. Modify the definition of City-owned land to include City right of way and remnant property. [PHASE 2]

3. Provide clarification in the ordinance language on the definition of false advertisement.

4. In regard to Sign Illumination:

a. Modify the tilt requirement to allow an alternative use of technology for mitigation if available, [PHASE 2]

b. Remove the restriction on white or bright backgrounds or change from a restriction to guidance, [PHASE 2]

c. Change the hours of non-operation to between 12:00 a.m. and 5:00 a.m.

6. Require applicants to ensure that all projects support the City's VisionZero Strategy and make adjustments, if needed, to maintain pedestrian safety.

7. Direct staff to immediately proceed to Phase 2 of the Work Plan which would evaluate non-City-owned sites citywide to potentially allow signs including billboards, programmable electronic signs and signs displaying off-site commercial speech.

(b) Adopt a resolution amending General Plan Land Use Policy CD-10.4.

Resolution No. 78813 Adopted.

(c) Approve an ordinance amending Title 23 of the Municipal Code (the Sign Code), specifically Sections 23.02.870, 23.02.1310 and 23.04.500; and making other technical, formatting or non-substantive changes within the Sign Code.

Ordinance No. 30162 passed for publication.

(d) Adopt a resolution amending City Council Policy 6-4.

CEQA: Negative Declaration for General Plan Text, Municipal Code and Council Policy Amendments for Signs on City-owned Sites, including Billboards, Programmable Electronic Signs and Signs Displaying Off-site Commercial Speech, File No. PP18-058. Director of Planning, Building and Code Enforcement recommends approval.

(Planning, Building and Code Enforcement)

PP18-058 - Citywide

[(Deferred from 8/14/18 - Item 10.3 (18-1039); 9/11/2018 - Item 10.2 (18-1226)]

Heard during Afternoon Session.

Resolution No. 78814 Adopted.

10.3 18-1292

PDC14-051/PD16-019 - Planned Development Rezoning and Planned Development Permit for Real Property Located at 4200 Dove Hill Road.

Recommendation:

(a) Adopt a resolution adopting the Dove Hill Medical Care Facility Project Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance to the California Environmental Quality Act, as amended.

(b) Consideration of an ordinance of the City of San José rezoning an approximately 21.0-gross acre site, located on the east side of Dove Hill Road, approximately 500 feet north of Hassler Parkway, from the A Agricultural Zoning District to the PQP(PD) Planned Development Zoning District to allow a Medical Care Facility with up to 248 beds on an approximately 3.0-acre portion of a 21-gross acre site, with the remaining 18.0 acres to be kept as open space (Kuehne Stanislaus and Eleanore Trustee & Et, Owner).

(c) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow the demolition of approximately 25 buildings/structures, the construction of a Medical Care Facility with up to 248 beds, and the removal of seven ordinance-size trees on an approximately 3.0-acre portion of a 21.0-gross acre site.

CEQA: Mitigated Negative Declaration for Dove Hill Medical Care Facility Project, File Nos. PDC14-051 and PD16-019. Planning Commission recommends approval (5-0-2, Vora and Griswold absent).

(Planning, Building and Code Enforcement)

PDC14-051 & PD16-019 - Council District 8

[Continued from City Council Meeting of August 28, 2018-Item 10.2

(File No. 18-1133)]

Deferred.

• **Open Forum**

There were no cards.

• **Adjournment: 5:35 p.m.**

• **Notice of City Engineer's Pending Decision on Final Maps.**

18-575 Notice of City Engineer's Pending Decision on Final Maps.

Recommendation: In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

Tract: 10466

Location: Raleigh Rd/Great Oaks Blvd. (North of HWY 85)

District: 2

Lots/Units: 70/60

Type: SFD (apartments)

Proposed Decision: Approved

Developer: Pulte Group

Tract: 10462

Location: Raleigh Rd/Great Oaks Blvd. (North of HWY 85)

District: 2

Lots/Units: 22/97

Type: SFD (townhomes)

Proposed Decision: Approved

Developer: Pulte Group

This notice is to be posted with the City Council's regular agenda for 9/25/18.