



# **City Council Meeting Amended Agenda**

**Tuesday, November 14, 2017**

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



*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** - 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.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety** - 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:

- o **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.
- o 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.

- o 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.
- o 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 6 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](mailto:CityClerk@sanjoseca.gov) for the final document.

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

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

[17-376](#)**Closed Session Agenda****Attachments**[Closed Session Agenda](#)

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session, Call to Order in Council Chambers

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

1:30 p.m.- Regular Session, Council Chambers, City Hall

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

- **Invocation (District 10)**

Pastor Isabella Nyakundi from Vessel For Honor Ministries

- **Pledge of Allegiance**

- **Orders of the Day**

To be heard after Ceremonial Items

ADJOURNMENT: This meeting is adjourned in the memory of Hank Coca, who passed away at the age of 85 on April 29, 2017. It is an honor to recognize Hank for his contributions to our downtown community as owner of Hank Coca's Furniture Store.

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

- **Closed Session Report**

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

**1.1**     [17-268](#)

Presentation of commendations to members of the San José Fire Department who distinguished themselves with outstanding performance in the swift-water rescue and evacuations during the Coyote Creek Flood and to members of the San José Fire Department who were deployed to respond to two major hurricanes in Texas and Florida. (City Manager)

- 1.2     [17-345](#)     Presentation of a proclamation recognizing the implementation of Sonic Runway, a sound-activated light artwork installation in front of City Hall. The duration of Sonic Runway is three months beginning November 3, 2017 in partnership with City of San José Office of Cultural Affairs, Playa to Paseos, and the Burning Man Project. (Perales)
- 1.3     [17-351](#)     Presentation of a commendation to Boston Medeiros and Rodney Marquez for their heroism in risking their own safety to save the life of their neighbor. (Khamis)
- 1.4     [17-343](#)     Presentation of a proclamation declaring November 15, 2017 as National Philanthropy Day in the City of San José. (Mayor)  
**TO BE HEARD IN THE EVENING**
- 1.5     [17-165](#)     Presentation of a proclamation declaring November 17, 2017 as Prematurity Awareness Day in the City of San José. (Jimenez/Davis)  
**TO BE HEARD IN THE EVENING**
- 1.6     [17-344](#)     Presentation of a proclamation declaring the month of November 2017 as "National Alzheimer Awareness Month" in the City of San José. (Carrasco)  
**TO BE HEARD IN THE EVENING**

## **2. CONSENT CALENDAR**

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

### **2.1 Approval of City Council Minutes.**

[17-328](#)     **Approval of City Council Minutes.**

**Recommendation:**     (a) City Council Budget Study Sessions on May 10 - 16, 2017.  
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 Clerk)

**Attachments**     [Budget Study Session Minutes](#)

### **2.2 Final Adoption of Ordinances.**

### **2.3 Approval of Council Committee Minutes.**

### **2.4 Mayor and Council Excused Absence Requests.**

[17-368](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

(a) Request for an excused absence for Councilmember Arenas from the Closed Session and the Regular Meeting of the City Council on November 7, 2017 due to illness. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Arenas)

**Attachments** [Memorandum](#)**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7** [17-306](#)**Lease of Airport Premises Agreement with SJ Automotive, LLC for Parking Lot.****Recommendation:**

Approve a First Amendment to the Lease of Airport Premises between the City of San José and SJ Automotive, LLC dba Lexus of Stevens Creek (“Lexus”) to extend the term of its Lease through December 31, 2021, to allow Lexus to continue to park vehicles in a former Airport long term parking lot. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

**Attachments** [Memorandum](#)  
[Agreement](#)**2.8** [17-307](#)**Lease of Airport Premises with Fox Rent A Car, Inc. for Parking Lot.****Recommendation:**

Approve a Second Amendment to the Lease of Airport Premises between the City of San José and Fox Rent A Car, Inc. (“Fox”) to extend the term of its Lease through April 30, 2022, to allow Fox to continue to park vehicles in a former Airport long term parking lot. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

**Attachments** [Memorandum](#)  
[Agreement](#)

**2.9     [17-308](#)     Report on Bids and Award of Contract for the 8687 - Repairs of Water Services and Mains: 2017 Project.**

**Recommendation:** (a) Report on bids and award of contract for the 8687 - Repairs of Water Services and Mains: 2017 project to the lowest responsive bidder, San José Water Company, for the initial term of November 2017 through November 2020, in an amount not to exceed \$1,617,407. (b) Adopt a resolution authorizing the City Manager to exercise one option to extend the contract for an additional one-year term after the expiration of the initial term in an amount not to exceed \$539,136, and a second option to extend the term of the contract for an additional one-year term after the first option year in an amount not to exceed \$539,136, for a total maximum contract amount of \$2,695,678 if both option years are exercised.  
CEQA: Exempt, File No. PP17-050, CEQA Guidelines Section 15301, Existing Facilities; Section 15302 Replace or Reconstruction.  
(Environmental Services)

**Attachments**     [Memorandum](#)  
                         [TPAC Supplemental](#)

**2.10     [17-304](#)     Agreement with Envirocom for Industrial Hygienist Services for Various Facilities.**

**Recommendation:** Approve a Master Agreement with Envirocom for industrial hygienist services from the date of execution through December 31, 2022, in an amount not to exceed \$1,000,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

**Attachments**     [Memorandum](#)  
                         [Agreement](#)

**2.11     [17-310](#)     San José Property-Based Improvement District (PBID) Annual Financial Report for FY 2016-17.**

**Recommendation:** Approve the Downtown San José Property-Based Improvement District (PBID) Annual Financial Report for FY 2016-17. 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)

**Attachments**     [Memorandum](#)

**2.12    [17-366](#)                      Vacation of Setback Easement at 5159 and 5181 Brewster Avenue.**

**Recommendation:**      Adopt a resolution of intention to vacate a 25-foot light and air easement located at 5159 and 5181 Brewster Avenue and set a Public Hearing on Tuesday, December 5, 2017, at 1:30 p.m. CEQA: Exempt, File No. PP17-054 & PP17-055, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)

**Attachments**      [Memorandum](#)  
[Resolution](#)

**2.13    [17-367](#)                      Mayor's Travel to Washington, DC.**

**Recommendation:**      Retroactively approve travel by Mayor Liccardo to Washington, DC, on November 9, 2017 to November 10, 2017 to attend the FCC Broadband Deployment Advisory Committee meeting. Source of Funds: Mayor's Office funds. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

**Attachments**      [Memorandum](#)



**2.14**    [17-369](#)                      **District 7 Community Events.****Recommendation:**

As recommended by the Rules and Open Government Committee on November 8, 2017:

- (a) Retroactively approve the Dump Your Junk at Dahl Elementary School on Saturday, September 16, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:
  - (1) Ring in the New Year Celebration on Sunday, December 31, 2017 at the Vietnamese American Community Center;
  - (2) TET Festival on Saturday, February 24, 2018 at the Vietnamese American Community Center; and
  - (3) Black April Commemoration on Monday, April 30, 2018 at City Hall Rotunda.
- (c) 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. (Nguyen)

[Rules Committee referral 11/8/17 - Item G.1.a.]

**Attachments**    [Memorandum](#)

**2.15**    [17-370](#)                      **Evento Cultural Jaliscience Norte de California.****Recommendation:**

As recommended by the Rules and Open Government Committee on November 8, 2017:

- (a) Retroactively approve Evento Cultural Jaliscience Norte de California held on September 9, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco/Arenas)

[Rules Committee referral 11/8/17 - Item G.1.b.]

**Attachments**    [Memorandum](#)

**2.16    [17-371](#)            Community Pancake Breakfast.****Recommendation:**

As recommended by the Rules and Open Government Committee on November 8, 2017:

(a) Retroactively approve the Community Pancake Breakfast held on November 4, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)  
[Rules Committee referral 11/8/17 - Item G.1.c.]

**Attachments**    [Memorandum](#)

**2.17    [17-372](#)            District 8 Faith Leaders Appreciation Brunch.****Recommendation:**

As recommended by the Rules and Open Government Committee on November 8, 2017:

(a) Approve District 8 Faith Leaders Appreciation Brunch scheduled on November 16, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)  
[Rules Committee referral 11/8/17 - Item G.1.d.]

**Attachments**    [Memorandum](#)

**2.18    [17-373](#)            District 9 SAP Grant for District 9 School.****Recommendation:**

As recommended by the Rules and Open Government Committee on November 8, 2017, approve a \$750 grant for Bagby Elementary for their Home and School Club to support student programs and activities.

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

[Rules Committee referral 11/8/17 - Item G.6.]

**Attachments**    [Memorandum](#)

**3. STRATEGIC SUPPORT**

**3.1 Report of the City Manager, David Sykes (Verbal Report)****3.2 Labor Negotiations Update. Accept Labor Negotiations Update.**

TO BE HEARD AT 9:30 A.M.

**4. COMMUNITY & ECONOMIC DEVELOPMENT****4.1     [17-085](#)           Report on the Implementation of the Urban Village Component of the Envision San José 2040 General Plan.**

**Recommendation:**     Accept the progress report on the implementation of the Urban Village component of the Envision San José 2040 General Plan, and provide comments on the proposed approach for implementation. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Economic Development/Planning, Building and Code Enforcement) (Deferred from 5/23/17 - Item 4.1, 6/6/17 - Item 4.1, 8/29/17 - Item 4.3)  
DEFERRED FROM 11/14/17 TO 11/28/17 PER ADMINISTRATION

**4.2     [17-305](#)           Public Hearing on the Vacation of a 25-foot Setback Easement at 5159 and 5181 Brewster Avenue. DROP**

**Recommendation:**     Conduct a Public Hearing and adopt a resolution:  
(a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of a 25-foot public easement for light and air ("setback easement") located at 5159 and 5181 Brewster Avenue;  
(b) Vacating the 25-foot setback easements located at 5159 and 5181 Brewster Avenue; and  
(c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara. CEQA: Exempt, File No. PP17-054 & PP17-055, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)  
DROP - TO BE RENOTICED PER ADMINISTRATION

**4.3     [17-302](#)     Amendment to Title 6 (Business Licenses and Regulations) and Title 20 (The Zoning Ordinance) for Medical and Non-Medical Marijuana/Cannabis Collectives/Businesses, and Cultivation and Dispensing of Medical and Non-Medical Marijuana.**

**Recommendation:**

- (a) Consider the Negative Declaration and addenda thereto and Statutory Exemption in accordance with CEQA.
  - (b) Consider an ordinance amending Title 20 (the Zoning Code) of the San José Municipal Code to:
    - (1) Change the terminology for existing medical cannabis uses;
    - (2) Add “Medical Cannabis Business” and “Non-Medical Cannabis Business” as newly restricted uses; and
    - (3) Make other technical, non-substantive, or formatting changes.
  - (c) Consider an ordinance of the City of San José amending Title 6 (Business Licenses and Regulations) of the San José Municipal Code by amending Chapter 6.88 to:
    - (1) Allow each Registered Collective to conduct non-medical (“recreational/adult-use”) cannabis activities;
    - (2) Allow each Registered Collective to deliver non-medical cannabis to customers and establish the parameters under which deliveries could take place;
    - (3) Approve other changes to update the Code to align with new state laws, amend not-for-profit requirements, update definitions; and
    - (4) Make other technical, non-substantive, or formatting changes.
- CEQA: Negative Declaration (File No. PP11-039, Resolution No. 75984), as addended by File Nos. PP11-076, PP14-030, PP16-076 and PP17-070; and Statutory Exemption pursuant to Section 26055(h) of the California Business and Professions Code: Without limiting any other statutory exemption or categorical exemption, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. (Planning, Building and Code Enforcement/Police)
- PP17-070 - Citywide

**Attachments**   [Memorandum](#)  
[Memorandum - Part \(c\)](#)  
[Memo from CMs Rocha, Jimenez and Khamis](#)  
[Memo from Councilmember Diep](#)  
[Ordinance - Part \(b\)](#)  
[Ordinance - Part \(c\)](#)  
[Letter from The Silicon Valley Organization](#)

**4.4   [17-315](#)   Amendments to the Tenant Protection Ordinance.**

**Recommendation:**   Approve an ordinance amending Part 12 of Chapter 17.23 of Title 17 of the San José Municipal Code modifying the definition of Rental Unit to exempt restricted affordable or government operated rental units, to remove the suspension of Part 6 and 7, and to modify the scope of the exception to the material or habitual lease violation of tenancy cause for eviction to:

- (a) Remove the exception for the addition of a brother or sister to a tenant household; and
- (b) Reduce the maximum occupancy limit on that protection to the greater of the number allowed by the rental agreement or two adults per bedroom.

CEQA: Statutorily Exempt, File No. PP17-030, CEQA Guidelines Section 15061(b)(3), No potential for causing a significant effect on the environment. (Housing)

NOT TO BE HEARD BEFORE 3:00 P.M.

**Attachments**   [Memorandum](#)  
[Memo from CMs Khamis, Davis & Diep](#)  
[Memo from Councilmember Arenas](#)  
[Ordinance](#)

**4.5     [17-314](#)****Actions Related to the Apartment Rent Ordinance and Regulations.****Recommendation:**

(a) Approve an ordinance amending Parts 1 through 9 of Chapter 17.23 of Title 17 of the San José Municipal Code to make changes including revising the petition and hearing process, providing for the registration of rent stabilized units, exempting units with affordable housing vouchers from annual rent increase limitations, authorizing tenant buyout agreements, and including one of the following options:

(1) Retain the limit on annual rent increases as 5% with no banking, and implement a capital improvement pass through petition process for specified improvements including sustainability, safety and seismic upgrades and major system upgrades that improve housing services.

Or

(2) Modify the annual increase to 100% of the San Francisco-Oakland-San José Consumer Price Index for All Urban Consumers (CPI-U), with a 2% floor and an 8% ceiling for annual increases, allow maximum allowable rate form of banking with a limit of 5% in any one year; implement a capital improvement pass through petition process for specified improvements including sustainability, safety and seismic upgrades, major system upgrades that improve housing services and major maintenance replacements for a five-year period, and allow the pass through of 50% of program administrative fees.

(b) Adopt a resolution approving the Regulations implementing Parts 1 through 9 of Chapter 17.23 of Title 17 of the San José Municipal Code.

(c) Accept the Staff Report and its recommendation not to include a one-year lease requirement or duplexes in this amendment to Chapter 17.23 of Title 17 of the San José Municipal Code.

CEQA: Statutorily Exempt, File No. PP17-075, CEQA Guidelines Section 15061(b)(3), No potential for causing a significant effect on the environment. (Housing)

NOT TO BE HEARD BEFORE 3:00 P.M.

**Attachments**   [Memorandum](#)[Memorandum from Councilmember Jones](#)[Memorandum from Vice Mayor Carrasco & CM Peralez](#)[Memo from CMs Davis, Khamis and Diep](#)[Memo from CMs Arenas and Jimenez](#)[Memo from Councilmember Rocha](#)[Memo from Councilmember Arenas](#)[Memo from Councilmember Jimenez](#)[Supplemental Memorandum](#)[Ordinance - Part \(a\)](#)[Resolution - Part \(b\)](#)[Letters from the Public](#)

**4.6     [17-316](#)     Apartment Rent Ordinance Staffing and Fee Implementation.****Recommendation:**

- (a) Approve the proposed staffing plan for the Rental Rights and Referrals Program as follows:
- (1) Add 5.0 positions (1.0 Senior Analyst, 3.0 Analyst I/II, and 1.0 Public Information Representative I/II) in the Housing Department effective January 1, 2018; and
  - (2) Add 1.0 position (1.0 Legal Analyst I/II) in the City Attorney's Office effective January 1, 2018.
- (b) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:
- (1) Increase the appropriation to the Housing Department for Personal Services by \$295,218;
  - (2) Increase the appropriation to the Housing Department for Non-Personal/Equipment budget by \$682,189;
  - (3) Increase the appropriation to the Finance Department for Overhead by \$99,034;
  - (4) Increase the appropriation to the City Attorney's Office for Personal Services by \$54,442; and
  - (5) Increase the Fees, Rates and Charges estimate by \$1,130,885.
- (c) Adopt a resolution amending the 2017-2018 Schedule of Fees and Charges (Resolution No. 72737, as amended) to increase the annual Rental Rights and Referrals Program fees for rent stabilized apartments subject to San José Municipal Code Chapter 17.23 by \$25.50, from \$30.30 to \$55.80 per unit annually, effective retroactively from July 1, 2017, to be collected through a supplemental billing for the additional balance of the fee for rent stabilized units.
- CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Housing/City Manager)
- NOT TO BE HEARD BEFORE 3:00 P.M.

**Attachments**     [Memorandum](#)  
                         [Resolution - Part \(c\)](#)

**5. NEIGHBORHOOD SERVICES****6. TRANSPORTATION & AVIATION SERVICES****7. ENVIRONMENTAL & UTILITY SERVICES**



## **8. PUBLIC SAFETY**

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

- Open Forum

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

- Council will recess until 6:00 p.m.

## **10. LAND USE**

**Notice to the public:** There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

### **10.1 Land Use on Consent Calendar**

- (a)     [17-296](#)           **General Plan Amendment: Land Use/Transportation Diagram. DROP**

**Recommendation:**     Approve Director Initiated General Plan Amendment to address Land Use/Transportation Diagram errors at locations within the boundaries of the Rincon South Urban Village, Jackson-Taylor Specific Plan, Martha Gardens Specific Plan, and Evergreen Village. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)  
GP17-014 - Council Districts 3 and 8  
DROP - TO BE RENOTICED PER ADMINISTRATION

(b) [17-297](#) **General Plan Text Amendment: Envision San José 2040 General Plan and The Alameda (East) Urban Village Plan. DROP**

**Recommendation:**

Approve Director Initiated General Plan Text Amendment to make minor modifications to the Envision San José 2040 General Plan and the Alameda (East) Urban Village Plan, including clarifying revisions to General Plan Policy IP-2.11 and The Alameda (East) Urban Village Policy LU-2.1, updates to Appendix 5 of the General Plan, and other minor grammatical and clarifying revisions. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)  
GPT17-003 - Citywide  
DROP - TO BE RENOTICED PER ADMINISTRATION

(c) [17-298](#) **General Plan Text Amendment: General Plan Land Use Designations. DROP**

**Recommendation:**

Approve Director Initiated General Plan Text Amendment to clarify General Plan Land Use designations associated with the vacation or sale of City right-of-way and State freeways and transportation corridors. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San Jose General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)  
GPT17-004 - Citywide  
DROP - TO BE RENOTICED PER ADMINISTRATION

(d) [17-299](#) **General Plan Text Amendment: Diridon Station Area Plan. DROP**

**Recommendation:**

Approve Director Initiated General Plan Text Amendment to add text from the adopted Diridon Station Area Plan Final Program Environmental Impact Report to the General Plan, and associated General Plan Amendment to reinstate the Downtown Core and modify the boundaries of the Midtown Specific Plan and the Downtown Growth Area. CEQA: Determination of Consistency with the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096) and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning Building and Code Enforcement)

GPT17-005/GP17-011 - Council District 3

DROP - TO BE RENOTICED PER ADMINISTRATION

(e) [17-300](#) **General Plan Text Amendment: Revision to Policy IP-5.10. DROP**

**Recommendation:**

Approve Director Initiated General Plan Text Amendment to revise Policy IP-5.10 to clarify that the commercial component of a Signature Project must be constructed before or concurrently with residential uses. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

GPT17-006 - Citywide

DROP - TO BE RENOTICED PER ADMINISTRATION

- (f)     [17-301](#)           **Conforming Rezoning for Real Property Located at 6970 Santa Teresa Boulevard. DROP**

**Recommendation:**     Consideration of an ordinance of the City of San José rezoning a 0.51-gross acre site, located at the north east corner of Santa Teresa Boulevard and Realm Drive (6970 Santa Teresa Boulevard) from the IP Industrial Park Zoning District to the CN Commercial Neighborhood Zoning District (American Real Estate Group LLC, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)  
C17-039 - Council District 2  
DROP - TO BE RENOTICED PER ADMINISTRATION

**END OF CONSENT CALENDAR**

- **Open Forum**

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

- **Adjournment**

This meeting is adjourned in the memory of Hank Coca, who passed away at the age of 85 on April 29, 2017. It is an honor to recognize Hank for his contributions to our downtown community as owner of Hank Coca's Furniture Store.

[17-375](#)**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 receipt of the following Final Maps for review:

Tract: 10437, Location- 39 N. Fifth Street, CD3, Developer-SJSC Towers LLC, Lots/Units - 1/630, Type-MFA

Tract: 10444, Location- 3770 Quimby Road, CD8, Developer-Quimby Road Holdings, LLC, Lots/Units - 8/7, Type-SFD

This notice is to be posted with the City Council's regular agenda for 11/14/17.

- JOINT CITY OF SAN JOSE CITY COUNCIL/SAN JOSE FINANCING AUTHORITY/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE AGENDA

1:30 p.m.

November 14, 2017

CHAMBERS

**TO BE HEARD IMMEDIATELY FOLLOWING CONSENT**

1. Call to Order and Roll Call

2.     [17-311](#)       **Actions Related to the Sale and Issuance of Multiple Series of Tax Allocation Refunding Bonds.**

**Recommendation:**

(a) Successor Agency to the Redevelopment Agency of the City of San José (the “Successor Agency”) adopt a resolution:

(1) Confirming the approval of the issuance of refunding bonds (the “Refunding Bonds”) to refund certain outstanding obligations of the former Redevelopment Agency of the City of San José;

(2) Approving the preliminary and final official statements for such Refunding Bonds and authorizing and approving other related actions in connection with the Refunding Bonds; and

(3) Authorizing the Executive Officer and Chief Financial Officer of the Successor Agency, or their designees, to take all actions necessary or advisable in the issuance, sale, and delivery of the Refunding Bonds.

(b) Successor Agency adopt a resolution:

(1) Authorizing the Executive Officer to negotiate and execute an amendment to the current Agreements with Ross Financial and Public Financial Management (PFM) to expand the scope of services and to increase the compensation by amounts not to exceed \$15,000 and \$32,000 for total contract amounts not to exceed \$136,800 and \$210,200; and

(2) Authorizing the City Attorney to negotiate and execute an amendment to the current Agreement with Jones Hall, a Professional Law Corporation (Jones Hall), to expand the scope of services and increase the compensation by an amount not to exceed \$85,000 for a total contract amount not to exceed \$535,000.

(c) City of San José Financing Authority Board adopt a resolution authorizing the execution and delivery of irrevocable refunding instructions and authorizing other related actions in connection with the City of San José Financing Authority Revenue Bonds, Series 2001A (4th & San Fernando Parking Facility Project) and the City of San José Financing Authority Lease Revenue Bonds, Series 2001F (Convention Center Refunding Project).

(d) City Council of the City of San José adopt a resolution authorizing the execution and delivery of irrevocable refunding instructions and authorizing other related actions in connection with the City of San José Financing Authority Revenue Bonds, Series 2001A (4th & San Fernando Parking Facility Project) and the City of San José Financing Authority Lease Revenue Bonds, Series 2001F (Convention Center Refunding Project).

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

TO BE HEARD IMMEDIATELY FOLLOWING CONSENT

**Attachments**   [Memorandum](#)  
[Resolution - Part \(a\)](#)  
[Resolution - Part \(c\)](#)  
[Resolution - Part \(d\)](#)  
[Preliminary Official Statement](#)

- **Open Forum**
- **Adjournment**



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

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

**1. Public Meeting Decorum:**

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

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

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

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

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

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

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