



City Council Meeting Amended Agenda

Tuesday, December 4, 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



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 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.

- 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

[18-1341](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

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

DUE TO THE HIGH VOLUME OF AGENDA ITEMS OR ANTICIPATED PUBLIC TESTIMONY, THIS MEETING MAY BE CONTINUED TO A LATER DATE.

- Invocation

Rabbi Laurie Hahn Tapper

- Pledge of Allegiance

- Orders of the Day

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

- Closed Session Report

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to the South Bay Clean Creeks Coalition, Trash Punx and Echo.Church for conducting a record-breaking cleanup along Coyote Creek. (Mayor)

1.2 Presentation of a commendation to the San José Sports Authority for their outstanding contributions to our community, promoting economic prosperity and civic pride through sports in San José. (Rocha)

1.3 Presentation of a commendation to Legends Futsal. (Carrasco)
TO BE HEARD IN THE EVENING

1.4 Presentation of a commendation to Paulina Cortes for her valiant effort to protect and advocate for farmworkers during the recent wildfires in Northern California by distributing protective masks. (Mayor)
TO BE HEARD IN THE EVENING

1.5 Presentation of a commendation to the Branham High School SPARE Club for promoting environmental awareness and activism in their school and greater San José community. (Rocha)
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.

2.2 Final Adoption of Ordinances.

(a) [18-1655](#) Final Adoption of Ordinances.

Recommendation: (a) Ord. No. 30183 - An Ordinance of the City of San José Amending Various Sections of Chapters 3.28 and 3.36 of Title 3 of the San José Municipal Code to Implement the Terms of the Alternative Pension Reform Settlement Framework Agreement with City Employee Bargaining Groups.

2.3 Approval of Council Committee Minutes.

(a) [18-1620](#) Approval of Council Committee Minutes.

Recommendation: (a) Regular Joint Meeting for the Rules and Open Government Committee of October 17, 2018.
(b) Regular Neighborhood Services & Education Committee Meeting Minutes of November 8, 2018.
(c) Regular Joint Meeting for the Rules and Open Government Committee of November 14, 2018.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments [\(a\) ROGC Minutes, October 17, 2018](#)
[\(b\) NSE Minutes, November 8, 2018](#)
[\(c\) ROGC Minutes, November 14, 2018](#)

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 [18-1588](#) **Actions Related to the Master Service Agreement with Pacific Gas and Electric Company for the Silicon Valley Energy Watch Program.******Recommendation:**

(a) Adopt a resolution authorizing the City Manager to negotiate and execute:

(1) A second Contract Change Order to the Master Service Agreement with Pacific Gas and Electric Company for the Silicon Valley Energy Watch program through January 25, 2020; and

(2) An associated Contract Work Authorization with Pacific Gas and Electric Company for the Silicon Valley Energy Watch program in an amount up to \$436,064 through January 25, 2020.

(b) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Increase the Estimate for Other Revenue by \$218,032; and

(2) Establish a new City-Wide appropriation to the Environmental Services Department for Silicon Valley Energy Watch 2019 in the amount of \$218,032.

(c) Extend the term limit date for 2.0 Environmental Services Specialist positions assigned to the Environmental Services Department from March 31, 2019 through January 25, 2020.

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

Attachments [Memorandum](#)

2.8 [18-1589](#) **First Quarter Financial Reports for Fiscal Year 2018-2019.****Recommendation:**

As recommended by the Public Safety, Finance, & Strategic Support Committee on November 15, 2018:

(a) Accept the following First Quarter (period ending September 30, 2018) Financial Reports for the Fiscal Year 2018-2019 the following programs:

- (1) Debt Management;
- (2) Investment Management; and
- (3) Revenue Management.

(b) Adopt a resolution authorizing the Director of Finance to write-off uncollectible debts in an amount up to \$99,605.19.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

[Public Safety, Finance and Strategic Support Committee referral 11/15/18 - item (c)1]

Attachments

[Memorandum](#)

[\(b\) Resolution](#)

[Attachment A](#)

[Attachment B](#)

[Investment Report](#)

2.9 [18-1590](#) **Actions Related to the Happy Hollow Park and Zoo Security Improvements Project.****Recommendation:**

Adopt the following Appropriation Ordinance amendments in the Construction and Conveyance Tax Fund: City-wide Parks Purposes:

- (a) Decrease the Ending Fund Balance by \$114,000; and
- (b) Increase the Happy Hollow Park and Zoo Security Improvements appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$114,000.

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. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

Attachments

[Memorandum](#)

2.10 [18-1661](#) **Amendment to the Agreement with H.T. Harvey and Associates for Park and Trail Projects.**

Recommendation: Approve the First Amendment to the agreement between the City of San José and H.T. Harvey and Associates for a Master Consultant Agreement providing mitigation, monitoring, maintenance and reporting for park and trail projects. This amendment will extend the term of the agreement from December 31, 2023 to December 31, 2027, and increase the maximum total compensation by \$1,125,000 from \$2,000,000 to \$3,125,000.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Parks, Recreation and Neighborhood Services)

[Deferred from City Council meeting 11/27/18 - Item 2.9 (18-1549)]
RECOMMEND DEFERRAL TO 12/18/18 PER ADMINISTRATION

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

2.11 [18-1666](#) **Approval of Trash Talk 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 November 28, 2018:
(a) Approve the Trash Talk scheduled on December 7, 2018 as a City Council sponsored Special Event and approve the expenditure of funds;
and

(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. (Davis)

[Rules Committee referral 11/28/18 - Item 2.x]

Attachments [Memorandum](#)

2.12 [18-1668](#) **VEBA Advisory Committee Appointment.****Recommendation:**

As recommended by the Rules and Open Government Committee on November 28, 2018, approve the appointment of Catherine (“CJ”) Ryan, nominated by the Federated Unions, to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee to fill a vacancy for the unexpired portion of a term ending May 31, 2022.

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

[Rules Committee referral 11/28/18 - Item F.1.a]

Attachments [Memorandum](#)

2.13 [18-1670](#) **Approval of Community Events Sponsored by Council District 7 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 November 28, 2018:

(1) Retroactively approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:

(a) Community Thanksgiving Celebration on Saturday, November 17, 2018 at the Tully Library;

(b) Iola Williams Holiday Celebration on Saturday, December 1, 2018 at the SevenTrees Community Center.

(2) Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:

(a) Tully Santa program on Saturday, December 8, 2018 at the Tully Library;

(b) Volunteer Appreciation Celebration on Saturday, December 15, 2018 at the Vietnamese American Community Center;

(c) SevenTrees Santa Holiday Program on Saturday, December 15, 2018 at the SevenTrees Library;

(d) West Evergreen Neighborhood Association Holiday Celebration on Wednesday, December 19, 2018 at OB Whaley Elementary School.

(3) 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 11/28/18 - Item G.1.b]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

3.3 [18-1591](#) Citywide Capital Improvement Program Annual Report.

Recommendation: Accept the annual report on the Citywide Capital Improvement Program for fiscal year 2017-2018.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

Attachments [Memorandum](#)

[Presentation](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-1595](#) **Actions Related to the Agreement with Google for the Diridon Station Area.****Recommendation:**

(a) Approve a Memorandum of Understanding with Google: containing the Vision and Shared Goals for a future master-planned, mixed-use development in the Diridon Station Area; establishing basic tenets of a future Development Agreement including a Community Benefits Plan; and affirming that no public funds, subsidies, or fee/tax exemptions will be provided to Google.

(b) Approve a Purchase and Sale Agreement with Google for the properties formerly owned by the Successor Agency to the Redevelopment Agency in the Diridon Station Area located at 8 S. Montgomery St., 102 S. Montgomery St., 105 S. Montgomery St., 150 S. Montgomery St., 510 W. San Fernando St., and 645 Park Ave. (APNs: 259-38-130; 259-48-102; 261-35-003; 261-35-006; 261-35-010; 259-48-053; 259-48-011; 259-48-013; and 261-35-014), comprising a total of approximately 275,479 square feet, for the amount of \$67,000,000.

(c) Approve a Purchase and Sale Agreement with Google for the City-owned property containing the Fire Training Center located at 255 S. Montgomery St. (APN: 261-37-025), comprising a total of approximately 180,514 square feet, for the amount of \$42,872,075.

(d) Approve a Ground Lease with Google for the City to continue occupying the property containing the Fire Training Center located at 255 S. Montgomery St. (APN: 261-37-025) for a period of three years following the close of escrow for the amount of \$0.

(e) Approve a Purchase and Sale Agreement with Google for the City-owned property located at 697 W. San Carlos (APNs: 261-37-028 and 261-37-031), comprising a total of approximately 6,776 square feet, for the amount of \$1,609,300.

(f) Approve an Option Agreement/Negotiation Right with Google for the City-owned property commonly referred to as Lots A/B/C, located at 525 W. Santa Clara St. and 566 W. Julian St. (APNs: 259-28-031; 259-28-041; 259-28-043; and 259-28-044), comprising a total of approximately 469,371 square feet, for a term of five years and for the amount of \$1,100,000 per year as an option payment.

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

(Economic Development)

TO BE HEARD NOT BEFORE 2:30 P.M.

Attachments [Memorandum](#)
[Supplemental Memorandum, 11/21/2018](#)
[Presentation](#)
[20181204_Ground Lease](#)
[20181204_MOU](#)
[20181204_Option_Negotiation Rights Ageeement](#)
[20181204_PSA_City Fire Training Property](#)
[20181204_PSA_City Lots ABC](#)
[20181204_PSA_SARA Properties](#)
[Memorandum from Liccardo, Carrasco, Davis, Arenas, 11/29/2018](#)
[Memorandum from Rocha, 11/30/2018](#)
[Memorandum from Jimenez, 11/30/2018](#)
[Memorandum from Peralez, 12/3/2018](#)
[Memorandum from Liccardo, 12/3/2018](#)
[Letter from the Housing and Community Development Commiss](#)
[Letters from the Public 1](#)
[Letters from the Public 2](#)

4.2 [18-1594](#) **Envision San José 2040 General Plan 2018 Annual Performance Review.**

Recommendation: Accept the Envision San José 2040 General Plan 2018 Annual Performance Review report.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos. (Planning, Building and Code Enforcement)
TO BE HEARD IMMEDIATELY AFTER ITEM 3.3 (18-1591)

Attachments [Memorandum](#)
 [Presentation](#)

4.3 [18-1592](#) **Public Hearing on Summary Vacation of a Portion of Kearny Street at 255 South Montgomery Street.**

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 summary vacation of 18,256 square feet of street right-of-way at 255 South Montgomery Street (“Subject Portion”);
- (b) Summarily vacating the Subject Portion, which is excess right-of-way and not required for street or highway purposes; 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: Categorically Exempt pursuant to CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations, File No. PP18-085. Council District 6. (Public Works)

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

4.4 [18-1593](#) **Public Hearing on Summary Vacation of a Public Service Easement at 525 West Santa Clara Street and 566 West Julian Street.**

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 summary vacation of an approximately 30,360 square foot public service easement (“PSE”) at 525 West Santa Clara Street and 566 West Julian Street;
- (b) Summarily vacating the PSE which has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; 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: Categorically Exempt pursuant to CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations, File No. PP18-083. Council District 3. (Public Works)

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

- 4.5 [18-1667](#) **Amendment to the Second Amended and Restated Arena Management Agreement with San Jose Arena Management, LLC for Parking Requirements.**

Recommendation: Adopt a resolution to authorize the City Manager to negotiate and execute a First Amendment to the Second Amended and Restated Arena Management Agreement with San Jose Arena Management, LLC to revise on-site and off-site parking requirements.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council Districts 3 & 6. (Economic Development/Transportation)

Attachments [Memorandum](#)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [18-1607](#) **Actions Related to Negotiations of Recycle Plus Residential Solid Waste Agreements.**

Recommendation:

- (a) Accept the staff report with the term sheets from Garden City Sanitation, GreenTeam of San José, and GreenWaste Recovery for future residential solid waste services;
- (b) Direct staff to develop agreements with Garden City Sanitation, GreenTeam of San José, and GreenWaste Recovery in accordance with the term sheets and return to Council in April 2019 with Recycle Plus agreements for residential solid waste services to begin July 1, 2019 and continue through June 30, 2036;
- (c) Direct staff to end negotiations with California Waste Solutions and issue a Request for Proposals to provide Recycle Plus services for single-family recyclables collection & processing in Service Districts A & C, with the same framework as future services in Service District B, for a contract term to begin July 1, 2021 through June 30, 2036;
- (d) Direct staff to exclude Junk Pickup services from future residential solid waste services and return to Council with an approach for delivering this service in the future; and
- (e) Direct staff to continue negotiations with GreenWaste Recovery for residential street sweeping services and return to Council with a recommendation.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Environmental Services)
DEFERRED TO 12/11/18 PER ADMINISTRATION

Attachments [Memorandum](#)

7.2 [18-1599](#) **Actions Related to Recycle Plus Residential Solid Waste Agreements and China's Policy On Importing Recyclable Material.**

Recommendation: Adopt a resolution authorizing the City Manager to waive all or a portion of the contractor disincentives for not meeting the required diversion rates for calendar year 2018 if by March 1, 2019 the City Manager determines that the Recycle Plus contractors are unable to meet their required diversion rates because of China's "National Sword" policy on the import of recyclable materials.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Environmental Services) DEFERRED TO 12/11/18 PER ADMINISTRATION

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

7.3 [18-1600](#) **Actions Related to Implementing Living Wage Requirements for Recycle Plus Residential Garbage and Recycling Contracts**

Recommendation: (a) Accept the staff report on:
(1) The proposed methodology to implement a Modified Living Wage for Recycle Plus Customer Service Representatives, Mechanics, and Materials Recovery Facility workers; and
(2) The updated labor peace plans from Recycle Plus contractors.
(b) Direct staff to negotiate the inclusion of a Modified Living Wage requirement, as approved by Council, in future residential garbage and recycling agreements for the Recycle Plus program.

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

DEFERRED TO 12/11/18 PER ADMINISTRATION

Attachments [Memorandum](#)

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.

OPEN GENERAL PLAN HEARING (FOURTH CYCLE)

10.1 Land Use on Consent Calendar

- (a) [18-1608](#) C16-017 - Conforming Rezoning for Real Property Located at Camden Avenue.

Recommendation:

(a) Adopt a resolution approving an 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, in accordance to the California Environmental Quality Act, as amended.

(b) Consideration of an ordinance rezoning certain real property of an approximately 1.01-gross acre vacant site (APN: 567-26-014) located on the east side of Camden Avenue, between Malpas Drive and Canna Lane from the A Agricultural Zoning District to the R-2 Two-Family Residence Zoning District.

CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (5-0-2; Ballard and Griswold absent). (Planning, Building and Code Enforcement)

C16-017 - Council District 10

Attachments [Memorandum](#)

[\(a\) Resolution](#)

[\(b\) Ordinance](#)

[Presentation](#)

- (b) [18-1611](#) **GP18-008 & C18-019 - General Plan Amendment: Land Use Designation and Conforming Rezoning for Real Property Located at 1131 Park Avenue and 15 and 17 Tillman Avenue.**

Recommendation: (a) Adopt a resolution approving the General Plan Amendment to change the Land Use Designation from Neighborhood/Community Commercial to Residential Neighborhood for 1131 Park Avenue; and Residential Neighborhood to Neighborhood/Community Commercial for 15 and 17 Tillman Avenue on a 0.25 gross-acre site.
(b) Consideration of an ordinance of the City of San José rezoning an approximately 0.10 gross-acre portion of the 0.25 gross-acre site from CO Commercial Office Zoning District to R-1-8 Zoning District.
CEQA: Statutorily Exempt per CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)
GP18-008 & C18-019 - Citywide

Attachments [Memorandum](#)
[\(a\) Resolution](#)
[\(b\) Ordinance](#)
[Presentation](#)

- (c) [18-1615](#) **GP15-012 - General Plan Amendment: Land Use/Transportation Diagram for Classico Avenue at Evergreen Village Square.**

Recommendation: (a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No.77617), and Addenda thereto.
(b) Adopt a resolution modifying the Land Use/Transportation Diagram to address mapping errors at locations within the Evergreen Village area.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (5-0-2; Ballard and Griswold absent). (Planning, Building and Code Enforcement)
GP15-012 - Council District 8

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

(d) [18-1613](#) **GPT18-003 - General Plan Text Amendment: Minor Revisions.**

Recommendation:

(a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No.77617), and Addenda thereto.

(b) Adopt a resolution modifying the Envision San José 2040 General Plan, including revisions to the Industrial Park land use designation to allow additional flexibility for commercial service uses within the Edenvale Development Policy area, clarifications related to design guidelines for Urban Villages, revisions to Policy IP-5.12 to update the parameters for qualifying affordable housing projects, updates to Appendix 5, 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), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)

GPT18-003 - Citywide

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

- (e) [18-1614](#) **GPT18-004 - General Plan Text Amendment: Housing Preservation and Rehabilitation.**

Recommendation:

- (a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No.77617), and Addenda thereto.
- (b) Adopt a resolution amending the Envision San José 2040 General Plan related to the protection of housing preservation and rehabilitation. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (6-1; Griswold opposed) (Planning, Building and Code Enforcement)
GPT18-004 - Citywide

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

- (f) [18-1612](#) **GPT16-010 - General Plan Text Amendment: Amendment to the Roosevelt Park, Little Portugal, Five Wounds and 24th and William Urban Village Plans, including revised Implementation Chapters and minor text modifications to each Urban Village Plan.**

Recommendation:

- (a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No.77617), and Addenda thereto.
- (b) Adopt a resolution approving the City-initiated General Plan Text Amendment to the Roosevelt Park Urban Village Plan.
- (c) Adopt a resolution approving the City-initiated General Plan Text Amendment to the Little Portugal Urban Village Plan.
- (d) Adopt a resolution approving the City-initiated General Plan Text Amendment to the Five Wounds Urban Village Plan.
- (e) Adopt a resolution approving the City-initiated General Plan Text Amendment to the 24th Street and William Street Urban Village Plan. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No.77617), and Addenda thereto. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)
- GPT16-010 - Citywide

Attachments

[Memorandum](#)
[Supplemental Memorandum, 12/4/2018](#)
[Presentation](#)
[Attachment 1](#)
[\(b\) Resolution](#)
[\(c\) Resolution](#)
[\(d\) Resolution](#)
[\(e\) Resolution](#)
[Memorandum from Mayor Liccardo and Peralez, 11/30/2018](#)
[Memorandum from Carrasco, 12/3/2018](#)

- (g) [18-1618](#) **HL18-001 & MA18-001 - Historic Landmark Nomination and Historical Property Contract for Edwin and Mary Wilcox House Located at 1300 Pine Ave.**

Recommendation: (a) Adopt a resolution designating the “Edwin and Mary Wilcox House” located at 1300 Pine Avenue as a City Landmark of special historic, architectural, aesthetic or engineering interest, or value of a historic nature; and

(b) Adopt a resolution approving the Historical Property Contract (California Mills Act Contract) between the City of San José and property owners, Penelope and Stephen Thompson, for the “Edwin and Mary Wilcox House, located at 1300 Pine Avenue. (APN: 439-52-106), on the subject 0.81-gross acre site.

CEQA: Statutorily Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation. Historic Landmarks Commission recommends approval. (Planning, Building and Code Enforcement)

HL18-001 & MA18-001 - Council District 6

Attachments [Memorandum](#)
[\(a\) Resolution](#)
[\(b\) Resolution](#)
[Presentation](#)

CONTINUE GENERAL PLAN HEARING (FOURTH CYCLE) TO 12/18/18

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 [18-1609](#)**GP18-001 - General Plan Amendment: Land Use Designation for Real Property Located at 4349 San Felipe Road.****Recommendation:**

(a) Adopt a resolution adopting the 4349 San Felipe Road General Plan Amendment Negative Declaration, for which an Initial Study was prepared, all in accordance to the California Environmental Quality Act, as amended.

(b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Rural Residential to Neighborhood Community Commercial, Rural Residential, and Open Space, Parklands and Habitat on a 1.0-gross acre site located on the west side of San Felipe Road, approximately 1,010 feet south of Delta Road (4349 San Felipe Road).

CEQA: Initial Study/Negative Declaration for 4349 San Felipe Road General Plan Amendment. Planning Commission recommends approval (4-3; Ballard, Marquez and Leyba opposed). (Planning, Building and Code Enforcement)

GP18-001 - Council District 8

Attachments

[Memorandum](#)

[Presentation](#)

[Memorandum from ARENAS, 12/03/2018](#)

[\(a\) Resolution](#)

[\(b\) Resolution](#)

10.3 [18-1610](#) **GP18-002 - General Plan Amendment: Land Use/Transportation Diagram for 550/570 Meridian Avenue and 460 Meridian Avenue.**

Recommendation: (a) Adopt a resolution adopting the Meridian Avenue General Plan Amendment Negative Declaration, for which an Initial Study was prepared, all in accordance to the California Environmental Quality Act, as amended.

(b) Adopt a resolution amending the Envision San José 2040 General Plan/Transportation Diagram Land Use Designation for an approximately 11.56-gross acre site (550 and 570 Meridian Avenue) from Industrial Park to Combined Industrial/Commercial and adding 1.12 acres directly north located at the notheast corner of Meridian Avenue and Parkmoor Avenue (460 Meridian Avenue) from Industrial Park to Combined Industrial/Commercial, for a total of 12.68-gross acre site.

CEQA: Initial Study/Negative Declaration for 550 Meridian Avenue General Plan Amendment. Planning Commission recommends approval (6-1; Commissioner Marquez opposed). (Planning, Building and Code Enforcement)

GP18-002 - Council District 6

Attachments [Memorandum](#)
[Presentation](#)
[\(a\) Resolution](#)
[\(b\) Resolution](#)

10.4 [18-1616](#) **GP17-017 - General Plan Amendment: Land Use/Transportation Diagram for Property Located at 214, 214D, 205 Dupont Street; 226 and 275 McEvoy Street.**

Recommendation: (a) Adopt a resolution approving an Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096), in accordance to the California Environmental Quality Act, as amended.

(b) Adopt a resolution amending the Land Use/Transportation Diagram land use designation from Mixed Use Commercial to Transit Residential on a 4.25-gross acre site located at 214, 214D, and 205 Dupont Street, and 226 and 275 McEvoy Street.

CEQA: Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096). (Planning, Building and Code Enforcement)

GP17-017 - Council District 3

DEFERRED TO 12/18/18 PER ADMINISTRATION

10.5 [18-1617](#) **GP18-004 - General Plan Amendment: Land Use/Transportation Diagram for Property Located at 3235 Union Avenue and 2223 Camden Avenue.**

Recommendation:

(a) Adopt a resolution adopting the Campbell Union High School District General Plan Amendment Negative Declaration, for which an Initial Study was prepared, all in accordance to the California Environmental Quality Act, as amended.

(b) Adopt a resolution amending the Land Use/Transportation Diagram land use designation from Public/Quasi-Public to Residential Neighborhood, Combined/Industrial Commercial, and Public/Quasi-Public on a 12.12-gross acre site located at 3235 Union Avenue and 2223 Camden Avenue;

OR

Adopt a resolution amending the Land Use/Transportation Diagram land use designation from Public/Quasi-Public to Combined/Industrial Commercial and Public/Quasi-Public on a 12.12-gross acre site located at 3235 Union Avenue and 2223 Camden Avenue.

CEQA: Initial Study Negative Declaration for Campbell Union High School District General Plan Amendment. Planning Commission recommends approval (4-1-2; Marquez opposed, Ballard and Griswold absent). (Planning, Building and Code Enforcement)

GP18-004 - Council District 9

Attachments

[Memorandum](#)

[Presentation](#)

[Attachment](#)

[\(a\) Resolution](#)

[\(b\) Resolution 1](#)

[\(b\) Resolution 2](#)

[Memorandum from Liccardo Rocha Khamis Davis Jimenez, 11/3](#)

[Memorandum from Liccardo, Rocha, Khamis, Davis, Jimenez, 11/3](#)

[Letters from the Public 1](#)

[Letters from the Public 2](#)

- 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

**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.