



# **City Council Meeting Amended Agenda**

**Tuesday, January 8, 2019**

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  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, 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. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. 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.

- Call to Order and Roll Call

**Schedule of meeting:**

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

[18-1769](#) 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

- Invocation (District 1)

Robin Van Kempen from Bethel Church

- 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 Administer Oaths of Office for newly elected and re-elected Councilmembers and re-elected Mayor.  
(City Clerk)

1.2 Presentation of proclamation to recognize the month of January 2019 as Human Trafficking Awareness Month. (Carrasco)

## **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.

[18-1787](#)

### Final Adoption of Ordinances.

#### **Recommendation:**

(a) Ord No. 30199 - An Ordinance of the City of San José Amending Title 5 of The San José Municipal Code to Add Chapter 5.09 Adopting Reasonable Local Standards for the Design, Site Development and Operation of Emergency Bridge Housing Communities and their Structures and Facilities in Lieu of Existing State and Local Standards and Standards for Emergency Housing.

(b) Ord No. 30207- An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.18 Gross Acre Generally Situated at the Southwest Corner of West San Carlos Street and Josefa Street (500 West San Carlos Street; APN: 264-20-064) from the CP Commercial Pedestrian Zoning District to the DC Downtown Primary Commercial Zoning District.

(c) Ord No. 30205 - An Ordinance of the City of San José Adding a New Chapter 11.92 to Title 11 of the San José Municipal Code Relating to the Regulation of Shared Micro-Mobility Devices for Public Use.

## 2.3 Approval of Council Committee Minutes.

(a) [18-1807](#)

### Approval of City Council Minutes.

#### **Recommendation:**

(a) Regular Community and Economic Development Committee Meeting Minutes of November 26, 2018.

(b) Regular Neighborhood Services and Education Committee Meeting Minutes of December 13, 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**

[\(a\) C&E Minutes, November 26, 2018](#)

[\(b\) NSE Minutes, December 13, 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 [18-1779](#) **Agreement with Pham Radio Communication, LLC for City-Owned Property Located Near Remillard Drive at Coyote Creek Park Chain.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute a License Agreement between the City of San José and Pham Radio Communication, LLC for the use of certain portions of the City-owned property located near Remillard Drive at Coyote Creek Park Chain (APN 472-11-009) to construct, operate and maintain radio transmission equipment and related facilities for a period of ten years, with two 5-year renewal options, for a total of \$60,122.16 per year with a 3% annual escalation after the first year.

CEQA: Not a Project, File No. PP17-003, Agreement/Contracts resulting in no physical changes to the environment. Council District 7. (Economic Development)

[Deferred from 12/18/18 - Item 2.40 (18-1762)]

**Attachments** [Memorandum](#)

### 2.8 [18-1780](#) **City Council Committee and Board and Commission Appointments. - DEFERRED**

**Recommendation:** (a) Council by motion waive the 10-day noticing requirement for the following item, and consider the following recommendation;  
(b) Apprise the Council of the Mayor's appointments for each of the standing committees, as described in Exhibit "A" of the Memorandum to Council.

(c) Appoint councilmembers to each of the committees and assignments, as described in Exhibit "B" of the Memorandum to Council.

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

RECOMMEND DEFERRAL TO 1/15/2019 PER MAYOR

**Attachments** [Memorandum](#)

## **3. STRATEGIC SUPPORT**

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

### 3.2 Labor Negotiations Update.

#### 3.3 [18-1781](#) Planning Commission Appointment.

**Recommendation:** (a) Interview applicants for appointment to the Planning Commission;  
(b) Appoint one (1) applicant to the Planning Commission for a term ending June 30, 2022; and  
(c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

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

[Deferred from 12/11/18 - Item 3.4 (18-1637)]

**Attachments** [Memorandum Applications](#)  
[Conflict of Interest Review](#)  
[Code Enforcement Review](#)

#### 3.4 [18-1782](#) Annual Report on City Services 2017-2018.

**Recommendation:** Accept the Annual Report on City Services for 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. (City Auditor)

**Attachments** [Annual Report 2017 - 2018 Presentation](#)

#### 3.5 [18-1793](#) Additional Executive Leave for Council Appointees.

**Recommendation:** Adopt a resolution approving the grant of an additional forty hours of Executive Leave to the City Manager, City Attorney, City Clerk, and City Auditor for the 2019 payroll calendar year.

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

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

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

## **5. NEIGHBORHOOD SERVICES**

**5.1**    [18-1783](#)        **Police Activities League Transition Update.****Recommendation:**

As recommended by the Neighborhood Services & Education Committee on December 13, 2018, accept the update on the transition of operations and management of the Police Activities League from the San José Police Department to the Department of Parks, Recreation and Neighborhood Services.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police/Parks, Recreation and Neighborhood Services) [Neighborhood Services & Education Committee referral 12/13/18 - Item (d)3]

**Attachments**[Memorandum](#)[Presentation](#)[Attachment A](#)[Attachment B](#)[Attachment C](#)[Memorandum from Carrasco and Arenas, 1/4/2019](#)**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**

No Land Use items on Consent Calendar.

**10 Land Use - Regular Agenda**

**10.2**    [18-1784](#)            **PDC16-007 & PD18-007 - Planned Development Rezoning and  
Planned Development Permit for Real Property Located on the East  
Side of Evans Lane approximately 170 feet Northerly of Canoas  
Garden Avenue at 0 Evans Lane.**

**Recommendation:**    (a) Adopt a resolution adopting the Evans Lane Community Village Project Addendum to the Initial Study/Mitigated Negative Declaration for the Evans Lane Transitional Housing Project and related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act (CEQA), as amended.

(b) Consideration of an ordinance of the City of San José rezoning a 5.97-gross acre site, situated on the east side of Evans Lane approximately 170 feet northerly of Canoas Garden Avenue (0 Evans Lane), from the A(PD) Planned Development Zoning District and the LI Light Industrial Zoning District to the R-M(PD) Planned Development Zoning District to allow 61 residential Permanent Supportive Housing and Affordable Housing units in eight prefabricated buildings, a residential community building/staff offices, community garden, and a public library.

(c) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow 61 residential Permanent Supportive Housing and Affordable Housing units in eight prefabricated buildings, a residential community building/staff offices, community garden, and a satellite public library for the property located east side of Evans Lane approximately 170 feet northerly of Canoas Garden Avenue (0 Evans Lane) (City of San José, owner).

CEQA: Addendum to the Evans Lane Transitional Housing Project Mitigated Negative Declaration (Resolution No. 77876), File No. PDC16-007 & PD18-007. Planning Commission recommends approval (4-1-1; Ballard opposed, Vora absent).

PDC16-007 & PD18-007 - Council District 6

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

**10.3** [18-1785](#)**H17-023 - Appeal Hearing on Revised Mitigated Negative Declaration for Property Located at 5696 Stevens Creek Boulevard.****Recommendation:**

(a) Conduct an Administrative Hearing to consider the Appeal of the Planning Director's adoption of the AC by Marriott - West San José Revised Mitigated Negative Declaration in accordance with the California Environmental Quality Act for a Site Development Permit (File No. H17-023) to allow the demolition of a gas station and convenience store, and the development of a 168-room hotel with a parking reduction of 46% on a 0.42-gross-acre site, in the CG Commercial General Zoning District located at the southeast corner of Stevens Creek Boulevard and Stern Avenue (5696 Stevens Creek Boulevard) (Asset Gas SC Inc. ETAL, Owner).

(b) Adopt a resolution denying the appeal and upholding the Planning Director's approval of the Revised Mitigated Negative Declaration and the Site Development Permit to allow the demolition of a gas station and convenience store, and the construction of a 168-room hotel with a parking reduction of 46% on a 0.42-gross acre site, in the CG Commercial General Zoning District located at the southeast corner of Stevens Creek Boulevard and Stern Avenue (5696 Stevens Creek Boulevard), and finding that:

(1) The City Council has read and considered the AC by Marriott - West San José Revised Mitigated Negative Declaration and related administrative record in connection with Site Development Permit File No. H17-023;

(2) The AC by Marriott - West San José Revised Mitigated Negative Declaration was prepared and completed in full compliance with the California Environmental Quality Act of 1970, as amended, together with state and local implementation guidelines; and

(3) Approval of the AC by Marriott - West San José Revised Mitigated Negative Declaration reflects the independent judgment and analysis of the City of San José; and

(4) Preparation of an environmental impact report is not required because there are (i) no substantial changes in the proposed project, (ii) no substantial changes in the circumstances under which the project is undertaken, and (iii) no new information of substantial importance that would require an environmental impact report in accordance with CEQA Guideline Section 15162.

CEQA: Revised Mitigated Negative Declaration for AC by Marriott, File No. H17-023.

H17-023 - Council District 1

**Attachments** [Memorandum](#)  
[Presentation](#)  
[Attachment 1](#)  
[Attachment 2](#)  
[Memorandum from Jones, 1/4/2019](#)  
[Letters from the Public](#)

**10.4** [18-1786](#) **PP18-014 - Amendment to Title 6 (Business Licenses and Regulations) and Title 20 (The Zoning Ordinance) of the San José Municipal Code for Cannabis Manufacturing, Cannabis Testing, And Cannabis Distribution. - DROP**

**Recommendation:** Consideration of ordinances of the City of San José amending Title 6 (Business Licenses and Regulations) and Title 20 (The Zoning Ordinance) of the San José Municipal Code to amend: (i) Chapter 6.88 of the San José Municipal Code to add and amend regulations pertaining to Cannabis Manufacturing, Cannabis Testing, and Cannabis Distribution; and (ii) Sections 20.10.040, 20.50.100, 20.100.1530, 20.100.1535, 20.100.1540, and Chapter 20.80 Parts 9.76 including but not limited to Sections 20.80.795, 20.80.800, 20.80.805, and 20.80.810 of the Zoning Ordinance to add Cannabis Manufacturing, Cannabis Testing and Cannabis Distribution or similarly defined land uses as newly enumerated Restricted Uses in specified Industrial Zoning Districts, and making other technical, non-substantive, or formatting changes within those Sections of Title 6 and Title 20.  
CEQA: Addendum to the Envision San José 2040 General Plan EIR (Resolution No. 76041), and Supplemental Program Environmental Impact Report (Resolution No. 77617) and Addenda thereto, File No. PP18-014. (Planning, Building and Code Enforcement)  
PP18-014 - Citywide  
DROP - RENOTICED TO 1/15/19

- **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**

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**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. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- 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.