



# **City Council Meeting Amended Agenda**

**Tuesday, January 29, 2019**

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
LAN DIEP, DISTRICT 4  
MAGDALENA CARRASCO, 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

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

[18-1771](#) Closed Session Agenda

**Attachments** [Closed Session Agenda](#)  
[Letter from the Public](#)

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

- Invocation (District 1)

Rabbi Menachem Levine from Congregation Am Echad

- 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 San José State Women's Soccer Team for their accomplishments during the 2018 Season. (Davis)

1.2 Presentation of a proclamation recognizing January 29, 2019 as International Holocaust Remembrance Day. (Jimenez)

## **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.

[18-1845](#)

### Final Adoption of Ordinances.

**Recommendation:**

(a) Ord No. 30209 - An Ordinance of the City of San José Amending Section 20.10.040 of Chapter 20.10, Section 20.50.100 of Chapter 20.50, and Section 20.80.760 Of Chapter 20.80, Adding a New Part 9.76 to Chapter 20.80, and Amending Sections 20.100.1530, 20.100.1535, and 20.100.1540 of Chapter 20.100 of Title 20 of the San José Municipal Code to add Cannabis Manufacturing, Cannabis Testing, and Cannabis Distribution as Newly Enumerated Restricted Uses in Specified Industrial Zoning Districts, and Making Other Technical, Non-Substantive, or Formatting Changes.

(b) Ord No. 30210 - An Ordinance of the City of San José Amending Chapter 6.88 of Title 6 of the San José Municipal Code to add Cannabis Manufacturing, Cannabis Testing, and Cannabis Distribution to the Categories of Regulated Cannabis Businesses and Making Other Technical, Non-Substantive, or Formatting Changes.

## 2.3 Approval of Council Committee Minutes.

## 2.4 Mayor and Council Excused Absence Requests.

(a) [18-1844](#)

### Mayor and Council Excused Absence Requests.

**Recommendation:**

Request for an excused absence for Mayor Liccardo for the Regular Meeting of Rules and Open Government Committee Meeting on Wednesday, January 9, 2019, due to illness.

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

Attachments [Memorandum](#)

## 2.5 City Council Travel Reports.

## 2.6 Report from the Council Liaison to the Retirement Boards.

**2.7**     [18-1828](#)     **Actions Related to the Purchase Order for Towing and Roadside Services for City-Owned Vehicles and Equipment.**

**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with Unique Towing, Inc. (Santa Clara, CA) for towing and roadside services for city-owned vehicles and equipment on behalf of the Public Works Department for an initial twelve-month period, starting on or about February 1, 2019 and ending on or about January 31, 2020 for an amount not to exceed \$120,000; and

(b) Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about January 31, 2024 subject to the appropriation of funds.

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

(Finance)

**Attachments**     [Memorandum](#)

**2.8**     [18-1829](#)     **Amendment to the Agreement with Transdev Services, Inc. for Airport Shuttle Bus Service.**

**Recommendation:**

Approve the Second Amendment to the Agreement with Transdev Services, Inc. for Airport Shuttle Bus Service to increase compensation by 6.91% beginning February 1, 2019 through August 31, 2019 for an estimated increase in the amount of \$418,636 and an estimated maximum annual amount of \$6,477,588.49.

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

(Finance)

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

**2.9**    [18-1830](#)    **Amendment to the City Pay Plan for Various Classifications.****Recommendation:**

(a) Adopt a resolution to amend the City of San José Pay Plan effective January 29, 2019, to create the Mayor's Chief Economic Development and Land Use Officer U (8050) classification with a salary range of \$150,000.00 - \$195,000.00 annually.

(b) Adopt a resolution to amend the City of San José Pay Plan effective February 10, 2019, to:

(1) Change the salary range for the Apprentice Mechanic (3321) classification with a salary range of \$55,182.40 - \$68,972.80 to a new salary range of \$56,555.20 - \$70,740.80 annually.

(2) Retitle and change the salary range of the following classifications:

(a) Mechanic I (3323) (formerly Mechanic) with a salary range of \$65,436.80 - \$79,580.80 to a new salary range of \$67,142.40 - \$81,640.00 annually; and

(b) Senior Mechanic I (3322) (formerly Senior Mechanic) with a salary range of \$70,096.00 - \$85,196.80 to a new salary range of \$72,883.20 - \$88,608.00 annually.

(3) Create the following classifications:

(a) Mechanic II (3320) with a salary range of \$74,360.00 - \$90,625.60 annually; and

(b) Senior Mechanic II (3328) with a salary range of \$80,745.60 - \$98,384.00 annually.

(4) Delete the following classifications:

(a) Workers Compensation Claims Adjuster I/II (1431/1434) with a salary range of (I) \$62,067.20 - \$75,483.20 and (II) \$68,120.00 - \$82,804.80 annually; and

(b) Workers Compensation Claims Adjuster, Senior (1433) with a salary range of \$81,952.00 - \$99,694.40.

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

**Attachments**    [Memorandum](#)

[\(a\) Resolution](#)

[\(b\) Resolution](#)

**2.10**    [18-1831](#)            **Actions Related to the 2018 One Bay Area Grant Safe Routes to School Project.**

**Recommendation:**    (a) Approve award of a construction contract for the 2018 One Bay Area Grant Safe Routes to School Project, to the lowest responsive bidder, Rosas Brothers Construction, Inc. in the amount of \$692,675.  
(b) Approve a ten percent contingency in the amount of \$69,268.  
CEQA: Categorically Exempt, CEQA Guidelines Section 15301 (c), Existing Facilities, File No. PP14-069. (Transportation)

**Attachments**    [Memorandum](#)

**2.11**    [18-1832](#)            **Actions Related to the Resolution Establishing Speed Limits.**

**Recommendation:**    Adopt a resolution to repeal Resolution No. 78680 and set forth speed limits in the City of San José in compliance with State law to:  
(a) Re-establish speed limits with changes to four roadways; including portions of Charcot Avenue, Edenvale Avenue, Leyland Park Drive, and Oakland Road;  
(b) Establish speed limits on portions of the following three roadways: Brokaw Road, Great Oaks Parkway/Boulevard, and Lean Avenue; and  
(c) Make administrative corrections as described in the memorandum to Council.  
CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP14-017. Council Districts 2, 3, 4, 10. (Transportation)

**Attachments**    [Memorandum](#)  
[Resolution](#)  
[Letters from the Public](#)



**2.12**    [18-1847](#)            **Retroactive Approval of the South Bay Clean Creeks Coalition Team 222 Cleanup 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 January 16, 2019:

(a) Retroactively approve the South Bay Clean Creeks Coalition Team 222 cleanup scheduled on January 12, 2019 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. (Mayor)

[Rules Committee referral 1/16/19 - Item G.1.a]

**Attachments**    [Memorandum](#)

**2.13**    [18-1848](#)            **Retroactive Approval of the Cadillac Winchester Neighborhood Association Appreciation Dinner Sponsored by the Mayor's Office and the District 1 Office 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 January 16, 2019:

(a) Retroactively approve the CWNA Appreciation Dinner scheduled on Wednesday, December 19, 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. (Mayor and Jones)

[Rules Committee referral 1/16/18 - Item G.1.b]

**Attachments**    [Memorandum](#)

**2.14**    [18-1849](#)            **Retroactive Approval of Small Business Advocacy Task Force (SBATF) Membership Recognition Event Sponsored by Council District 1 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 January 16, 2019:  
(a) Retroactively approve the SBATF Membership Recognition Event scheduled on December 17, 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. (Jones)  
[Rules Committee referral 1/16/18 - Item G.1.c]

**Attachments**    [Memorandum](#)

**2.15**    [18-1850](#)            **Approval of African American History Month Flag Raising Ceremony and Reception Sponsored by Council District 1 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 January 16, 2019:  
(a) Approve the African American History Month Flag Raising Ceremony and Reception scheduled on February 1, 2019 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. (Jones)  
[Rules Committee referral 1/16/18 - Item G.1.d]

**Attachments**    [Memorandum](#)

- 2.16**    [18-1870](#)            **Approval of Vietnamese Heritage and Freedom Flag Raising Ceremony Sponsored by Council District 4 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 January 23, 2019:

- (a) Approve the Vietnamese Heritage and Freedom Flag Raising Ceremony scheduled on February 5, 2019 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. (Diep)  
[Rules Committee referral 1/23/19 - Item A.1.a]

**Attachments**    [Memorandum](#)

### **3. STRATEGIC SUPPORT**

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

**3.2 Labor Negotiations Update.**

**3.3**    [18-1846](#)    **Appeals Hearing Board Appointment.****Recommendation:**

- a. Interview applicant(s) for appointment to the Appeals Hearing Board;
- b. Appoint one (1) applicant to the Attorney-at-Law Seat on the Appeals Hearing Board for a term ending December 31, 2022;
- c. Appoint one (1) applicant to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2019;
- d. Appoint one (1) applicant to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2022;
- e. If Rajwant Bains is appointed to a third term on the Appeals Hearing Board, make a finding that the reappointment is necessary under San José Municipal Code Section 2.08.150.F in order to maintain a functioning quorum or to retain valuable experience on the Board; and
- f. 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 Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

[Deferred from 1/15/19 - Item 3.4 (18-1788)]

TO BE HEARD LAST

**Attachments**

[Memorandum](#)

[Appeals Hearing Board Conflict of Interest Review](#)

[Appeals Hearing Board Applicant Code Review](#)

**3.4**     [18-1833](#)     **Actions Related to the Funding and Reimbursement Agreement for Macro Cell Site Permitting Costs with T-Mobile West, LLC.**

**Recommendation:**

(a) Adopt a resolution authorizing the City Manager to negotiate and execute a Funding and Reimbursement Agreement between the City of San José and T-Mobile West, LLC, to cover approximately \$800,000 in permitting costs and \$500,000 process improvements related to the licensing of macro sites.

(b) Direct City staff to study the following:

(1) Identify and prioritize macro site people, process, technology, and regulation improvements, to deliver better speed and predictability for macro site permitting;

(2) Analyze and return to City Council with recommendations for wireless facility pricing on City-owned property including small cells, macro cells, and other antenna systems for a holistic pricing policy approach to accelerate broadband deployment; and

(3) Investigate Distributed Antenna System competitive access at large City facilities and report back to City Council with recommendations to ensure an accessible, non-discriminatory market place for in-building antenna systems.

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

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

**3.5**     [18-1842](#)     **Acceptance of the Retirement Plans' Comprehensive Annual Financial Reports for Fiscal Years Ending June 30, 2018 and June 30, 2017.**

**Recommendation:**

Accept the following annual reports:

(a) Police and Fire Department Retirement Plan Comprehensive Annual Financial Report for the Fiscal Years ended June 30, 2018 and June 30, 2017; and

(b) Federated City Employees' Retirement System Comprehensive Annual Financial Report for the Fiscal Years ended June 30, 2018 and June 30, 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. (Retirement Services)

**Attachments**

[Memorandum](#)

[Presentation](#)

[Police and Fire Department Retirement Plan Comprehensive Ann](#)

[Federated City Employees' Retirement System Comprehensive A](#)

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

**4.1**     [18-1834](#)     **Overruling Objections to the 2019-2020 Hazardous Vegetation Commencement Report.**

**Recommendation:**

Conduct a Public Hearing and adopt a resolution:

(a) Overruling any and all objections to the 2019-2020 Hazardous Vegetation Commencement Report; and

(b) Directing the Santa Clara County Consumer and Environmental Protection Agency to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and County of Santa Clara.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301(h) Existing Facilities, File No. PP18-094. (Planning, Building, and Code Enforcement)

**Attachments**

[Memorandum](#)

[Resolution](#)

## **5. NEIGHBORHOOD SERVICES**

**5.1**     [18-1835](#)     **Actions Related to the Landmark Site Selection for the San José Light Tower.  
- DROP**

**Recommendation:**     (a) Accept Guadalupe River Park at Arena Green as the highest-ranking location from the site selection analysis completed for the San José Light Tower Corporation in coordination with the Department of Parks, Recreation and Neighborhood Services, Public Works, and Office of Economic Development/Office of Cultural Affairs.  
(b) Endorse the San José Light Tower Corporation's plan to proceed with an International Ideas Competition to solicit concepts for a world-class iconic landmark at Guadalupe River Park Arena Green.  
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council District 3. (Parks, Recreation and Neighborhood Services)  
[Deferred from 12/11/18 - Item 5.2 (18-1647)]  
DROP

**Attachments**     [Memorandum](#)  
                          [Letters from the Public](#)

**5.2**     [18-1836](#)     **Actions Related to the Agreements with County of Santa Clara for the  
All-Inclusive Playground Program Grant.**

**Recommendation:**     Adopt a resolution authorizing the City Manager to negotiate and execute a grant agreement with County of Santa Clara for the All-Inclusive Playground Program Grant for an amount of \$1,671,250 for the following projects:  
(a) Almaden Lake Park for \$671,250; and  
(b) Rotary Playgarden for \$1,000,000.  
CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, Files No. PP19-001 and PP19-002. Council Districts 3 & 10. (Parks, Recreation and Neighborhood Services)

**Attachments**     [Memorandum](#)

**5.3**     [18-1837](#)     **Actions Related to the 8087 - Trail: Coyote Creek (Mabury Road to Empire Street) Project.**

**Recommendation:**     (a) Adopt a resolution authorizing the City Manager to negotiate and execute a standard consultant agreement and related amendments with CH2M HILL, Inc. in the amount not to exceed \$1,400,000 for the 8087 - TRAIL: Coyote Creek (Mabury Road to Empire Street) Project.  
(b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:  
      (1) Establish the TRAIL: Coyote Creek (Mabury Road to Empire Street) appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,720,000; and  
      (2) Decrease the TRAIL: Coyote Creek (Mabury Road to Empire Street) Reserve by \$1,720,000.  
CEQA: Mitigated Negative Declaration for the Coyote Creek Trail Master Plan, File No. PP09-218. Council Districts 3 & 4.  
(Public Works/Parks, Recreation and Neighborhood Services/City Manager)

**Attachments**     [Memorandum](#)

## **6. TRANSPORTATION & AVIATION SERVICES**

**6.1**     [18-1838](#)     **Actions Related to the Installation of Stop Signs.**

**Recommendation:**     (a) Adopt a resolution amending Council Policy 8-1, Criteria for the Installation of Stop Signs.  
(b) Approve an ordinance amending City of San José Municipal Code Chapter 11.18, Stop Sign Installation.  
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.  
(Transportation)

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

## **7. ENVIRONMENTAL & UTILITY SERVICES**

## **8. PUBLIC SAFETY**



**8.1**    [18-1840](#)        **Park Ranger Program Status Report.****Recommendation:**

As recommended by the Public Safety, Finance, & Strategic Support Committee on December 13, 2018, accept the Park Ranger Program Status Report.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services) [Public Safety, Finance, & Strategic Support Committee referral 12/13/18 - Item (d)(4)]

**Attachments**

[Memorandum](#)

[Presentation](#)

[Attachment A](#)

[Attachment B](#)

[PSFSS Presentation, 12/13/2018](#)

[Memorandum from Mayor, 1/29/2019](#)

[Letters from the Public](#)

**9. REDEVELOPMENT – SUCCESSOR AGENCY****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) [18-1839](#) **HL18-002/MA18-002 - Historic Landmark Designation and Historical Property Contract for the “Carrie and Frank Dreischmeyer House” Located at 1195 Willow Street.**

**Recommendation:**

(1) Adopt a resolution designating the “Carrie and Frank Dreischmeyer House” located at 1195 Willow Street as a City Landmark of special historic, architectural, aesthetic or engineering interest, or value of a historic nature.

(2) Adopt a resolution approving the Historical Property Contract (California Mills Act Contract) between the City of San José and property owners, Jacqueline and Todd Courtney, for the “Carrie and Frank Dreischmeyer House” located at 1195 Willow Street (APN: 264-58-101), on the subject 0.28-gross acre site.

CEQA: Categorically Exempt, CEQA Guidelines Section 15331. File No. HL18-002. Historic Landmarks Commission recommends approval (6-0-0). (Planning, Building and Code Enforcement)

HL18-002/MA18-002 - Council District 6

TO BE HEARD AT 1:30 P.M. IMMEDIATELY FOLLOWING  
REGULAR CONSENT CALENDAR

- Attachments** [Memorandum](#)  
[\(1\) Resolution](#)  
[\(2\) Resolution](#)

- (b) [18-1841](#) C18-033 - Conforming Rezoning for Real Property Located at 5260 Monterey Road.

**Recommendation:**

1. Determination of Consistency with the Envision San José 2040 General Plan Supplemental EIR (Resolution 77617), and Addenda thereto.

2. Consideration of an ordinance rezoning certain real property of a 0.54-gross acre site located at 5260 Monterey Road from the CN Commercial Neighborhood Zoning District to the CP Commercial Pedestrian Zoning District.

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

C18-003 - Council District 2

TO BE HEARD AT 1:30 P.M. IMMEDIATELY FOLLOWING  
REGULAR CONSENT CALENDAR

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

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

- 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.