



City Council Meeting Amended Agenda

Tuesday, April 9, 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 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

[19-131](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

6:00 p.m.- Evening Session, Council Chambers, City Hall
Will not begin until 6pm or until after all afternoon items are heard.

- Invocation (District 4)

Thu Vu, Vietnamese Zither performance.

- Pledge of Allegiance

- Orders of the Day

To be heard after Ceremonial Items

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a Commendation to Yaretzi García the Winner of Este es mi Mexico drawing contest. (Peralez)

1.2 Presentation of a Proclamation recognizing April 2019 as Sexual Assault Awareness Month in the City of San José. (Arenas)

1.3 Presentation of a Proclamation to recognize March 20, 2019 as Assyrian National Day. (Khamis)

1.4 Presentation of a Commendation to the Exhibition District for beautifying San José with color and art.
(Mayor)

TO BE HEARD IN THE EVENING

1.5 Presentation of a Commendation to Services, Immigrant Rights and Education Network (SIREN) for their efforts in voter registration. (Esparza)

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.

[19-169](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ord No. 30233 - An Ordinance of the City of San José Amending Section 26.40.020 Of Chapter 26.40 of Title 26 of the San José Municipal Code to Permit San José Clean Energy to Decrease Rates and Adjust Rates that are Fixed to Pacific Gas and Electric Company Rates Without Requiring Written Notice to Customers or a Finding of Extraordinary Circumstances by the City Council if the Rate is Decreased or Modified More than Twice a Year.

(b) Ord No. 30234 - An Ordinance of the City of San José Amending Part 2 and Adding Part 3.5 to Chapter 6.88 of Title 6 of the San José Municipal Code to add Definitions and Set Forth Criteria for a Cannabis Equity Assistance Program.

(c) Ord No. 30248 - An Ordinance of the City of San José Rezoning Certain Real Property of an Approximately 94.8-Gross Acre Site Generally Bounded by Coleman Avenue to the North; Union Pacific Right-Of-Way to the South; Newhall Street to the East and the City of Santa Clara Border, to the West, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.

(d) Ord No. 30249 - An Ordinance of the City of San José Rezoning Certain Real Property of an Approximately 6.9-Gross Acre Site Located on the Southwest Corner of Silicon Valley Road and Eden Park Place (455 Silicon Valley Road), from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District.

(e) Ord No. 30250 - An Ordinance of the City of San José Amending Section 23.04.036 of Chapter 23.04 of Title 23 of the San José Municipal Code to Allow Freeway-Facing On-Site Signs for Sites, within the Alviso Master Plan Area, that are Developed with Office or Research and Development Uses; and to Make Other Nonsubstantive Changes to Chapter 23.04 of the Sign Code.

Attachments [\(a\) Ordinance](#)

[\(b\) Ordinance](#)

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

[19-191](#)

Mayor and Council Excused Absence Requests.

Recommendation:

Request for an excused absence for Mayor Liccardo, from the Regular Meeting of the Rules and Open Government Committee on March 20, 2019, due to authorized City business at the Big City Mayors Lobby Day in Sacramento, CA.

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

Attachments [Memorandum](#)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [19-175](#)

Amendment to the Agreement with Host International Inc. for Food and Beverage Concession at the Airport.

Recommendation:

Approve the Fifth Amendment to the Host International Inc. Food and Beverage Concession Agreement to extend the term of the agreement for two years, from June 30, 2026 to June 30, 2028, modify the Street Pricing Policy from 10% to 13% above street pricing, add a new concession into the Terminal B Interim Facility, refresh the Terminal B food court, reduce the Joint Marketing Fund Fee from .50% to .25% of gross revenues, and modify the use of the Joint Marketing Fund to include customer service initiatives.

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

Attachments [Memorandum](#)
[Agreement](#)
[Letter from the Public](#)

2.8 [19-176](#) **Actions Related to the City Auditor Recruitment Costs.****Recommendation:**

Adopt the following Fiscal Year 2018-2019 Appropriation Ordinance amendments in the General Fund:

(a) Increase the City Auditor's Office Non-Personal/Equipment appropriation by \$28,500; and

(b) Decrease the City Auditor's Personal Services appropriation by \$28,500.

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. (City Manager)

Attachments [Memorandum](#)

2.9 [19-177](#) **Actions Related to the 2018 Emergency Management Performance Grant Program.****Recommendation:**

Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(a) Establish a City-Wide Expenses appropriation to the City Manager's Office for the Emergency Management Performance Grant - CMO 2018 in the amount of \$91,100; and

(b) Increase the estimate for Revenue from Federal Government by \$91,100.

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. (City Manager)

Attachments [Memorandum](#)

2.10 [19-178](#)**Amendment to the Agreement with Christmas in the Park, Inc. for the Christmas in the Park at Plaza de Cesar Chavez. - DEFERRED****Recommendation:**

Adopt a resolution authorizing the City Manager or his designee to negotiate and execute a Second Amendment to the Agreement with Christmas in the Park, Inc. to do the following:

(a) Extend the term of the agreement for one of the two three-year extension periods for the period of May 1, 2019 through April 30, 2022 to manage and produce Christmas in the Park at Plaza de Cesar Chavez and to provide reimbursable fees for limited support staff, if needed, with an estimated \$414,600 of in-kind services, calculated on an annual basis;

(b) Delegate authority to the City Manager or his designee to execute the second of the two three-year extension periods provided in the agreement; and

(c) Provide flexibility for use of the Central Service Yard or equivalent space in an alternative location for storage and maintenance of displays, decorations, equipment and office space.

CEQA: Categorically Exempt, CEQA Guidelines Section 15304(e) Minor Alterations to Land, File No. PP16-031. Council District 3. (Economic Development)

DEFERRED TO 4/16/19 PER ADMINISTRATION

Attachments [Memorandum](#)

2.11 [19-179](#)**Actions Related to the Purchase Order with Prime Mechanical Service, Inc. for Refrigerators, Freezers, and Ice-Makers Maintenance and Repair Services.****Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with Prime Mechanical Service, Inc. (Livermore, CA) for refrigerators, freezers, and ice-makers maintenance and repair services for the Public Works Department for an initial twelve-month period, starting on or about April 10, 2019 and ending on or about April 9, 2020 for an amount not to exceed \$270,000; 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 April 9, 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](#)

2.12 [19-180](#) **Set a Public Hearing for the Cost of Sidewalk Repairs for June 11, 2019.**

Recommendation: Adopt a resolution setting a Public Hearing on Tuesday, June 11, 2019 at 1:30 p.m. for the approval of the report from the Director of Finance for the cost of sidewalk repairs.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities. (Finance)

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

2.13 [19-161](#) **Retroactive Approval of Beautification Day in the Tuers Neighborhood 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 March 20, 2019:

(a) Retroactively approve the Beautification Day in the Tuers Neighborhood scheduled on March 9, 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. (Esparza)
[Rules Committee referral 3/20/19 - Item G.1.a]

Attachments [Memorandum](#)

2.14 [19-196](#) **Approval of Great American Litter Pick-Up Sponsored 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 March 27, 2019:

(a) Approve the Great American Litter Pick-Up scheduled on April 13, 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. (City Clerk)
[Rules Committee referral 3/27/19 - Item G.1.a]

Attachments [Memorandum](#)

2.15 [19-197](#) **AB1210 (Low): Crimes: Package Theft.**

Recommendation: As recommended by the Rules and Open Government Committee on March 27, 2019, adopt a position of support for AB1210 (Low) on package theft.

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

[Rules Committee referral 3/27/19 - Item G.2]

Attachments [Memorandum](#)

2.16 [19-198](#) **Retroactive Request for Travel for Mayor and Council.**

Recommendation: Retroactively approve travel for Councilmember Carrasco to San Antonio, TX from March 27 - March 28, 2019, as an elected board member of the Sister Cities International to attend the 2019 Japan-Texas Leadership Symposium. Source of Funds: District 5 Office Budget.

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

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

2.17 [19-199](#) **Retroactive Approval of Crime Prevention Series: Fraud/Identity Theft Prevention Meeting Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: (a) Retroactively approve the Crime Prevention Series: Fraud/Identity Theft Prevention Meeting scheduled on March 27, 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. (Arenas)

Attachments [Memorandum](#)

2.18 [19-228](#) **Retroactive Approval of District 4 Office Hours 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 April 3, 2019:
(a) Retroactively approve the District 4 Office Hours scheduled on April 6, 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 4/3/19 - Item G.1.a]

Attachments [Memorandum](#)

2.19 [19-229](#) **Approval of Berryessa Annual Art Festival 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 April 3, 2019:
(a) Approve the Berryessa Annual Art Festival scheduled on May 11, 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 4/3/19 - 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.

Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 [19-181](#) **Employee Benefit Fund Administration Audit Report.****Recommendation:**

As recommended by the Public Safety, Finance, & Strategic Support Committee on March 21, 2019, accept the Employee Benefit Fund Administration Audit.

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

[Public Safety, Finance, & Strategic Support Committee referral - 3/21/19 Item (d)6]

Attachments [Memorandum](#)

3.4 [19-165](#) **Board of Fair Campaign and Political Practices Response and Proposed Recommendations to October 16, 2018 Council Referral Regarding Shifting Mayoral Elections from the Gubernatorial Election Cycle to the Presidential Election Cycle. - DEFERRED****Recommendation:**

Accept the recommendation from the Board of Fair Campaign and Political Practices to shift the City's mayoral election from the gubernatorial cycle to the presidential cycle.

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

[Deferred from 10/16/2018 - Item 3.9 (18-1393) and 3/26/2019 - Item 3.7 (19-137)]

DEFERRED TO 4/16/2019 PER ADMINISTRATION

Attachments [Memorandum](#)

[BFCPP Ltr to Council March 2019](#)

[Memorandum, 10/16/2018](#)

[Letters from the public, 10/16/2018](#)

[Letters from the Public, BFCPP Mtg, 11/28/18](#)

[Transcript from ROGC Mtg, 10/03/2018](#)

[San Jose Voter Turnout, 1980-2018](#)

3.5 [19-194](#) **Planning Commission Appointment.****Recommendation:**

- (a) Consideration of applicants for appointment to the Planning Commission;
- (b) Appoint one (1) applicant to the Planning Commission for a term expiring 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)

Attachments

[Memorandum](#)
[Supplemental Memorandum, April 2, 2019](#)
[Letter from Norm Kline](#)
[Application Packet Redacted](#)

3.6 [19-182](#) **Study Session Presentation: Council Training on Elected Officials Role in Municipal Bond Disclosure.****Recommendation:**

Accept the presentation on Disclosure Obligations of Municipal Bond Issuers.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Finance)
TO BE HEARD IMMEDIATELY FOLLOWING ITEM 6.1 (19-186)

Attachments

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [19-183](#) **Summary Vacation of a Public Utility Easement Located at 5696 Stevens Creek Boulevard.**

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 1,149 square foot Public Utility Easement at 5696 Stevens Creek Boulevard;
 - (b) Summarily vacating the Public Utility Easement, 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: Mitigated Negative Declaration for the Stevens Creek and Stern Hotel, File No. H17-023. Council District 1. (Public Works)

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

4.2 [19-184](#) **Ellis Act Ordinance Recontrol Provisions. [RECOMMEND DEFERRAL TO 4/23/19 PER ADMINISTRATION]**

Recommendation:

Accept the verbal staff report on research on the Ellis Act Ordinance's recontrol provisions including conversations with developers and lenders, potential alternatives for meeting recontrol requirements and accept the ancillary staff 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. (Housing)

(Deferred from 3/26/19 - Item 4.2)

RECOMMEND DEFERRAL TO 4/23/19 PER ADMINISTRATION

Attachments [Memorandum](#)
[Letter from Housing and Community Development Commission](#)
[Letters from the Public](#)

4.3 [19-185](#) **Affordable Housing Investment Plan Update.****Recommendation:**

As recommended by the Community and Economic Development Committee on March 25, 2019:

- (a) Accept the staff report on the update of the Housing Investment Plan for expenditure of affordable housing funds; and
- (b) Include two new priorities funding acquisition and/or rehabilitation of existing market rate housing and a minimum of 30% of funds be invested in extremely low-income housing over the life of the Housing Investment Plan.

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

[Community and Economic Development Committee referral 3/25/19 - Item (d)4]

Attachments

[Memorandum](#)
[Housing Department Funding Sources](#)
[Prior Year Revenue Projections](#)
[Memorandum from Davis and Esparza, 4/4/2019](#)
[Memorandum from Jimenez and Arenas, 4/5/2019](#)
[Memorandum from Jones, 4/9/19](#)
[Letters from the Public updated noon](#)
[Presentation](#)
[Letter from the County](#)
[Letter from the Public](#)

4.4 [19-230](#) **AB 705 (Stone) Mobile Home Park Closures.****Recommendation:**

As recommended by the Rules and Open Government Committee on April 3, 2019, adopt a position of support for AB 705 (Stone) on Mobile Home Park Closures.

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

[Rules Committee referral 4/3/19 - Item G.3]

Attachments

[Memorandum](#)
[Staff Response Form](#)
[Letters from the Public](#)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [19-186](#) Award of Contract for the 2019 Major Streets Resurfacing Project #1.

Recommendation: (a) Approve award of a construction contract for the 2019 Major Streets Resurfacing Project #1 to the low bidder, DeSilva Gates Construction LP in the amount of \$10,976,044.
(b) Approve a five percent contingency in the amount of \$548,802.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Citywide. (Transportation)
TO BE HEARD IMMEDIATELY FOLLOWING CONSENT

Attachments [Memorandum](#)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

8.1 [19-195](#) Valley Transportation Authority Request for Proposal for Supplemental Law Enforcement Services for the Berryessa/North San José BART Station Area.

Recommendation: Adopt a resolution authorizing the City Manager to submit a proposal to the Valley Transportation Authority for Supplemental Law Enforcement Services for the Berryessa/North San José BART station area with costs for services to be charged competitively, including at or below full cost recovery.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. Council District 4. (Police)

Attachments [Memorandum](#)
[Resolution](#)
[Memorandum from Diep, 4/8/2019](#)
[Memorandum from Mayor, 4/9/19](#)
[Presentation](#)

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 [19-188](#)**C18-031/CP18-036 - Conforming Rezoning and Conditional Use Permit for Real Property Located at 2222 Trade Zone Boulevard.****Recommendation:**

(a) Adopt a resolution adopting the 2222 Trade Zone Boulevard Project Addendum to the Envision San José 2040 General Plan Final Environmental Impact Report, Envision San José 2040 General Plan Final Supplemental Environmental Impact Report, and Addenda thereto, all in accordance with the California Environmental Quality Act, as amended.

(b) Approve an ordinance of the City of San José rezoning an approximately 2.0 gross acre site located at 2222 Trade Zone Boulevard from the IP Industrial Park Zoning District to the TEC Transit Employment Center Zoning District.

(c) Adopt a resolution to approve, subject to conditions, a Conditional Use Permit to allow a church to occupy 18,480-square foot area of an existing 29,193-gross square foot office building with an alternating use parking arrangement.

CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto, File Nos. C18-031 and CP18-036. Director of Planning, Building and Code Enforcement recommends approval. Council District 4. (Planning, Building and Code Enforcement)

Attachments

[Memorandum](#)

[Supplemental Memorandum, 4/5/2019](#)

[\(a\) Resolution](#)

[\(b\) Ordinance](#)

[\(c\) Resolution](#)

[Memorandum from Diep, 4/8/19](#)

[Presentation](#)

[Letter from the Public](#)

[Letter from the Public-late](#)

10.3 [19-189](#)**PP19-010 - Amendment to Title 20 (Zoning Ordinance or Zoning Code).****Recommendation:**

Approve an ordinance amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to amend Section 20.30.150 of Chapter 20.30 to remove average height requirement for secondary units, and modify maximum height requirement for two-story secondary units; amend Section 20.50.100 of Chapter 20.50 to allow Farmers' Market as an enumerated use in the CIC Zoning District; and to make other technical, non-substantive or formatting changes within those sections of Title 20 of the San José Municipal Code.

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

[Deferred from 3/26/19 - Item 10.2 (19-128)]

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

10.4 [19-190](#)**PDC18-009/PD18-037/PT18-020 - Planned Development Rezoning, Planned Development Permit and Vesting Tentative Map for Real Property Located at 2882 Hemlock Avenue and 376 Baywood Avenue.****Recommendation:**

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

(b) Approve an ordinance of the City of San José rezoning certain real property of an approximately 0.47-gross acre site located on the north side of Hemlock Avenue, approximately 120 feet easterly of South Baywood Avenue (2882 Hemlock Avenue and 376 Baywood Avenue) from the CG General Commercial Zoning District to the CP(PD) Planned Development Zoning District.

(c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to merge two parcels into one parcel and to resubdivide the parcel into no more than 48 residential condominium units and no more than 15 commercial condominium units, and one common parcel, on an approximately 0.47 gross acre site.

(d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to effectuate the Planned Development Zoning District and allow the demolition of the 1,544-square foot single-family residence and approximately 3,887-square foot commercial building, the removal of seven ordinance-size trees, and the construction of a mixed-use project with no more than 48 residential condominium units and approximately 18,495-square feet of commercial office space with no more than 15 commercial condominium units on an approximately 0.47-gross acre site.

CEQA: Mitigated Negative Declaration for the Hemlock Mixed-Use Project, File No. PDC18-009/PD18-037/PT18-020. Planning Commission recommends approval (5-0-1; Vora abstained). Council District 6. (Planning, Building, and Code Enforcement).

Attachments

[Memorandum](#)

[Attachment](#)

[\(a\) Resolution](#)

[\(b\) Ordinance](#)

[\(c\) Resolution](#)

[\(d\) Resolution](#)

[Presentation](#)

[Letters from the Public](#)

- 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. 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.