



# **City Council Meeting Amended Agenda**

**Tuesday, January 28, 2020**

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.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **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.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **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.

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

[20-013](#) Closed Session Agenda - CANCELLED

**Attachments** [Closed Session Cancelled Notice](#)

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

6:00 p.m.\*- City Council Study Session: Diridon Station Concept Plan Decision #3, Council Chambers,  
City Hall

\*Will not begin until 6pm or until after all afternoon items are heard, whichever is later.

- Invocation (District 1)

Nirvair Singh, a volunteer with the Sikh Coalition.

- 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 Matthew Loesch for his exemplary dedication and contributions to the Federated City Employee's Retirement System for the City of San José. (City Manager)

1.2 Presentation of a Proclamation for Human Trafficking Awareness Month. (Carrasco)

1.3 Presentation of a Proclamation recognizing January 28, 2020 as International Holocaust Remembrance Day. (Jimenez)

1.4 Presentation of a Commendation for the Fein Osborne Family for bringing their community together to help those who struggle with homelessness and addiction. (Davis)

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.**

[20-097](#)      **Approval of City Council Minutes.**

**Recommendation:** (a) City Council Study Session: Building a Shared Understanding of Equity Work Meeting Minutes of December 13, 2019.  
(b) Regular City Council Meeting Minutes of January 7, 2020.  
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**    [\(a\) 12-13-19 Study Session Minutes](#)  
[\(b\) 1-7-2020 Council Minutes](#)

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

[20-107](#)      **Final Adoption of Ordinances.**

**Recommendation:** (a) Ord No. 30357 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 15.7- Gross Acres Situated on the Southwest Corner of Prune Way and Maplewood Avenue (555 South Winchester Boulevard) from the A(PD) Planned Development Zoning District to the R-M(PD) Planned Development Zoning District. [Passed for Publication on 1/14/20 - Item 10.3(b) (20-049)]

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

20-098**Approval of Council Committee Minutes.****Recommendation:**

(a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of December 11, 2019 (draft).

(b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of January 8, 2020.

(c) Neighborhood Services and Education Committee Meeting Minutes of December 12, 2019 (draft).

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) 12/11/19 ROGC MINUTES (draft)

(b) 1/8/20 ROGC MINUTES

(c) 12/12/19 NSE MINUTES (draft)

**2.4 Mayor and Council Excused Absence Requests.**20-122**Mayor and Council Excused Absence Requests.****Recommendation:**

(a) Request for an excused absence for Councilmember Carrasco, from the City Council meeting on January 14, 2020, due to illness. (Carrasco)

(b) Request for an excused absence for Councilmember Esparza, from the City Council meeting on January 14, 2020, due to illness. (Esparza)

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

[Rules Committee referral 1/22/20 - Item A.1.a]

**Attachments**

(a) Memorandum from Carrasco

(b) Memorandum from Esparza

**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.**

**2.7**    [20-084](#)                    **Actions Related to the Cal OES Grant Acceptance.****Recommendation:**

(a) Adopt a resolution authorizing the City Manager or designee to accept grant funds from the California Governor’s Office of Emergency Services (Cal OES) in the amount of \$500,000 to support the City’s Public Safety Power Shutoff resiliency and to negotiate and execute any documents necessary to accept these grant funds.

(b) Adopt the following 2019-2020 Funding Source Resolution and Appropriation Ordinance amendments in the General Fund:

    (1) Increase the estimate for Revenue from the State of California by \$500,000; and

    (2) Establish the Public Safety Power Shutoff Resiliency appropriation to the City Manager’s Office in the amount of \$500,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

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

**2.8**    [20-085](#)                    **Freeway Maintenance Agreement with Caltrans for the Coyote Creek Trail (Mabury Road - Empire Street).****Recommendation:**

Adopt a resolution authorizing the City Manager or designee to:

(a) Negotiate and execute a Freeway Maintenance Agreement with Caltrans to operate and maintain the planned Coyote Creek Trail beneath Highway 101 between Mabury Road and Empire Street; and  
(b) Amend the agreement to modify the parties’ maintenance responsibilities.

CEQA: Coyote Creek Trail Master Plan Mitigated Negative Declaration, File No. PP09-218. Council Districts 3 and 4. (Parks, Recreation and Neighborhood Services)

**Attachments**    [Memorandum](#)

**2.9**    [20-086](#)            **Nomination of Portion of Greater Gardner Strong Neighborhoods Initiative Area as North Willow Glen Conservation Area.**

**Recommendation:**    Adopt a resolution nominating a portion of the Greater Gardner Strong Neighborhoods Initiative Area for designation as the North Willow Glen Conservation Area and directing the Department of Planning, Building and Code Enforcement to initiate the required process and proceedings to establish the Conservation Area, including necessary outreach to community members and property owners.

CEQA: Categorically Exempt, File No. CA19-001 and ER20-003, CEQA Guidelines Section 15308 Actions by Regulatory Agencies for Protection of the Environment. Council District 6. (Planning, Building and Code Enforcement)

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

**2.10**    [20-083](#)            **Retroactive Request for Travel and Excused Absence for Mayor Liccardo.**

**Recommendation:**    Retroactively authorize travel for Mayor Liccardo to Washington, D.C. from January 21-24, 2020, to attend United States Conference of Mayors Winter Meeting, and excuse from the Joint Meeting for the Rules and Open Government Committee and Committee of the Whole on January 22, 2020. Source of Funds: Mayor/Council Travel Budget. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

**Attachments**    [Memorandum](#)  
[Memorandum from Clerk](#)

**2.11**    [20-105](#)            **Retroactive Approval of the Checkers Dumpster Day Sponsored by Council District 5 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 Checkers Dumpster Day scheduled on November 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. (Carrasco)

**Attachments**    [Memorandum](#)



**2.12**    [20-123](#)            **Retroactive Approval of the Team 222 Creek Cleanup Hosted by South Bay Clean Creeks Coalition as a City Sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on January 22, 2020:  
(a) Retroactively approve the Team 222 Cleanup scheduled on January 11, 2020 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 1/22/20 - Item G.1.a]

**Attachments**    [Memorandum](#)

**2.13**    [20-124](#)            **Retroactive Approval of the District 4 Youth Advisory Council Litter Pickup Co-Sponsored by the Mayor’s Office and the Parks, Recreation, and Neighborhood Service’s Anti-Litter Program 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 22, 2020:  
(a) Retroactively approve the District 4 Youth Advisory Council Litter Pickup scheduled on Saturday, January 25, 2020 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 1/22/20 - Item G.1.b]

**Attachments**    [Memorandum](#)

**2.14**    [20-125](#)                    **Request for Travel for Councilmember Peralez.**

**Recommendation:**    Authorize Councilmember Peralez to attend the Mexico-US Sister Cities Mayors' Summit from February 26-28, 2020 in El Paso, Texas. Source of Funds: Council District 3 Office budget and personal funds. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Peralez)  
[Rules Committee referral 1/22/20 - 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**    [20-087](#)                    **Annual Report on City Services 2018-2019.**

**Recommendation:**    Accept the Annual Report on City Services for 2018-2019. 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 on City Services 2018-2019  
Presentation](#)

**3.4**    [20-088](#)                    **Technology Deployment Audit Report.**

**Recommendation:**    As recommended by the Smart Cities and Service Improvements Committee on December 5, 2019, accept the report on the Technology Deployment 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)  
[Smart Cities and Service Improvements Committee referral 12/5/19 - Item (d)3]  
[Deferred from 1/14/20 - Item 3.3 (20-037)]

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

**3.5**    [20-089](#)            **Community Wi-Fi Strategy Update. - DEFERRED**

**Recommendation:**    As recommended by the Smart Cities and Service Improvements Committee on November 7, 2019, accept the report on the Citywide approach for the implementation of wi-fi that will help support economic development, City infrastructure, and minimize the digital divide.

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 Manager)

[Smart Cities and Service Improvements Committee referral - 11/7/19 - Item (d)3]

[Deferred from 1/7/20 - Item 3.3 (20-008)]

DEFERRED TO 4/21/20 PER ADMINISTRATION

**Attachments**    [Smart Cities and Service Improvements Committee Presentation](#)

**4. PUBLIC SAFETY SERVICES****5. TRANSPORTATION & AVIATION SERVICES****5.1**    [20-106](#)            **Submit Letter to VTA In Affirmation and Preservation of Funding for Planned Highway and Streets Projects with Committed VTA Measure B Tax Dollars.**

**Recommendation:**    Adopt a position of support for the preservation of existing VTA Measure B highway and streets funding commitments against efforts to divert & redirect the voter-approved funding to nonhighway/streets purposes, and submit a letter to the VTA Board of Directors calling for implementation of Measure B's funding program as passed by voters in 2016, in advance of their January 9, 2020 Board meeting.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jones, Foley, Davis, Khamis)

[Deferred from 1/7/20 - Item 6.1 (20-003)]

**Attachments**    [Memorandum](#)  
[Supplemental Memorandum, 1/24/2020](#)  
[Memorandum from Mayor, 1/6/2020](#)  
[Letters from the Public \(1\)](#)  
[Letters from the Public \(2\)](#)

**5.2**     [20-090](#)             **Vision Zero Action Plan. - DEFERRED****Recommendation:**

As recommended by the Transportation and Environment Committee on November 4, 2019, accept an update on the Vision Zero transportation safety initiative and the Action 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. (Transportation)

[Transportation and Environment Committee referral 11/4/19 - Item (d)2]

DEFERRED TO 2/11/20 PER ADMINISTRATION

**Attachments**

[Memorandum from T&E, 11/4/19](#)

[Memorandum from Peralez, 11/1/2019](#)

[Attachment A](#)

[Presentation from T&E, 11/4/19](#)

[Letters from the Public](#)

**6. ENVIRONMENTAL & UTILITY SERVICES****6.1**     [20-091](#)             **Actions Related to the Commercial Solid Waste Agreements. - DEFERRED****Recommendation:**

(a) Approve the amended and restated agreement with Allied Waste Services of North America, LLC, dba Allied Waste Services of Santa Clara County (Allied) to modify the terms for collecting and processing commercial solid waste, recyclables and organic materials and to extend services through June 30, 2032.

(b) Approve the amended and restated agreement with Zero Waste Energy Development Company (ZWED) to modify the terms for processing commercial solid waste, recyclables and organic materials and to extend organic processing services through June 30, 2032.

(c) Approve a settlement to resolve a potential legal dispute between the City, Allied, and ZWED, and authorize the City Attorney to execute a Settlement Agreement to resolve the dispute.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report and Supplemental Program Environmental Impact Report, File No. ER19-084.

(Environmental Services)

DEFERRED TO 2/25/20 PER ADMINISTRATION

**7. NEIGHBORHOOD SERVICES**

**7.1**    [20-104](#)            **Private Property Graffiti Abatement Ordinance (Update on Council Policy Priority #25). - DEFERRED**

**Recommendation:**    Accept the report on the Update on Council Policy Priority #25 (Private Property Graffiti Abatement Ordinance).  
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)  
DEFERRED TO 2/4/20 PER ADMINISTRATION

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

**8.1**    [20-092](#)            **Request for Proposal for Historic Resources Services and City Projects.**

**Recommendation:**

- (a) Accept the report on the Request for Proposal for consultants to assist with historic resources services and other City projects.
- (b) Adopt a resolution authorizing the City Manager to:
- (1) Negotiate and execute Master Agreements for consultants to provide historic resources services for an initial five-year term ending January 2025, with the following consultants for a maximum aggregate compensation not to exceed \$1,400,000 for all Agreements, subject to the appropriation of funds:
    - (a) AECOM Technical Services, Inc. (San José); Maximum Compensation: \$100,000
    - (b) Architectural Resources Group, Inc.; Maximum Compensation: \$100,000
    - (c) Archives & Architecture, LLC; Maximum Compensation: \$100,000
    - (d) Dudek; Maximum Compensation: \$100,000
    - (e) Environmental Science Associates; Maximum Compensation: \$100,000
    - (f) Garavaglia Architecture, Inc.; Maximum Compensation: \$100,000
    - (g) Galvin Preservation Associates, Inc., dba GPA Consulting; Maximum Compensation: \$100,000
    - (h) Interactive Resources, Inc.; Maximum Compensation: \$100,000
    - (i) MacRostie Historic Advisors, LLC; Maximum Compensation: \$100,000
    - (j) Michael Baker International, Inc.; Maximum Compensation: \$100,000
    - (k) Page & Turnbull, Inc.; Maximum Compensation: \$100,000
    - (l) Stantec Consulting Services, Inc.; Maximum Compensation: \$100,000
    - (m) SWCA, Inc., dba SWCA Environmental Consultants; Maximum Compensation: \$100,000
    - (n) TreanorHL, Inc.; Maximum Compensation: \$100,000
  - (2) Execute amendments to the Master Agreements to increase or decrease the maximum compensation of each agreement, not to exceed the aggregate compensation amount for all of the agreements.
  - (3) Exercise up to three one-year options to extend the term of the Agreements through January 2028, subject to the appropriation of funds.
- CEQA: Not a Project, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. (Planning, Building and

Code Enforcement)

**Attachments** [Memorandum  
Presentation  
Memorandum from Carrasco and Esparza, 1/24/2020](#)

**8.2** [20-093](#) **Actions Related to the 2020-2021 Hazardous Vegetation Commencement Report.**

**Recommendation:** Conduct a Public Hearing and adopt a resolution:  
(a) Overruling any and all objections to the 2020-2021 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 the County of Santa Clara.  
CEQA: Categorically Exempt, File No. PP18-094, CEQA Guidelines Section 15301(h) Existing Facilities. (Planning, Building and Code Enforcement)

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

## **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**

No Land Use items on Consent Calendar.

**END OF CONSENT CALENDAR**

#### **10 Land Use - Regular Agenda**



**10.2**    [20-094](#)

**H16-042 - Public Hearing on the Appeals of the Environmental Determination for a Historic Preservation Permit and Site Development Permit for Real Property Located at 211 South First Street.**

**Recommendation:**

(a) Conduct an Administrative Hearing to consider the Appeals of the Planning Director's (i) certification of a Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 Final Environmental Impact Report (FEIR) for the San José Tribute Hotel project; and (ii) approval of Historic Preservation Permit No. HP17-003 and Site Development Permit No. H16-042 for the San José Tribute Hotel project, which involves the construction of a 24-story, 274-room hotel integrated with the Montgomery Hotel, a designated City landmark listed on the National Register of Historic Places, with off-site parking on an approximately 0.58 gross-acre site at 211 South First Street.

(b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's certification of the SEIR, and finding that:

(1) The City Council has read and considered the SEIR for the San José Tribute Hotel Project and related administrative record in connection with Historic Preservation Permit No. HP17-003 and Site Development Permit No. H16-042; and

(2) The SEIR for the San José Tribute Hotel project was prepared and completed in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, together with State and local implementation guidelines; and

(3) Certification of the SEIR for the San José Tribute Hotel project reflects the independent judgment and analysis of the City of San José; and

(4) Preparation of a new Environmental Impact Report or revised SEIR is not required because the SEIR thoroughly and adequately analyzed the historical issues and the environmental appeal does not raise any new significant impacts that have not already been analyzed in the SEIR in accordance with Public Resources Code (PRC) Section 21166, or CEQA Guidelines Section 15162.

(c) Adopt a resolution denying the permit appeals and approving Historic Preservation Permit No. HP17-003 and the Site Development Permit No. H16-042 for the construction of a 24-story, 274-room hotel integrated with the Montgomery Hotel, a designated City landmark, with off-site parking on an approximately 0.58 gross-acre site, at 211 South First Street.

CEQA: SEIR to the Final Environmental Impact Report for the Downtown Strategy 2040 (Resolution No. 77096) for the San José Tribute Hotel Project, File Nos. H16-042 and HP17-003. Council District 3. (Planning, Building and Code Enforcement)

NOT TO BE HEARD BEFORE 4:00 P.M.

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

**10.3** [20-095](#) **C19-029 and CP19-024 - Conforming Rezoning and a Conditional Use Permit for the Property Located at 1500 South 10th Street.**

**Recommendation:**

- (a) Adopt a resolution adopting the Solar4America Ice Facility Expansion Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program in accordance with CEQA.
- (b) Approve an ordinance rezoning an approximately 21.23-gross acre site situated at the southeast corner of South 10th Street and East Alma Avenue (1500 South 10th Street) from the R-2 Residential Zoning District to the PQP Public/Quasi-Public Zoning District.
- (c) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow the demolition of the San José Municipal Firing Range, the removal of 33 ordinance-size trees and 65 non-ordinance-size trees and to allow the 204,193-square foot expansion of an existing ice rink facility with late night use and an off-site alternative parking arrangement on an approximately 21.23-gross acre site at 1500 South 10th Street.  
CEQA: Solar4America Ice Facility Expansion Project Mitigated Negative Declaration. Council District 7. (Planning, Building and Code Enforcement)  
TO BE HEARD IN THE AFTERNOON

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

- **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.**

**CITY COUNCIL STUDY SESSION: DIRIDON STATION CONCEPT PLAN DECISION #3**

**\*Will not begin until 6:00 P.M. or until after all afternoon items are heard, whichever is later.**

[20-096](#)

Purpose: To provide City Council and community members with information on the benefits, and tradeoffs of the different track approaches to the Diridon Station that are being considered as part of the Diridon Integrated Station Concept Plan.

Outcome: City Council will receive detailed information on the features of potential track approaches into and out of the station. The Diridon Partner Agencies will present information on the benefits and tradeoffs of each of these options in terms of property impacts, noise, vibration, visual impacts, and environmental impacts. The Study Session will inform the City Council vote on a preferred track alignment, scheduled for the February 4, 2020 Council meeting.

(a) Study Session Presentation: Diridon Integrated Station Concept - Rail Alignments

(b) City Council Questions and Discussion

(c) Public Comment

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