



City Council Meeting Amended Agenda

Tuesday, April 17, 2018

SAM LICCARDO, MAYOR
CHAPPIE JONES, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5
DEV DAVIS, DISTRICT 6
TAM NGUYEN, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
DONALD ROCHA, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- Call to Order and Roll Call

9:30 a.m.- Closed Session, Call to Order in Council Chambers

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

[18-547](#)

See separate agenda.

Attachments [Closed Session Agenda](#)

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

- Invocation (District 4)

Arizona Representative Athena Salman

- Pledge of Allegiance

- Orders of the Day

* SEE NEW ITEM 2.4, "Mayor and Council Excused Absence Request" TO BE ADDED UNDER ORDERS OF THE DAY.

* SEE NEW ITEM 2.12, "Approval of 'Pilgrimage to La Paz' Co-Sponsored By District 2 and District 8 as a City Council Sponsored Event to Expend City Funds and Accept Donations of Materials and Services for the Event" TO BE ADDED UNDER ORDERS OF THE DAY.

* SEE NEW ITEM 2.13, "Actions Related to Councilmember Khamis's Travel to the Kingdom of Saudi Arabia" TO BE ADDED UNDER ORDERS OF THE DAY.

REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION.

Council's Rules of Conduct, Resolution No. 78145, Rule 3(d).

ADJOURNMENT: This meeting is adjourned in memory of Finis Haruko Uyeda. Finis passed away peacefully on February 28, 2018 at the age of 84. Finis and her husband Lester moved to San Jose, California in 1963, where they've called home for the next 55 years. Finis became a mother to her three children and worked in school administration at Franklin McKinley and Seven Trees Elementary until she retired. Upon retiring, Finis kept busy helping to take care of her 5 grandchildren and remained active in the community. Finis was a member of the Wesley United Methodist Church and a volunteer at the Yu-Ai Kai Senior Center. Before passing, she wanted it communicated that she loved everyone and to thank them for making her life so wonderful. She lived a selfless and caring life - A life truly worth living. Her personality was infectious and she enjoyed life to the fullest, making every day count.

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 proclamation recognizing April 22, 2018 as Earth Day in the City of San José.
(Mayor)

1.2 Presentation of a proclamation recognizing April 2018 as Stress Awareness Month in the City of San José. (Arenas)

1.3 Presentation of a commendation to Black Cat Comics, for their service to not only comic book fans, but also for organizing several events that help support their community. (Diep)

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.

[18-519](#)

Approval of City Council Minutes.

Recommendation:

Regular City Council Meeting Minutes of October 31, 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.

Attachments

[Regular City Council Minutes of October 31, 2017](#)

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

[18-513](#)

Approval of Council Committee Minutes.

Recommendation:

- (a) Transportation and Environment Committee Minutes of February 5, 2018. (Carrasco)
 - (b) Transportation and Environment Committee Minutes of March 5, 2018. (Carrasco)
 - (c) Neighborhood Services and Education Committee Minutes of February 8, 2018. (Rocha)
 - (d) Rules and Open Government Committee Minutes of November 15, 2017. (Mayor)
- 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

[T & E Minutes of February 5, 2018](#)
[T & E Minutes of March 5, 2018](#)
[NSE Minutes of February 8, 2018](#)
[ROGC Minutes of November 15, 2017](#)

2.4 Mayor and Council Excused Absence Requests.

[18-558](#)

Mayor and Council Excused Absence Requests.

Recommendation:

Request for an excused absence for Mayor Sam Liccardo from the Regular meeting of the Rules and Open Government Committee on April 11, 2018 due to authorized City business.

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

Attachments

[Memorandum](#)

2.5 City Council Travel Reports.

[18-590](#)

City Council Travel Report San Jose-Okayama 60th Anniversary.

Attachments

[Memorandum & Presentation from CM Peralez](#)

2.6 Report from the Council Liaison to the Retirement Boards.

- 2.7** [18-488](#) **Retroactive Approval of Boggini Park Community Clean-Up 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: As recommended by the Rules and Open Government Committee on March 28, 2018:
(a) Retroactively approve the Boggini Park Community Clean-Up scheduled on February 10, 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. (Arenas)
[Rules Committee referral 3/28/18 - Item G.1.a]

Attachments [Memorandum](#)

- 2.8** [18-500](#) **Agreement with Knight Foundation for Grant Funds to Develop an Internet of Things Strategy.**

Recommendation: Ratify and approve the City Manager's execution of an Agreement with the Knight Foundation for receipt of \$200,000 in grant funds to develop an Internet of Things (IoT) strategy to inform the City's decisions about where to invest, how to finance infrastructure, how to effectively govern assets, and how to partner effectively with the private sector for the period of July 1, 2017 to July 1, 2018.
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](#)
 [Agreement](#)

- 2.9** [18-498](#) **Report on Bids and Award of Contract for the 8568 - Gumdrop and Partridge Drive Main Replacement Project.**

Recommendation: Report on bids and award of contract for the 8568 - Gumdrop and Partridge Drive Main Replacement (Rebid) project to the low bidder, Pacific Underground Construction, Inc. in the amount of \$1,589,499 and approval of a contingency in the amount of \$158,949.
CEQA: Exempt, File No. PP17-050, CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction.
(Environmental Services)

Attachments [Memorandum](#)

2.10 [18-480](#) Report on Bids and Award of Contract for 8643 - Cast Iron Replacement FY 17-18 Package III Project.

Recommendation: Report on bids and award of contract for the 8643 - Cast Iron Replacement FY 17-18 Package III project to the low bidder, Casey Construction, Inc., in the amount of \$1,334,280 and approve a contingency in the amount of \$133,428.
CEQA: Statutorily Exempt, File No. PP17-031, CEQA Guidelines Section 15301, Existing Facilities, dated April 25, 2017; Expiration Date: April 20, 2022. Council Districts 2 & 10. (Public Works)

Attachments [Memorandum](#)

2.11 [18-504](#) Approval of Pavement Maintenance Projects for Road Maintenance and Rehabilitation Account Funding (Senate Bill No. 1).

Recommendation: Adopt a resolution approving a list of pavement maintenance projects eligible for San José's 2018-2019 allocation of the Road Maintenance and Rehabilitation Account funding, which was made available by the approval of Senate Bill No. 1 (SB-1), otherwise known as the Road Repair and Accountability Act of 2017.
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. (Transportation)

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

2.12 [18-555](#) Approval of "Pilgrimage to La Paz" Co-Sponsored By Council District 2 and Council District 8 as a City Council Sponsored Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: (a) Approve the "Pilgrimage to La Paz" scheduled for April 23, 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.
(Jimenez/Arenas)
[Rules Committee referral 4/11/18 - Item A.1.a]

Attachments [Memorandum](#)

2.13 [18-557](#) Actions Related to Councilmember Khamis's Travel to the Kingdom of the Saudi Arabia.

Recommendation: (a) Authorize travel for Councilmember Johnny Khamis to the Kingdom of Saudi Arabia (KSA) May 4-9, 2018 with a business and technology delegation to encourage investment by KSA in San José and the Silicon Valley.

 (b) Excuse absences from the regular meetings of the City Council on May 8, 2018, and the Budget Study Session and Rules and Open Government Committee and Committee of the Whole Meeting on May 9, 2018.

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

 [Rules Committee referral 4/11/18 - Item A.1.a]

Attachments [Memorandum](#)

2.14 [18-566](#) AB 2588 (Chu) Manufactured Housing.

Recommendation: As referred to City Council, without recommendation, by the two councilmembers present at the Rules and Open Government Committee on April 11, 2018, re-affirm a sponsor position for AB 2588 (Chu).

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

 [Rules Committee referral without recommendation 4/11/18 - Item G.3]

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** [18-496](#) **Approval of the Terms of an Agreement with the Municipal Employees' Federation (MEF), AFSCME LOCAL 101, for the Term of July 1, 2018 through June 30, 2021.**

Recommendation: Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Municipal Employees' Federation, AFSCME Local 101 (MEF) for the term of July 1, 2018 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
TO BE HEARD JOINTLY WITH ITEMS 3.4, 3.5, 3.6, AND 3.7

Attachments [Memorandum](#)
 [Resolution](#)
 [Presentation for Items 3.3-3.7](#)

- 3.4** [18-506](#) **Approval of the Terms of Agreements with the Association of Engineers and Architects, IFPTE Local 21 (AEA), Units 41/42 and Association of Engineers and Architects, IFPTE Local 21 (AEA), Unit 43 for the Term of July 1, 2018 through June 30, 2021.**

Recommendation: Adopt a resolution:
(a) Approving the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, IFPTE, Local 21 (AEA), Units 41/42 for the term of July 1, 2018 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms; and
(b) Approving the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, IFPTE, Local 21 (AEA), Unit 43 for the term of July 1, 2018 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
TO BE HEARD JOINTLY WITH ITEMS 3.3, 3.5, 3.6, AND 3.7

Attachments [Memorandum](#)
 [Resolution](#)
 [Presentation for Items 3.3-3.7](#)

- 3.5** [18-507](#) **Approval of the Terms of an Agreement with the Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP) for the Term of July 1, 2018 through June 30, 2021.**

Recommendation: Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP) for the term of July 1, 2018 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
TO BE HEARD JOINTLY WITH ITEMS 3.3, 3.4, 3.6, AND 3.7

Attachments [Memorandum](#)
 [Resolution](#)
 [Presentation for Items 3.3-3.7](#)

- 3.6** [18-508](#) **Approval of the Terms of an Agreement with the City Association of Management Personnel, IFPTE Local 21 (CAMP) for the Term of July 1, 2018 through June 30, 2021.**

Recommendation: Adopt a resolution approving the terms of a collective bargaining agreement between the City and the City Association of Management Personnel, IFPTE, Local 21 (CAMP) for the term of July 1, 2018, through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
TO BE HEARD JOINTLY WITH ITEMS 3.3, 3.4, 3.5, AND 3.7

Attachments [Memorandum](#)
 [Resolution](#)
 [Presentation for Items 3.3-3.7](#)

3.7 [18-514](#) Compensation and Benefit Changes for Executive Management and Professional Employees In Unit 99 and Other Unrepresented Employees (Units 81/82), for Fiscal Years 2018-2019, 2019-2020, and 2020-2021.

Recommendation: (a) Adopt a resolution approving compensation and benefit changes for executive management and professional employees in Unit 99 and other unrepresented employees (Units 81/82), for Fiscal Years 2018-2019, 2019-2020, and 2020-2021.

(b) Approve a 2.75% Crisis Intervention Training premium pay for the Chief of Police U (2227) and Assistant Police Chief U (2225), effective July 1, 2018.

(c) Approve a 1% increase to the Crisis Intervention Training premium pay for the Chief of Police U (2227), and Assistant Police Chief U (2225), effective June 30, 2019.

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

TO BE HEARD JOINTLY WITH ITEMS 3.3, 3.4, 3.5, AND 3.6

Attachments [Memorandum](#)
[Memorandum from Mayor Liccardo](#)
[Resolution](#)
[Presentation for Items 3.3-3.7](#)

3.8 [18-497](#) Amendment to the Agreement with Kaiser Foundation Health Plan, Inc. for Medical Insurance. DROP

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with Kaiser Foundation Health Plan, Inc., for medical insurance for City employees, retirees, and their dependents, increasing the not to exceed Agreement amount from \$255,343,698 to a revised not to exceed amount of \$466,446,407 and extending the term of the Agreement from December 31, 2018 to December 31, 2020.

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

DROP

Attachments [Memorandum](#)

3.9 [18-469](#) **Actions Related to the 8727 - FEMA - Alum Rock Falls Road Landslide Repair LOP #19 (SCSJC90) Project.**

Recommendation:

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award and execute the 8727 - FEMA - Alum Rock Falls Road Landslide Repair LOP #19 (SCSJC90) construction contract to the lowest responsive bidder, and to approve a change order reserve/contingency of twenty-five percent (25%) of the contract award, in a total amount (contract plus reserve/contingency) not to exceed \$1,462,500; and
- (b) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and rebid the project; and
- (c) Negotiate and issue any change orders up to the amount of the reserve/contingency if the Director awards and executes a construction contract for the Project.

CEQA: Statutorily Exempt, File No. PP18-003, CEQA Guidelines Section 15269, Emergency Projects. (Public Works/Transportation)

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

3.10 [18-470](#) **Citywide Capital Improvement Program Semi-Annual Status Report.**

Recommendation:

Accept the Semi-Annual Status Report on the Citywide Capital Improvement Program.

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

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

3.11 [18-509](#) Review of the Retirement Plan's Pension and Post-Employment Healthcare Plan Actuarial Valuations as of June 30, 2017.

Recommendation:

Review the following actuarial valuation reports:

- (a) Police and Fire Department Retirement Plan Actuarial Valuation (Pension) as of June 30, 2017;
- (b) Police and Fire Department Postemployment Healthcare Plan Actuarial Valuation (Pension) as of June 30, 2017;
- (c) Federated City Employees' Retirement System Actuarial Valuation (Pension) as of June 30, 2017; and
- (d) Federated City Employees' Retirement System Postemployment Healthcare Plan Actuarial Valuation as of June 30, 2017.

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

Attachments [Memorandum](#)
 [Attachment A](#)
 [Attachment B](#)
 [Attachment C](#)
 [Attachment D](#)
 [Presentation](#)

3.12 [18-567](#)**Sister Cities Travel Policy.****Recommendation:**

As referred to City Council, without recommendation, by the two councilmembers present at the Rules and Open Government Committee on April 11, 2018:

Direct staff to amend the Council Travel Policy (9-5) to include the following regarding all City Council travel to Sister Cities:

(a) If the Mayor is unavailable to join a Sister City or official delegation overseas, (s)he may nominate a single member of the Council to represent the City, subject to Council approval.

(b) If public funding is to be used for that travel, more than one member of the Council may participate in such delegations only with formal Council approval. Additional Councilmembers may participate only if they identify a non-public, lawful source of funding.

(c) Councilmembers shall not use public dollars to bring additional City Council staff along as part of an international delegation.

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

[Rules Committee referral without recommendation 4/11/18 - Item G.4]

Attachments

[Memorandum](#)

[Memorandum from Councilmember Diep](#)

[Memorandum from Councilmember Rocha](#)

[Memorandum from Councilmember Arenas](#)

[Memorandum from Councilmember Jimenez](#)

[Letter\(s\) from the Public](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

**4.1 [18-495](#) **Downtown High-Rise Residential Incentive Subsidy for SJSC Towers (Miro)
Located at 33 N. Fifth Street.****

Recommendation: Conduct a Public Hearing regarding an economic development subsidy in connection with a reduction in construction taxes and parkland fees for twenty additional units in a Downtown residential high-rise at 33 N. Fifth Street in the amount of \$236,133, pursuant to California Government Code Section 53083.
CEQA: Addendum to the Downtown Strategy 2000 Final Program Environmental Impact Report, adopted by City Council Resolution No.72767 on June 21,2005; the Envision San José 2040 General Plan Final Program Environmental Impact Report, adopted by City Council Resolution No.76041 on November 1, 2011; and the Envision San José 2040 General Plan Supplemental Environmental Impact Report, adopted by City Council Resolution No. 77617 on December 15, 2015. Planning File No. SP17-009. Council District 3. (Economic Development)

Attachments [Memorandum](#)

5. NEIGHBORHOOD SERVICES

5.1 [18-428](#) **Park Ranger Program Annual Report.**

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on March 15, 2018, accept the 2017 Annual Report on the Park Ranger Program.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City actions. (Parks, Recreation and Neighborhood Services)
[Public Safety, Finance and Strategic Support Committee - Item (d) 4]
DEFERRED FROM 4/3/18 ITEM 5.1 TO 4/17/18 PER
ADMINISTRATION

Attachments [4/17/18 Supplemental Memorandum](#)
[4/17/18 Memorandum from CMs Peralez & Jones](#)
[4/17/18 Presentation](#)
[4/17/18 Letter\(s\) from the Public](#)
[3/15/18 PSFSS Memorandum](#)
[3/15/18 PSFSS Presentation](#)
[3/15/18 PSFSS Letter\(s\) from the Public](#)

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

- 8.1** [18-534](#) **Status Update on Santa Clara County's Release for Proposal for Emergency Ambulance Services and Potential Impacts to the 911 Emergency Medical Services Provider Agreement with the County of Santa Clara.**

Recommendation: (a) Council by motion waive the 10-day noticing requirement for the following item, and consider the following recommendation;
(b) Accept the "updated" status update on Santa Clara County's release of Request for Proposal (RFP) for Emergency Ambulance Services and potential impacts to the 911 Emergency Medical Services Provider Agreement between the City of San José and the County of Santa Clara and direct the City Manager to:
(1) Work with other Santa Clara County First-Responder Agencies on ways to achieve cost-recovery, including a First Responder Advanced Life Support fee (FRALS) in the short-term, and public-private model in the long-term.
(2) Request the Santa Clara County amend the existing RFP to require inclusive of a FRALS to achieve cost-recovery for first-responder agencies.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Fire/City Manager)

Attachments [Memorandum](#)

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) [18-450](#) **Conforming Rezoning (C17-053) for Real Property Located at 951 Saratoga Avenue.**

Recommendation:

Consideration of an ordinance of the City of San José rezoning an approximately 0.84-gross acre site, located at the southwest corner of Saratoga Avenue and Borina Drive (951 Saratoga Avenue) from the A(PD) Planned Development Zoning District and the R-1-8 Residential Zoning District to the CP Commercial Pedestrian Zoning District (Morningstar Education Group LLC, Owner).

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report adopted by City Council Resolution No. 76041 on November 1, 2011; and the Envision San José 2040 General Plan Supplemental Environmental Impact Report adopted by City Council Resolution No. 77617 on December 15, 2015; and addenda thereto.

DEFERRED FROM 4/10/18 ITEM 10.1(a) TO 4/17/18 PER
ADMINISTRATION

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

- (b) [18-449](#) **Planned Development Rezoning (PDC15-027) for Real Property Located at 1705 Berryessa Road.**

Recommendation:

(a) Adopt a resolution adopting the 1705 Berryessa Gas Station Project Mitigated Negative Declaration, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program.

(b) Consideration of an ordinance of the City of San José rezoning a 1.04-gross acre site, located at the northwest corner of Berryessa Road and Lundy Avenue (1705 Berryessa Road) from the A(PD) Planned Development Zoning District to the CP(PD) Commercial Neighborhood Planned Development Zoning District to facilitate a future permit for the demolition of the existing kiosk, carwash building and the construction of an approximately 3,212-square foot new convenience store, 2,490-square foot retail/deli building, and 1,086 carwash tunnel (AU Energy, LLC Nick Goyal, Owner).

CEQA: Mitigated Negative Declaration for the 1705 Berryessa Gas Station Project. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

PDC15-027 - Council District 4

DEFERRED FROM 4/10/18 ITEM 10.1(b) TO 4/17/18 PER ADMINISTRATION

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

This meeting is adjourned in memory of Finis Haruko Uyeda. Finis passed away peacefully on February 28, 2018 at the age of 84. Finis and her husband Lester moved to San Jose, California in 1963, where they've called home for the next 55 years. Finis became a mother to her three children and worked in school administration at Franklin McKinley and Seven Trees Elementary until she retired. Upon retiring, Finis kept busy helping to take care of her 5 grandchildren and remained active in the community. Finis was a member of the Wesley United Methodist Church and a volunteer at the Yu-Ai Kai Senior Center. Before passing, she wanted it communicated that she loved everyone and to thank them for making her life so wonderful. She lived a selfless and caring life - A life truly worth living. Her personality was infectious and she enjoyed life to the fullest, making every day count.

- Notice of City Engineer's Pending Decision on Final Maps

[18-575](#)**Notice of City Engineer's Pending Decision on Final Maps.****Recommendation:**

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

Tract	Location	Council District	Lots/ Units	Type
10415	Araujo Street	4	9/10	SFD

Proposed
Decision Developer
Approve Rescom Devl

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

Tract	Location	Council District	Lots/ Units	Type
10460	Sharon Drive	1	6/7	SFD

Developer
Seven Hills LLC

Tract	Location	Council District	Lots/ Units	Type
10456	15980 Carlton Ave	9	1/6	SFD

Developer
Hencken Development
Consultants

This notice is to be posted with the City Council's regular agenda for 4/17/18.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.