



# **City Council Meeting Amended Agenda**

**Tuesday, March 6, 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](mailto:CityClerk@sanjoseca.gov) for the final document.

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

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

- Call to Order and Roll Call

9:30 a.m.- Closed Session, Call to Order in Council Chambers  
Open Session, Labor Negotiations Update (See Item 3.2)  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
See Separate Agenda

[18-310](#) See separate agenda.

**Attachments** [Closed Session Agenda](#)

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

- Invocation (District 3)

Mike Mendoza

- Pledge of Allegiance

- Orders of the Day

ADJOURNMENT: This meeting is adjourned in memory of Velma LaPine Million. Ms. Million passed away on January 31, 2018, at the age of 97. Velma became known as the “Lady of the Lake”, as her idea of a regional park for youth in the area became a reality with the creation of Lake Cunningham Park. She was a tenacious, tireless community leader, who will be missed. However, her positive impact on our community will not be forgotten. (Rocha)

**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 [18-273](#) Presentation of a proclamation to recognize the month of March as Pediatric Cancer Awareness Month in the City of San José. (Peralez)

1.2 [18-308](#) Presentation of a proclamation recognizing March 2018 as Women's History Month in the City of San José. (Arenas/Carrasco/Davis)

## **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.**

**2.3 Approval of Council Committee Minutes.**

**2.4 Mayor and Council Excused Absence Requests.**

**2.5 City Council Travel Reports.**

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

**2.7 [18-216](#) Amendment to the City Pay Plan for the Wastewater Facility Manager Classification.**

**Recommendation:** Adopt a resolution to amend the City of San José Pay Plan effective March 11, 2018, to retitle the Wastewater Facility Manager (3615) (formerly Wastewater Facility Operations Manager) classification, with an annual pay range of approximately \$98,909.04 - \$151,068.99. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Human Resources)

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

- 2.8**     [18-278](#)            **Approval of Assyrian Flag Raising Sponsored By Council District 10 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 February 21, 2018:  
(a) Approve the Assyrian Flag Raising scheduled on March 21, 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. (Khamis)  
[Rules Committee referral 2/21/18 - 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**     [18-298](#)     **Actions Related to the Evergreen Senior Homes Initiative Amending the Envision San José 2040 General Plan.**

**Recommendation:**

- (a) Accept the Elections Code 9212 report, as revised, analyzing the Petition Initiative Amending the Envision San José 2040 General Plan (Initiative).
- (b) As directed by Council on February 13, 2018, adopt a resolution calling an election to submit the Initiative to the voters at the next General Election on June 5, 2018.
- (c) Council discussion and consideration of whether the full text of the Initiative should be printed in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;
- (d) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;
- (e) Council discussion and consideration of whether the City Council or any member or members of the City Council to submit an argument against the Initiative on the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election;
- (f) Council discussion and consideration of whether to direct the City Clerk to transmit a copy of the measure to the City Attorney to prepare an Impartial Analysis, pursuant to Elections Code Section 9280; and
- (g) Direct the City Clerk to take all actions necessary to place this measure for a June 5, 2018, General Election.

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/City Attorney/City Clerk)

**Attachments** [3/06/18 Memorandum from the City Clerk](#)  
[3/06/18 Memorandum](#)  
[3/06/18 Attachment A](#)  
[3/06/18 Attachment B](#)  
[3/06/18 Attachment C](#)  
[3/06/18 Attachment D](#)  
[3/06/18 Supplemental Memorandum from the City Attorney](#)  
[3/5/18 Memorandum from Mayor Liccardo](#)  
[3/5/18 Memorandum from CM Arenas](#)  
**(b) Resolution**  
[2/13/18 Memorandum](#)  
[2/13/18 Memorandum from Mayor Liccardo; Vice Mayor Carras](#)  
[2/13/18 Memorandum from Councilmember Khamis](#)  
[2/13/18 Attachment A](#)  
[2/13/18 Attachment B](#)  
[2/13/18 Attachment C](#)  
[2/13/18 Attachment D](#)  
[2/13/18 Attachment E](#)  
[2/13/18 Presentation](#)  
[2/13/18 \(a\) Modifications](#)  
[2/13/18 \(b\) Modifications](#)  
[2/07/18 ROGC Memorandum](#)  
[Letter\(s\) from the Public](#)

**3.4**    [18-272](#)    **Second Quarter Financial Reports for Fiscal Year 2017-2018.**

**Recommendation:**    As recommended by the Public Safety, Finance, and Strategic Support Committee on February 15, 2018, accept second quarter (period ending December 31, 2017) financial reports in the areas of Debt Management, Investment Management, and Revenue Collection.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)  
[Public Safety, Finance, and Strategic Support Committee Item 2/15/18 - Item (d)3]

**Attachments**    [Memorandum](#)  
[Investment Report](#)  
[February 15, 2018 PSFSS Presentation](#)



**3.5**    [18-271](#)            **Annual Review of the City of San José Investment Policy.**

**Recommendation:**    As recommended by the Public Safety, Finance, and Strategic Support Committee on February 15, 2018, adopt a resolution to approve the proposed revisions to Council Policy 1-12, "City of San José Investment Policy".

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Finance)  
[Public Safety, Finance, and Strategic Support Committee 2/15/18 - Item (d)4]

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

**3.6**    [18-209](#)            **Status Report on Deferred Maintenance and Infrastructure Backlog.**

**Recommendation:**    As recommended by the Transportation and Environment Committee on February 5, 2018, accept status report on the City's Deferred Maintenance and Infrastructure Backlog.

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)

[Transportation and Environment Committee referral 2/05/18 - Item (d)2]

(Deferred from 2/27/18 - Item 3.4)

**Attachments**    [Memorandum](#)  
[3/6/18 Presentation](#)  
[2/5/18 Attachment](#)  
[2/5/18 T & E Presentation](#)

**3.7**     [18-282](#)     **Potential June 5, 2018 Ballot Measure(s).****Recommendation:**

- (a) Consider a Council-sponsored charter amendment or other measure(s) for the June 5, 2018 general election to specify requirements for the conversion of employment land to residential use, including review of the associated environmental and fiscal impacts; urban sprawl mitigation; and other related potential measures.
- (b) If Council wishes to proceed with a charter amendment or other measure(s), adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on June 5, 2018, to submit a charter amendment or other measure(s) to the electors of the City of San José;
- (c) Council discussion and consideration of whether the full text of the proposed City measure should be printed in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;
- (d) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in favor of the City measure in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;
- (e) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election;
- (f) Council discussion and consideration of whether to direct the City Clerk to transmit a copy of the measure to the City Attorney to prepare an Impartial Analysis, pursuant to Elections Code Section 9280; and
- (g) Direct the City Clerk to take all actions necessary to place this measure for a June 5, 2018, Special Municipal Election, if needed.
- CEQA: Not a project (CEQA sec. 21065), and CEQA Guidelines sec. 15061(b)(3) exemption (no potential significant environmental effects).  
(Mayor)

**Attachments**

- [Memorandum](#)  
[Memorandum from CM Arenas](#)  
[Resolution](#)  
[Letter\(s\) from the Public](#)

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

### **4.1 [18-256](#)      **Actions Related to the Establishment of the San Jose Hotel Business Improvement District.****

**Recommendation:**

- (a) Accept staff report and consider preliminary actions required to establish a new business owner initiated Hotel Business Improvement District within the City of San José pursuant to Streets & Highways Code Section 36600 et seq.
- (b) Adopt a resolution:
- (1) Stating the intention to form the San José Hotel Business Improvement District (“SJHBID”) within the City of San José;
  - (2) Preliminarily approving the SJHBID Management District Plan; and
  - (3) Setting a Public Meeting to be held on March 20, 2018 at 1:30 p.m. and a Public Hearing on April 24, 2018 at 1:30 p.m.
- (c) Adopt a resolution finding that San José Hotels, Inc. will serve as the Owners’ Association for the SJHBID to implement the program described in the Management District Plan and authorizing the City Manager to negotiate and execute an agreement with San José Hotels, Inc. to provide those services, contingent upon the establishment of the SJHBID.
- CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b)(3). (Economic Development)

**Attachments**    [Memorandum](#)  
[Attachment](#)  
[\(b\) Resolution](#)  
[\(c\) Resolution](#)

**4.2**     [18-280](#)**Actions Related to the Grant from the California Department of Social Services to Support Coyote Creek Flood Recovery Efforts.****Recommendation:**

(a) Adopt a resolution authorizing the Director of Housing, or designee, to accept a grant from the California Department of Social Services in the amount of \$5,400,000 to support Coyote Creek flood recovery efforts and conduct all activities, execute, and submit all documents including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary in connection with this grant.

(b) Add 2.0 Community Coordinator positions in the Housing Department effective March 11, 2018, with a June 30, 2020, limit date.

(c) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:

(1) Establish the estimate for Revenue from State of California in the amount of \$5,400,000; and

(2) Establish a new appropriation to the Housing Department for 2017 Coyote Creek Flood Recovery Efforts in the amount of \$5,400,000.

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. (Housing/City Manager)

**Attachments**     [Memorandum](#)

[\(a\) Resolution](#)

**5. NEIGHBORHOOD SERVICES****6. TRANSPORTATION & AVIATION SERVICES**

**6.1**     [18-259](#)            **Amendment to the Host International Inc. Food and Beverage Concession Agreement.**

**Recommendation:**     Approve the Fourth Amendment to the Host International Inc. (“Host”) Food and Beverage Concession Agreement to extend the term of the agreement for six years, from June 30, 2020 to June 30, 2026, add new concession locations, revise the percentage fee thresholds, revise the terms of the Minimum Annual Guarantee and add a capital investment to be made by Host of no less than \$6,000,000.

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](#)

**6.2**     [18-258](#)            **Report on the Request for Proposal for Engineering Services for the Santa Clara Street Bridge at Coyote Creek Replacement Project.**

**Recommendation:**     Accept the report on the Request for Proposal for engineering services for the Santa Clara Street Bridge at Coyote Creek Replacement Project, and adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with TY Lin International for engineering services related to the preparation of scoping, environmental documents, plans, specifications and estimates, right of way services, and design support during construction on or about March 19, 2018 and ending on or about March 19, 2021, with a maximum compensation not-to-exceed \$1,295,098 for the initial three-year term, with three 1-year options to extend. Subject to funding availability, the term of the agreement may be extended to provide project completion.

CEQA: Statutory Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council District 3.  
(Transportation)

**Attachments**     [Memorandum](#)

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

## **8. PUBLIC SAFETY**

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

## **10. LAND USE**

- 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 Velma LaPine Million. Ms. Million passed away on January 31, 2018, at the age of 97. Velma became known as the "Lady of the Lake", as her idea of a regional park for youth in the area became a reality with the creation of Lake Cunningham Park. She was a tenacious, tireless community leader, who will be missed. However, her positive impact on our community will not be forgotten. (Rocha)

[18-318](#)**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
10423	129 West Julian Street	3	15/43	MFA

Proposed  
Decision  
Approve

Tract	Location	Council District	Lots/Units	Type
10424	190 West Julian Street	3	6/21	MFA

Proposed  
Decision  
Approve

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:

Tract	Location	Council District	Lots/Units	Type
10449	323 Terraine Street	3	4/14	MFA

Developer  
Trumark Construction Services

This notice is to be posted with the City Council's regular agenda for 3/6/18.

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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



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

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

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- 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.