



City Council Meeting Amended Agenda

Tuesday, May 22, 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

[18-766](#) See separate agenda.

Attachments [Closed Session Agenda](#)

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

6:00 p.m.- Public Hearings, Council Chambers, City Hall

- Invocation (District 5)

Keith Hames

- Pledge of Allegiance

- Orders of the Day

To be heard after Ceremonial Items

ADJOURNMENT: This meeting is adjourned in the memory of Renee Kay Horton, who passed away on January 15, 2018 at the age of 81. Renee was born in Elkhart County, Indiana into the loving family of Phyllis and Franklin Robinson. When she was 13 years old, they moved to San Mateo, California. It was here that she met her beloved husband, Robert or Bob Horton. They were married on February 21, 1959 at the historic lodge in Brookdale surrounded by Redwood trees in the Santa Cruz Mountains. This was a magical place for Renee, it served as inspiration for her life-long passion as an artist, painting beautiful watercolors. Renee and her husband Bob, made their home in San Jose and enjoyed their time together as sports car enthusiasts and car club members. Renee was a spiritual and compassionate soul who had a huge heart. She opened her home to share her love with as many as 8 rescue cats which earned her the nickname of “Kitty Mama”, her sweet babies kept her happy and fulfilled. Renee also spent time working at the Phoenix Gallery following her gifted artistry as well as working at CVS making friends and building relationships everywhere she went. She was an involved member of the McLaughlin Corridor Neighborhood Association to which she served dutifully as treasurer for more than 30 years. Renee was a true gem and one of a kind who was held in the highest regard by all that knew and loved her. Her beautiful smile brightened the world and her heart was kind, empathetic, warm and understanding. May you rest in peace Renee Kay Horton.

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

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation recognizing the month of May as Foster Youth Awareness Month in the City of San José to raise awareness and education on the needs of foster youth. (Jones)

1.2 Presentation of a proclamation recognizing May 2018 as National Bike Month in the City of San José. (Arenas)

1.3 Presentation of a commendation to Boy Scout Troop 817 for their exemplary work on the beautification of the Vietnamese Heritage Garden. (Nguyen)

TO BE HEARD IN THE EVENING

1.4 Presentation of a commendation recognizing Richard McCoy for his years of volunteer service to seniors and veterans in San Jose. (Khamis)

1.5 Presentation of a commendation to Community Leader Arun Singh. (Carrasco)

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.

[18-740](#)

Approval of City Council Minutes.

Recommendation:

- (a) Regular City Council Meeting Minutes of January 23, 2018.
 - (b) Regular City Council Meeting Minutes of February 6, 2018.
- 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

- [\(a\) Regular City Council Meeting Minutes of January 23, 2018](#)
- [\(b\) Regular City Council Meeting Minutes of February 6, 2018](#)

2.2 Final Adoption of Ordinances.

[18-706](#)**Final Adoption of Ordinances.****Recommendation:**

(a) ORD. NO. 30101 - An ordinance amending Section 3.28.030.05 of Chapter 3.28 of Title 3 of the San José Municipal Code to modify the definition of “Compensation” to exclude non-pensionable wage increases in the Federated Employees Retirement Plan.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.

(b) ORD. NO. 30103 - An ordinance of the City of San José rezoning a 15.12-gross acre site located at 12329 Mabury Road from the A -Agricultural Zoning District to the PQP Public/Quasi-Public Zoning District (San Jose Water Works, Owner).

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto; and does not involve new significant impacts beyond those analyzed in the above EIRs.

(c) ORD. NO. 31014 - An ordinance of the City of San José rezoning an approximately 3.26-gross acre site, located on the northwest corner of Horning Street and Oakland Road (645 Horning Street) from the LI Light Industrial Zoning District to the CIC(PD) Planned Development Zoning District to allow a ministorage, retail store, gasoline station with six fuel dispensers and canopy, drive-through carwash, and drive-through restaurant uses (Rubnitz James E Et Al, Owner).

CEQA: Mitigated Negative Declaration for the 645 Horning Street Gas Station, Food, and Storage Project. File Nos. PDC16-041, PD16-027, and PT16-037.

Attachments [Ordinance](#)**2.3 Approval of Council Committee Minutes.**

[18-700](#)**Approval of Council Committee Minutes.****Recommendation:**

- (a) Rules and Open Government Committee Minutes of June 14, 2017. (Mayor)
 - (b) Community and Economic Development Committee Minutes of August 28, 2017. (Khamis)
 - (c) Rules and Open Government Committee Minutes of November 1, 2017. (Mayor)
 - (d) Rules and Open Government Committee Minutes of November 8, 2017. (Mayor)
 - (e) Rules and Open Government Committee Minutes of November 15, 2017. (Mayor)
 - (f) Rules In-Lieu Meeting Minutes of November 21, 2017. (Mayor)
 - (g) Rules and Open Government Committee Minutes of November 29, 2017. (Mayor)
 - (h) Ad-Hoc Committee for Development Service Minutes of November 30, 2017. (Davis)
 - (i) Rules and Open Government Committee Minutes of December 6, 2017. (Mayor)
 - (j) Smart Cities and Service Improvements Committee Minutes of December 7, 2017. (Jones)
 - (k) Neighborhood Services and Education Committee Minutes of December 14, 2017. (Rocha)
 - (l) Rules In-Lieu Meeting Minutes of December 20, 2017. (Mayor)
 - (m) Ad-Hoc Committee for Development Service Minutes of March 23, 2017. (Khamis)
- 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 [\(a\) Rules and Open Government Committee Minutes of June 14,](#)
[\(b\) Community and Economic Development Committee Minutes](#)
[\(c\) Rules and Open Government Committee Minutes of November](#)
[\(d\) Rules and Open Government Committee Minutes of November](#)
[\(e\) Rules and Open Government Committee Minutes of November](#)
[\(f\) Rules In-Lieu Meeting Minutes of November 21, 2017. \(Mayor\)](#)
[\(g\) Rules and Open Government Committee Minutes of November](#)
[\(i\) Rules and Open Government Committee Minutes of December](#)
[\(j\) Smart Cities and Service Improvements Committee Minutes of](#)
[\(k\) Neighborhood Services and Education Committee Minutes of](#)
[\(l\) Rules In-Lieu Meeting Minutes of December 20, 2017. \(Mayor\)](#)
[\(m\) Ad-Hoc Committee for Development Service Minutes of Ma](#)

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 [18-702](#) City Attorney's Travel to Portland, OR.

Recommendation: Approve travel by the City Attorney, Richard Doyle, to Portland, Oregon, on June 8-10, 2018 to attend the International Municipal Lawyers Association (IMLA) Top 50 Meeting. Source of Funds: City Attorney's Office Non Personal Services Appropriation.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Attorney)

Attachments [Memorandum](#)

2.8 [18-672](#) **Actions Related to the Disestablishment of the Hotel Business Improvement District.**

Recommendation: Preliminarily approve the report, as prepared by San Jose Hotels Inc., or as modified by Council; and adopt a resolution of intention to set the time and date for the Public Hearing to disestablish the Hotel Business Improvement District, originally established under the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq., on Tuesday, June 12, 2018 at 1:30 p.m., as the date and time for the Public Hearing on the proposed elimination of the assessed levy.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. (Economic Development)

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

2.9 [18-673](#) **Actions Related to the Japantown Business Improvement District.**

Recommendation: Preliminarily approve the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council, and adopt a resolution of intention to levy the annual assessment for Fiscal Year 2018-2019 and set Tuesday, June 5, 2018 at 1:30 p.m. as the date and time for the Public Hearing on the levy of the proposed assessments.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. Council District 3. (Economic Development)

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

2.10 [18-674](#) **Actions Related to the Downtown Business Improvement District.****Recommendation:**

Preliminarily approve the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council, and adopt a resolution of intention to levy the annual assessment for Fiscal Year 2018-2019, to suspend collection of the Downtown BID assessments for businesses that qualify for the business tax financial hardship exemption under the City's general business tax ordinance and set Tuesday, June 5, 2018 at 1:30 p.m. as the date and time for the Public Hearing on the levy of the proposed assessments.
CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. Council District 3.
(Economic Development)

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

2.11 [18-688](#) **Actions Related to the Purchase Order for Fuel Tank Inspection, Testing, and Cleaning Services.****Recommendation:**

Adopt a resolution authorizing the City Manager to:
(a) Execute a Purchase Order with Elite IV (Stockton, CA) for fuel tank inspection, testing and cleaning services at Citywide fuel sites for an initial twelve-month period, starting on or about May 23, 2018 and ending on or about May 22, 2019, for an amount not-to-exceed \$116,065; and
(b) Execute up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about May 22, 2023, subject to the annual appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Finance)

Attachments [Memorandum](#)

2.12 [18-689](#) **Actions Related to Purchase Order 54465 with Harris Blade Rental.****Recommendation:**

Adopt a resolution authorizing the City Manager to amend Purchase Order 54465 with Harris Blade Rental (Livermore, CA) for the rental of construction and earthmoving equipment, to increase compensation by \$40,000, for a revised maximum compensation not-to-exceed \$330,000, for the current term ending May 31, 2018.

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

Attachments [Memorandum](#)

2.13 [18-591](#) **Programmatic Agreement with the Federal Transit Administration and the California State Historic Preservation Officer, and Valley Transportation Authority for the BART Silicon Valley - Phase II Extension Project in Santa Clara County.****Recommendation:**

Adopt a resolution to authorize the City Manager to execute the Programmatic Agreement with the Federal Transit Administration, California State Historic Preservation Officer, the California Department of Transportation, and the Santa Clara Valley Transportation Authority with the City of San José as a Concurring Party for the Bay Area Rapid Transit Silicon Valley - Phase II Extension Project in Santa Clara County.

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

DEFERRED FROM 5/1/18 ITEM 2.8 TO 5/22/18 PER
ADMINISTRATION

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

2.14 [18-649](#) **Amendment to Master Agreement with West Yost & Associates, Inc. for the Nordale Pump Station Replacement Project.**

Recommendation: Approve a Sixth Amendment to the Master Agreement with West Yost & Associates, Inc. increasing the compensation by \$35,000, for a total contract amount not to exceed \$535,000, and increasing the term of the agreement by 3 months from June 30, 2018 to September 30, 2018 for the purpose of completing work on the Nordale Pump Station Replacement Project.

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

Attachments [Memorandum Agreement](#)

2.15 [18-697](#) **Actions Related to the Pedestrian and Bicycle Project Grants.**

Recommendation: Adopt a resolution:
(a) Authorizing the City Manager or designee to submit a request to the Metropolitan Transportation Commission (MTC) for the allocation of Fiscal Year 2018-19 Transportation Development Act, Article 3 (TDA3) State grant funding in the amount of \$843,927 for bicycle and pedestrian projects;
(b) Making the certifications and assurances required under the TDA3 grant; and
(c) Authorizing the City Manager or designee to accept TDA3 grant funding awarded from MTC and to negotiate and execute any grant documents to effectuate the grant.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP18-029. (Transportation)

Attachments [Memorandum Resolution](#)

2.16 [18-705](#) **Employee Member Vacancy on the Federated City Employees' Retirement System Board of Administration.**

Recommendation: Direct the City Clerk to accept petitions for the unscheduled Employee Representative vacancy on the Federated City Employees' Retirement System Board of Administration for a term expiring November 30, 2021.

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

Attachments [Memorandum](#)

2.17 [18-693](#) **Forgiveness of Healthy Neighborhoods Venture Fund Loan to Center for Training and Careers.**

Recommendation: Approve the forgiveness of a \$1,000,000 Healthy Neighborhoods Venture Loan to Center for Training and Careers, Inc. used for the acquisition and rehabilitation of the property at 749 Story Road, for fulfilling the conditions of its contract.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 7. (Housing)

Attachments [Memorandum](#)

2.18 [18-712](#) **Approval of Oak Hill Memorial Day Observance 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 May 9, 2018:

(a) Approve the Oak Hill Memorial Day scheduled on May 28, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.

(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 5/9/18 - Item G.1.a]

Attachments [Memorandum](#)

2.19 [18-720](#) **Retroactive Approval of Evergreen Business Walk 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 May 9, 2018:

- a) Retroactively approve the Evergreen Business Walk scheduled on May 4, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.
- 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 5/9/18 - Item G.1.b]

Attachments [Memorandum](#)

2.20 [18-650](#) **Actions Related to the Agreements for the Diridon Integrated Station Concept Plan.**

Recommendation:

(a) Adopt a resolution authorizing the City Manager to negotiate and execute the Cooperative Agreement between the City of San José, the Santa Clara Valley Transportation Authority (VTA), Caltrain, and the California High-Speed Rail Authority (“Partner Agencies”).

(b) Adopt a resolution authorizing the City Manager to negotiate and execute the Funding Agreement between the City of San José and the VTA, in an amount not to exceed \$750,000, as the City’s share of an agreement between the VTA and Arcadis/Bentham Crowell for planning and design services to develop the Diridon Integrated Station Concept Plan.

(c) Adopt the following 2017-2018 Appropriation Ordinance amendments in the General Purpose Parking Capital Fund:

(1) Decrease the Unrestricted Ending Fund Balance in the amount of \$250,000; and

(2) Increase the Transfer to the Construction Excise Tax Fund in the amount of \$250,000.

(d) Adopt the following 2017-2018 Funding Source Resolution and Appropriation Ordinance amendments in the Construction Excise Tax Fund:

(1) Increase the estimated revenue for Transfer and Reimbursement in the amount of \$250,000; and

(2) Increase the San José Regional Transportation Hub appropriation in the amount of \$250,000.

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

RENUMBERED FROM ITEM 6.1

Attachments

[Memorandum](#)

[Memorandum from Davis](#)

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

RENUMBERED FROM ITEM 6.1

2.21 [18-752](#) **Tax Fairness, Transparency and Accountability Act of 2018.**

Recommendation: As recommended by the Rules and Open Government Committee on May 16, 2018, adopt an oppose position for the Tax Fairness, Transparency and Accountability Act of 2018 and recommend Council to adopt a resolution opposing the initiative.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)
[Rules Committee referral 5/16/18 - Item G.4]

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

2.22 [18-751](#) **AB 2504 (Low) - LGBT Education and Training for Peace Officers.**

Recommendation: As recommended by the Rules and Open Government Committee on May 16, 2018 and pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position in support of AB 2504 (Low).
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Police)
[Rules Committee referral 5/16/18 - Item G.3]

Attachments [Memorandum](#)

2.23 [18-750](#) **AB 2463 (Quirk-Silva and Cervantes): Small Business Assistance Program.**

Recommendation: As recommended by the Rules and Open Government Committee on May 16, 2018 and pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position in support of AB 2463 (Quirk-Silva and Cervantes).
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Economic Development)
[Rules Committee referral 5/16/18 - Item G.2]

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 [18-701](#)

Actions Related to the General Obligation Bond Measure for November 2018 Citywide Ballot.

Recommendation:

(a) City Council discussion of community survey results on potential general obligation bond measure for possible placement on the November 6, 2018 citywide ballot.

(b) Direct the City Manager to conduct additional polling to further refine potential ballot language and projects and to return to the City Council by August 10, 2018 with recommendations regarding placing a general obligation bond on the November 6, 2018 citywide ballot.

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

Attachments

[Memorandum](#)

[Memorandum from Rocha](#)

[Presentation](#)

3.4 [18-690](#)**Report on Request for Bids for Microsoft Office 365 Software.****Recommendation:**

(a) Approve continued participation in the Microsoft Enterprise License Agreement for State and Local Governments (“Enterprise Agreement”), a cooperative agreement administered by the County of Riverside, California on behalf of State and Local public agencies.

(b) Approve enrollment with Insight Public Sector (Tempe, AZ), who provided the lowest responsive and responsible bid from authorized Microsoft Licensing Solutions Providers pursuant to the terms and conditions of the Enterprise Agreement.

(c) Adopt a resolution authorizing the City Manager to:

(1) Execute purchase orders and other required enrollment documentation to purchase Microsoft Office 365 and related enterprise licenses for an initial three-year term beginning on June 1, 2018, and ending on May 31, 2021, in an amount not to exceed \$5,272,776, subject to the appropriation of funds;

(2) Execute additional purchase orders and required enrollment documents for up to two additional three-year options to extend the term through May 31, 2027, subject to the appropriation of funds; and

(3) Execute amendments, change orders, and required enrollment documents as required to cover any unanticipated changes, including additional subscriptions at the Enterprise Agreement discounted rates as may be required, subject to the appropriation of funds.

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

(Finance)

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

3.5 [18-657](#) **Actions Related to the Design-Build Contract with Steve P. Rados, Inc. for the 4880-Fourth Street 84-inch Interceptor Phase VI-A Project.**

Recommendation:

- (a) Approve the design-build contract with Steve P. Rados, Inc. for the 4880-Fourth Street 84-Inch Interceptor Phase VI-A Project in an amount not to exceed \$42,526,881 for the performance of design and construction services under the contract.
- (b) Approve a design-build contingency in the amount of \$2,126,400 for City-approved changes to the design scope and construction services.
- (c) Adopt a resolution authorizing the Director of Public Works to negotiate and execute change orders in excess of \$100,000 for City-approved changes to the design scope of work and construction services in an amount not to exceed the design-build contingency.
- (d) Adopt a resolution finding that the contract with Steve P. Rados, Inc. for the design and construction of the 4880-Fourth Street 84-Inch Interceptor Phase VI-A Project will result in lower costs and faster project completion than if the City used a traditional design-bid-build procurement process.
- (e) Adopt the following 2017-2018 Appropriation Ordinance amendments in the Sewer Service and Use Charge Capital Improvement Fund:
- (1) Decrease the Unrestricted Ending Funding Balance in the amount of \$6,500,000;
 - (2) Decrease the appropriation to the Public Works Department for the Immediate Replacement and Diversion Projects in the amount of \$2,300,000;
 - (3) Decrease the appropriation to the Public Works Department for the Urgent Rehabilitation and Repair Projects in the amount of \$3,500,000; and
 - (4) Increase appropriation to the Public Works Department for the 60" Brick Interceptor, Phase VIA and VIB in the amount of \$12,300,000.
- CEQA: Determination of Consistency with the Mitigated Negative Declaration for Sewer Interceptor Phase VIA Public Project (Resolution No. 77626), File No. PP10-160. (Public Works/City Manager)

- Attachments** [Memorandum](#)
- [Supplemental Memorandum](#)
- [Attachments](#)
- [Appendices to Agreement - Part 1 of 7](#)
- [Appendices to Agreement - Part 2 of 7](#)
- [Appendices to Agreement - Part 3 of 7](#)
- [Appendices to Agreement - Part 4 of 7](#)
- [Appendices to Agreement - Part 5 of 7](#)
- [Appendices to Agreement - Part 6 of 7](#)
- [Appendices to Agreement - Part 7 of 7](#)
- [Agreement](#)
- [\(d\) Resolution](#)
- [Presentation](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 [18-694](#) **Actions Related to the Transfer of Undeveloped Housing Asset Property (known as Sycamore Terrace) located at 15520 Almaden Expressway at Coleman Road.**

Recommendation:

- (a) Adopt a resolution:
- i) approving the transfer on or before October 30, 2018, of an undeveloped Low and Moderate Income Housing Asset property (known as Sycamore Terrace) located at 15520 Almaden Expressway at Coleman Road (south San Jose), Assessor Parcel Numbers 694-02-002 and 694-02-015 from the Housing Department to the Parks, Recreation and Neighborhood Services Department for the future construction of additional park and open space for Almaden Lake Park at 15520 Almaden Expressway in exchange for the appraised value of the property consistent with California Community Redevelopment law; and
 - ii) authorizing the City Manager to submit a grant application and, if awarded, negotiate, and execute a grant agreement with the Santa Clara Valley Open Space Authority for an amount up to \$300,000 in funding for the transfer of the Sycamore Terrace property located at 15520 Almaden Expressway at Coleman Road and to take all actions necessary to effectuate the grant
- (b) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:
- (1) Decrease the Future PDO/PIO Projects Reserve appropriation by \$811,000; and
 - (2) Establish a Transfer to the Low and Moderate Income Housing Asset Fund appropriation to the Finance Department in the amount of \$811,000.
- (c) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #10: Council District 10 Construction and Conveyance Tax Fund:
- (1) Decrease the Unrestricted Ending Fund Balance by \$426,000; and
 - (2) Establish a Transfer to the Low and Moderate Income Housing Asset Fund appropriation to the Finance Department in the amount of \$426,000.
- (d) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Low and Moderate Income Housing Asset Fund:
- (1) Increase the estimate for Transfers and Reimbursements in the amount of \$1,237,000; and
 - (2) Increase the Housing Project Reserve by \$1,237,000.
- CEQA: Categorically Exempt, CEQA Guidelines Section 15316, Transfer of Ownership of Land to Create Parks, File No. PP18-028. Council District 10. (Housing/Parks, Recreation and Neighborhood

Services/City Manager)

Attachments [Memorandum](#)
[Resolution](#)
[Letter\(s\) from the Public](#)
[Presentation](#)

4.2 [18-581](#)

Actions Related to the Vacation of Setback Easements Located at 2823 Quinto Way within Tract No. 1098.

Recommendation:

Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of the 25-foot and 12.5-foot light and air easements (“setback easements”) located within Tract No. 1098;
 - (b) Vacating the 25-foot and 12.5-foot setback easements located within Tract No. 1098; and
 - (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.
- CEQA: Categorically Exempt, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation, File No. PP18-013. Council District 9. (Public Works)

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

4.3 [18-695](#) **Amendments to the Apartment Rent Ordinance - Title 17 for Utility Pass Throughs.**

Recommendation:

- (a) Approve an ordinance amending Section 17.23.315 of the Apartment Rent Ordinance, Chapter 17.23 of Title 17 of Municipal Code to modify the date on which existing written Ratio Utility Billing Systems (RUBS) pass through agreements are no longer effective and changing the timing regarding petitions for the one-time offset rent increase, specifically:
- (1) All verbal utility pass through agreements are void upon the effective date of the ordinance amendment;
 - (2) All written utility pass through agreements with new tenants executed after January 1, 2018 are void upon the effective date of the ordinance amendment;
 - (3) The petition filing period for offset petitions will be July 5, 2018 to October 31, 2018, no longer linked to the rent registry process;
 - (4) All pre-existing written utility pass through agreements will be void following the decision of a Petition Examiner determining the outcome of the offset petition. If the landlord does not file a petition, the existing written utility pass through agreement shall be void after October 31, 2018; and
 - (5) If the landlord has a written utility pass through agreement with a new tenant executed prior to May 1, 2018 and the landlord can prove that he/she has prior to June 30, 2017 required utility pass through agreements with the same terms for all tenants in the building, the landlord may continue, on the same terms as for a pre-January 1, 2018 pass through agreement, to apply that pass through agreement and to petition for an offset rent increase.
- (b) Direct staff to submit to the City Manager for approval the proposed amendment adding a Chapter 13 to the Apartment Rent Ordinance Regulations, which describe the offset petition process.
- CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Housing)

Attachments [Memorandum](#)
[Ordinance](#)
[Presentation](#)
[Letter\(s\) from the Public](#)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the Agreements for the Diridon Integrated Station Concept Plan.

RENUMBERED TO ITEM 2.20

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [18-658](#) Actions Related to the 7757 - Advanced Facility Control and Meter Replacement - Phase 1 Project at the Regional Wastewater Facility.

Recommendation: (a) Report on bids and award of a construction contract for 7757 -Advanced Facility Control and Meter Replacement - Phase 1 Project to the low bidder, C. Overaa & Co., for the base bid and Add Alternate Nos. 1 to 4, in the amount of \$5,790,000, and approve a 20 percent construction contingency in the amount of \$1,158,000.

(b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute one or more change orders in excess of \$100,000 for the duration of the project, not to exceed the total contingency amount approved for the project.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP16-130. (Environmental Services/Public Works)

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

7.2 [18-659](#) Report on Bids and Award of Contract for the 8641 - South Bay Water Recycling Pump Station HVAC Project.

Recommendation: Report on bids and award of contract for the 8641 - South Bay Water Recycling Pump Station Heating, Ventilation, and Air Conditioning Project to the low bidder, Blocka Construction Inc., in the amount of \$406,000 and approve a contingency in the amount of \$40,600.
CEQA: Addendum to the Spreckles Sanitary Sewer Force Main Supplement and Pump Station Rehabilitation Project Mitigated Negative Declaration (Resolution No. 76630), File No. PP17-067.
(Environmental Services)

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

7.3 [18-691](#) **Commercial Solid Waste Customer Service Rates.****Recommendation:**

(a) Hold a Public Hearing to confirm that the proposed Maximum Commercial Solid Waste Services Rates are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services; and

(b) Adopt a resolution setting Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organics processing services.

CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Environmental Services)

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

8. PUBLIC SAFETY**8.1** [18-654](#) **2017 Independent Police Auditor Year End Report.****Recommendation:**

Accept the 2017 Independent Police Auditor Year End Report.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Independent Police Auditor)
TO BE HEARD IN THE EVENING

Attachments [2017 IPA Year End Report](#)
[Memorandum from Liccardo](#)
[Liccardo Memorandum Withdrawl](#)
[Presentation](#)
[Letter\(s\) from the Public](#)

TO BE HEARD IN THE EVENING

8.2 [18-655](#) **San José Police Department Internal Affairs Department Initiated Investigation Report.**

Recommendation: Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for calendar year 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. (Police)
TO BE HEARD IN THE EVENING

Attachments [Memorandum](#)

TO BE HEARD IN THE EVENING

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- Council will recess until 6:00 p.m.

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

Land Use on Consent Calendar

10.1 [18-661](#) **C18-008 - Conforming Rezoning of Real Property Located at 510 North Third Street.**

Recommendation:

Consideration of an ordinance of the City of San José rezoning a 0.4-gross acre site, located at 510 North Third Street from the CO Commercial Office Zoning District to the CP Commercial Pedestrian Zoning District (David Eves, Owner).

Consideration of an ordinance of the City of San José rezoning a 0.4-gross acre site, located at 510 North Third Street from the CO Commercial Office Zoning District to the CP Commercial Pedestrian Zoning District (David Eves, Owner).

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (EIR) (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. The project does not involve new significant impacts beyond those analyzed in the above EIRs. Director of Planning, Building and Code Enforcement recommends approval.(Planning, Building and Code Enforcement)
C18-008 - Council District 3

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

END OF CONSENT CALENDAR

Land Use - Regular Agenda

10.2 [18-622](#) **Urban Village Implementation Framework.****Recommendation:**

Adopt a resolution approving the Urban Village Implementation and Amenity Framework to further implementation of the Urban Village General Plan Major Strategy and the individual Urban Village Plans, as recommended by staff.

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

DEFERRED FROM 5/8/18 ITEM 10.2 TO 5/22/18 PER ADMINISTRATION

Attachments

[Memorandum](#)

[Attachments](#)

[Resolution](#)

[Memorandum from Liccardo, Carrasco, and Jones](#)

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

[Presentation](#)

DEFERRED FROM 5/8/18 ITEM 10.2 TO 5/22/18 PER ADMINISTRATION

10.3 [18-656](#)

PP18-046 - Amendment to Title 20 of the San José Municipal Code for Residential Zoning Districts.

Recommendation:

Consideration of an ordinance of the City of San José amending Title 20 of the San José Municipal Code (Zoning Ordinance) to amend sections of Chapter 20.30 “Residential Zoning Districts” to modify development standards and requirements for Secondary Dwelling Units (also known as ADUs), including lot size, unit area, unit type, setbacks and height, in compliance with newly adopted State Law provisions; and to amend sections of Chapter 20.90 and to “Reduction in Required Off-Street Parking Spaces” and “Setbacks” for reductions in parking spaces for one-dwelling residential uses in compliance with adopted State Law provisions; to add definition of “conversion” to Chapter 20.200; and to make other technical, non-substantive, or formatting changes within those sections of Title 20.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), and Supplemental Envision San José 2040 General Plan EIR (Resolution No. 77617) and Addenda thereto; Downtown Strategy 2000 Final EIR (Resolution No. 72767) and Addenda thereto; North San José Development Policies Final EIR (Resolution No. 72768) and Addenda thereto; and Diridon Station Area Plan Final EIR (Resolution No. 77096) and Addenda thereto. The project does not involve new significant impacts beyond those analyzed in the above EIRs. (Planning, Building and Code Enforcement)

PP18-046 - Citywide

DEFERRED FROM 5/22/18 ITEM 10.3 TO 6/19/18 PER ADMINISTRATION

DEFERRED FROM 5/22/18 ITEM 10.3 TO 6/19/18 PER ADMINISTRATION

- 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 the memory of Renee Kay Horton, who passed away on January 15, 2018 at the age of 81. Renee was born in Elkhart County, Indiana into the loving family of Phyllis and Franklin Robinson. When she was 13 years old, they moved to San Mateo, California. It was here that she met her beloved husband, Robert or Bob Horton. They were married on February 21, 1959 at the historic lodge in Brookdale surrounded by Redwood trees in the Santa Cruz Mountains. This was a magical place for Renee, it served as inspiration for her life-long passion as an artist, painting beautiful watercolors. Renee and her husband Bob, made their home in San Jose and enjoyed their time together as sports car enthusiasts and car club members. Renee was a spiritual and compassionate soul who had a huge heart. She opened her home to share her love with as many as 8 rescue cats which earned her the nick name of “Kitty Mama”, her sweet babies kept her happy and fulfilled. Renee also spent time working at the Phoenix Gallery following her gifted artistry as well as working at CVS making friends and building relationships everywhere she went. She was an involved member of the McLaughlin Corridor Neighborhood Association to which she served dutifully as treasurer for more than 30 years. Renee was a true gem and one of a kind who was held in the highest regard by all that knew and loved her. Her beautiful smile brightened the world and her heart was kind, empathetic, warm and understanding. May you rest in peace Renee Kay Horton.

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

[18-753](#)

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:

| | | | | Council |
|-----------|----------|----------|----------|-----------|
| Proposed | | | | |
| Tract | Location | | District | Developer |
| Lot/Units | Type | Decision | | |

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 | District | Developer |
|------------|----------------------|----------|----------------|
| Lots/Units | Type | | |
| 10469 | 4701 N. First Street | 1 | Terra Ventures |
| Lots | Commercial | | 12 |

This notice is to be posted with the City Council's regular agenda for 5/22/18.

**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.