



City Council Meeting Amended Agenda

Tuesday, October 2, 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

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

[18-1182](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

- Invocation (District 9)

Chris Shahin, Guitarist and music teacher at Camden Community Center musical performance with Joya Shahin and Ellis Shahin.

- Pledge of Allegiance

- Orders of the Day

To be heard after Ceremonial Items

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation to recognize the month of October as Domestic Violence Awareness Month. (Vice Mayor Carrasco)

1.2 Presentation of a commendation to recognize Bob and Mary Van Cleef as community leaders in the City of San José. (Peralez)

1.3 Presentation of a commendation for Daniel Harris. (Mayor and Vice Mayor Carrasco)

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.

- (a) [18-1156](#) Approval of City Council Minutes.

Recommendation: (a) Regular City Council Meeting Minutes of June 12, 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 [Minutes, June 12, 2018](#)

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

- (a) [18-1157](#) Approval of City Council Committee Minutes.

Recommendation: (a) Regular Rules and Open Government Committee and the Committee of the Whole Meeting Minutes of August 22, 2018
(b) Regular Rules and Open Government Committee and the Committee of the Whole Meeting Minutes of September 5, 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 [\(a\) Minutes](#)
[\(b\) 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 [18-1313](#) **State Grant and Payment Applications for California Department of Resources Recycling and Recovery Programs.**

Recommendation: Adopt a resolution authorizing the City Manager or designee for a period of five years, beginning October 2, 2018 through October 2, 2023, to submit grant and payment applications to California Department of Resources Recycling and Recovery and enter into grant and payment agreements with California Department of Resources Recycling and Recovery if the agreements are within the City Manager's existing Council-designated contracting authority. CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

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

2.8 [18-1314](#) **Actions Related to the Climate Protection Grant with Bay Area Air Quality Management District.**

Recommendation: (a) Adopt a resolution authorizing the City Manager to negotiate and execute the Climate Protection Grant with the Bay Area Air Quality Management District to accept funds in the amount of \$325,000 through October 31, 2020.
 (b) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 (1) Increase the estimate for Revenue from Local Agencies by \$150,000; and
 (2) Establish a new appropriation to the Environmental Services Department within City-Wide Environmental & Utility Services for Climate Protection Grant in the amount of \$150,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended), resulting in no physical changes to the environment and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in potentially significant physical impact on the environment. (Environmental Services/City Manager)

Attachments [Memorandum](#)

2.9 [18-1315](#) **Actions Related to the Purchase Order with Califa Group for Online Library Products and Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Amend Purchase Order 56269 with Califa Group (San Mateo, CA) to increase compensation by \$450,000 for a total compensation not to exceed \$740,000 during the term beginning September 1, 2018 and ending August 31, 2019;
- (b) Approve a contingency of \$185,000 to amend the purchase order in the event use exceeds current projections, subject to the appropriation of funds; and
- (c) Execute purchase orders for additional one-year options after August 31, 2019, subject to the appropriation of funds.

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

(Finance)

Attachments [Memorandum](#)

2.10 [18-1321](#) **Ratification of Final Expenditures for 2017-2018.**

- Recommendation:**
- (a) Adopt an ordinance ratifying final 2017-2018 expenditures in various appropriations as detailed in this report.
 - (b) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:
 - (1) Increase the Construction and Conveyance Tax estimate by \$3,897,021;
 - (2) Increase the Needs-Based Allocation Transfer to District 1 by \$295,409;
 - (3) Increase the Needs-Based Allocation Transfer to District 2 by \$192,246;
 - (4) Increase the Needs-Based Allocation Transfer to District 3 by \$147,111;
 - (5) Increase the Needs-Based Allocation Transfer to District 4 by \$143,395;
 - (6) Increase the Needs-Based Allocation Transfer to District 5 by \$276,778;
 - (7) Increase the Needs-Based Allocation Transfer to District 6 by \$264,374;
 - (8) Increase the Needs-Based Allocation Transfer to District 7 by \$309,509;
 - (9) Increase the Needs-Based Allocation Transfer to District 8 by \$212,945;
 - (10) Increase the Needs-Based Allocation Transfer to District 9 by \$231,575;
 - (11) Increase the Needs-Based Allocation Transfer to District 10 by \$132,570;
 - (12) Increase the Transfer to the Parks City-Wide Construction and Conveyance Tax Fund appropriation by \$1,102,956; and
 - (13) Increase the Transfer to the General Fund - Parks Eligible Maintenance Costs appropriation by \$588,153.
 - (c) Adopt the following 2017-2018 Appropriation Ordinance amendments in the General Fund:
 - (1) Increase the Workers' Compensation Claims - Other Departments appropriation by \$501,309;
 - (2) Increase the Workers' Compensation Claims - Police appropriation by \$199,265;
 - (3) Increase the Energy Services Company (ESCO) Debt Service appropriation by \$28,855;
 - (4) Decrease the Workers' Compensation Claims - Fire appropriation by \$206,000;

- (5) Decrease the Workers' Compensation Claims - PRNS appropriation by \$50,000; and
 - (6) Decrease the Sick Leave Payment Upon Retirement appropriation by \$473,429.
 - (d) Adopt the following 2017-2018 Appropriation Ordinance amendments in the Water Utility Fund:
 - (1) Increase the Workers' Compensation Claims appropriation by \$84,424; and
 - (2) Decrease the Unrestricted Ending Fund Balance by \$84,424.
 - (e) Adopt the following 2017-2018 Appropriation Ordinance amendments in the Convention Center Facility District Revenue Fund:
 - (1) Increase the Debt Service: Exhibit Hall Commercial Paper appropriation by \$53,248;
 - (2) Increase the Debt Service: Commercial Paper appropriation by \$17,239; and
 - (3) Decrease the Unrestricted Ending Fund Balance by \$70,487.
 - (f) Adopt the following 2017-2018 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Service Yards Purpose:
 - (1) Increase the Phase II Commercial Paper appropriation by \$21,842; and
 - (2) Decrease the Unrestricted Ending Fund Balance by \$21,842.
 - (g) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:
 - (1) Increase the Construction and Conveyance Tax estimate by \$10,628; and
 - (2) Increase the Transfer to the General Fund - Park Yards Operating and Maintenance Expenses appropriation by \$10,628.
- CEQA: Not a Project, File No. PP17 004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project with may result in a potentially significant physical impact on the environment. (City Manager)

Attachments [Memorandum](#)

2.11 [18-1324](#) Settlement of Ruiz v. City of San José.**Recommendation:**

Approve a settlement in the amount of \$125,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of Ruiz v. City of San José.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)
RECOMMEND DEFERRAL TO 10/16/18 PER ADMINISTRATION

Attachments [Memorandum](#)

2.12 [18-1326](#)

Establishing a Special Event Zone in Downtown San José from December 28, 2018 to January 8, 2019.

Recommendation:

Approve an uncodified ordinance to provide for the designation of specified areas of the City of San José as a special event zone to prohibit certain activities on public property including peddling, distribution of merchandise, goods or coupons for a commercial purpose, the sale of counterfeit merchandise, and the flying of unmanned aircraft systems within the special event zone and to provide for the temporary suspension of the authority of the director of the Office of Cultural Affairs under Part 16 of Chapter 20.80 of title 20 of the San José Municipal Code to issue permits for temporary outdoor uses of private property within the special event zone during the time period beginning at six o'clock (6:00) a.m. on Friday, December, 28, 2018 and ending at six o'clock (6:00) p.m. on Tuesday, January 8, 2019, relative to the use of these areas in conjunction with the 2019 college football playoff's national championship related activities and events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. Council District 3. (Economic Development)

[Rules and Open Government referral 09/26/2018 - Item A.1.a]

Attachments [Memorandum](#)

[Supplemental Memorandum, 09/27/2018](#)

[Ordinance](#)

[Memorandum from Vice Mayor Carrasco and Peralez, 09/28/201](#)

- 2.13** [18-1351](#) Approval of Thompson Creek Community Meeting Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on September 26, 2018:

1. Retroactive approval of the Thompson Creek community meeting scheduled on September 27, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. 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 and Open Government referral 09/26/2018 - Item A.1.a]

Attachments [Memorandum](#)

- 2.14** [18-1352](#) **Dublin Sister City Delegation.**

Recommendation: Approve Councilmember Lan Diep as the Delegation Leader to lead the Sister City delegation to Dublin, Ireland from October 8, 2018 to October 11, 2018, and approve related travel costs from the Mayor/Council Travel Budget.

CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Mayor)
[Rules and Open Government referral 09/26/2018 - Item A.1.a]

Attachments [Memorandum](#)
[Supplemental Memorandum, 10/01/2018](#)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)

Presentation of a proclamation declaring City of San José's participation in the 2018 Combined Giving Campaign. (Planning, Building and Code Enforcement)

3.2 Labor Negotiations Update.

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-1317](#) **Report on Bids and Award of Contract for the 7541-Iris Chang Park Project.**

Recommendation: Report on bids and award of contract for the 7541-Iris Chang Park project to the low bidder, Suarez & Munoz Construction, Inc., for the base bid and Bid Alternate No. -1 in the total amount of \$1,837,000 and approval of a contingency in the amount of \$92,000.
CEQA: Addendum to the Final Program Environmental Impact Report for the North San José Development Policies Update (Resolution No. 72768) for Iris Chang Memorial Park, File No. PP16-087. Council District 4. (Public Works)

Attachments [Memorandum](#)

5. NEIGHBORHOOD SERVICES**6. TRANSPORTATION & AVIATION SERVICES****6.1** [18-1328](#) **Vehicle Abatement Audit.**

Recommendation: As recommended by Transportation and Environment Committee on September 10, 2018, accept the Vehicle Abatement Audit.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual reports, and Informational Memos that involve no approvals of any City action. (City Auditor)
[Transportation and Environment Committee referral 9/10/18 - Item D.1]
[Deferred from City Council meeting 9/25/18 - Item 6.4 (18-1274)]

Attachments [Memorandum](#)
[Presentation](#)
[9/10/18 T&E Presentation](#)
[Memorandum from Councilmember Diep, 9/28/2018](#)
[Memorandum from Vice Mayor Carrasco and Arenas, 9/28/2018](#)
[Memorandum from Liccardo, Jones, Jimenez, Peralez, and Davis](#)
[Letter\(s\) from the Public](#)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [18-1318](#) **Amendment to the Water Supply Agreement with City and County of San Francisco for the Water System Improvement Program Capital Project.**

Recommendation: Adopt a resolution delegating authority to the Bay Area Water Supply and Conservation Agency to negotiate to amend the Water Supply Agreement with the City and County of San Francisco (San Francisco), and, further, authorizing the City Manager to negotiate and execute an Amendment to the Agreement to extend the date for completion of the Water System Improvement Program capital project, the deadlines for a decision by San Francisco to make the cities of San José and Santa Clara permanent customers of the Regional Water Systems, extend increased water supply to the other permanent Wholesale Customers, and address other issues arising from the implementation of the Water Supply Agreement.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 4. (Environmental Services)

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

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

- Open Forum
- Adjournment

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

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

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