



City Council Meeting Amended Agenda

Tuesday, January 30, 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

9:00 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

[18-170](#)

See Separate Agenda

Attachments [Closed Session Agenda](#)

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

- Invocation (District 1)

Pastor Matt Blankenship, Bethel Church

- Pledge of Allegiance

- Orders of the Day

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

- Closed Session Report

1. CEREMONIAL ITEMS

1.1 [18-111](#) Presentation of a commendation recognizing Ray Bramson for his passion and commitment to making a difference among our homeless population and working towards his vision that we can end homelessness. (Peralez)

1.2 [18-114](#) Presentation of a commendation to longtime San Jose Mercury News journalist Scott Herhold for his many accomplishments in the field of journalism. (Rocha)

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 [18-068](#) Children's Discovery Museum Grant for Various Improvements.**

Recommendation: Approve an Agreement granting the Children's Discovery Museum an amount not to exceed \$400,000 for construction work completed by the Museum involving a restroom addition, sidewalk improvements and security surveillance upgrades and expansion. CEQA: Determination of Consistency to the Downtown Strategy 2000 Final Environmental Impact Report and addenda thereto (PP06-067), File No. PP14-070. Council District 3. (Public Works)

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

2.8 [18-120](#) Approve the District 4 Office Hours Event Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on January 17, 2018:
(a) Approve the District 4 Office Hours event scheduled on January 20, 2018 as a City Council sponsored Special Event and approve the expenditures 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. (Diep)
[Rules Committee referral 01/17/18 - Item G.1.c]

Attachments [Memorandum](#)

2.9 [18-110](#) **Actions Related to Mayor Liccardo's Travel to Washington, D.C.****Recommendation:**

(a) Retroactively approve travel by Mayor Liccardo to Washington D.C. to attend the Federal Communications Commission Broadband Deployment Advisory Committee Meeting from January 23-24, 2018, and excuse my absence from the City Council Meeting on January 23, 2018:

1. Authorization for: Mayor Liccardo
2. Location: Washington, D.C.
3. Meeting Dates: January 23-24, 2018
4. Source of funds: Mayor's Office Budget
5. Purpose: The Federal Communications Commission Broadband Deployment Advisory Committee Meeting is taking place on January 23-24 in Washington, D.C. The purpose of the working group is to make recommendations to the Commission on how to accelerate the deployment of high-speed Internet access, or "broadband," by reducing and/or removing regulatory barriers to infrastructure investment. BDAC is intended to provide an effective means for stakeholders with interests in this area to exchange ideas and develop recommendations to the Commission on broadband deployment, which will in turn enhance the Commission's ability to carry out its statutory responsibility to encourage broadband deployment to all Americans. Digital literacy and access are priority areas for San José to improve the quality of life for all citizens.

(b). Retroactively approve travel by Mayor Liccardo to Washington D.C. from January 24-26, 2018, for the US Conference of Mayors, and excuse my absence from the Regular Meeting of the Joint Rules and Open Government Committee on January 24, 2018.

1. Authorization for: Mayor Liccardo
2. Location: Washington, D.C.
3. Meeting Dates: January 24-26, 2018
4. Source of Funds: Mayor/Council Travel Budget
5. Purpose: Immediately following his meeting with FCC BDAC, Mayor Liccardo will be attending the US Conference of Mayors where he sits on two committees: Energy Independence and Climate Protection as well as on Mayors and Metro Universities.

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

[Rules Committee referral 01/24/18]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations

TO BE HEARD AT 9:30 A.M.

3.3 [18-074](#) 2018 Legislative Guiding Principles; the High Legislative Priorities; and overall Priorities and Advocacy Issues.

Recommendation: Approve the 2018 Legislative Guiding Principles; the High Legislative Priorities; and overall Priorities and Advocacy Issues for the second year of the two-year Legislative Session in Sacramento and the 115th Congress. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

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

3.4 [18-007](#) **Worker's Compensation Program: Evaluation of Service Delivery Options.****Recommendation:**

(a) As recommended by the Public Safety, Finance and Strategic Support Committee on December 14, 2017, accept the evaluation of service delivery options for administering workers' compensation claims, including providing services In-House with City staff, through a Third-Party Administrator, and a Hybrid Model that includes both In-House and Third Party claims administration.

(b) Additional recommendation by the Public Safety, Finance and Strategic Support Committee on December 14, 2017, direct the City Manager to:

(1) Continue the current Worker's Compensation Pilot Program (Hybrid Model) through the completion of the State audit of the In-House program;

(2) Develop a work plan for bringing the entire worker's compensation program In-House in stages upon successful completion of the State audit; and

(3) Return through the budget process with funding recommendations for bringing the program In-House in stages beginning in 2019-2020.

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

[Public Safety, Finance and Strategic Support Committee referral 12/14/17 - Item (d)1]

(Deferred from 1/9/18 - Item 3.4)

DEFERRED TO 2/6/18 PER ADMINISTRATION

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

3.5 [18-048](#) **Statement of Policy and City Council Questions for the Prospective Director of Planning, Building, and Code Enforcement.****Recommendation:**

Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Planning, Building, and Code Enforcement as described in the memorandum to Council, in compliance with City Charter Section 411.1. 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 Mayor Liccardo](#)

3.6 [18-071](#) **Station Area Advisory Group (SAAG) Membership.**

Recommendation: Approve the Station Area Advisory Group (SAAG) membership as part of the community engagement for development of the Diridon Station Area.

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

3.7 [18-092](#) **Update on the Community Energy Department.**

Recommendation: Accept a status update on the Community Energy Department. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Community Energy)

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

3.8 [18-072](#) **Actions Related to the Purchase Order with Hi-Tech Emergency Vehicle Service, Inc. for Fire Service Vehicles.**

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Hi-Tech Emergency Vehicle Service, Inc. (Oakdale, CA) for the purchase of two Type III and three Type VI Wildland Fire Service Vehicles for the Fire Department, in an amount not-to-exceed \$1,923,490, plus applicable sales tax and license fees;
- (b) Approve a contingency of \$193,000 for any unforeseen changes or modifications to the design of the vehicles, subject to the appropriation of funds; and
- (c) Approve the purchase of additional vehicles for five years from the initial purchase date, subject to the same terms and conditions of the purchase order for the initial five vehicles, and 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](#)

3.9 [18-076](#) **Actions Related to the Purchase Order with Pierce Manufacturing, Inc. for Urban Search and Rescue and Hazardous Materials Vehicles for the Fire Department.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Pierce Manufacturing, Inc. (Appleton, WI) for the purchase of two new Urban Search and Rescue and one new Hazardous Materials Vehicles for the Fire Department, in an amount not-to-exceed \$3,889,537, plus applicable sales tax and license fees;
- (b) Approve a contingency of \$389,000 for any unforeseen changes or modifications to the design of the vehicles, subject to the appropriation of funds; and
- (c) Approve the purchase of additional vehicles for five years from the initial purchase date, subject to the same terms and conditions of the purchase order for the initial three vehicles, and 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](#)

3.10 [18-070](#) **Actions Related to D2 Partnership Grant Funds Under the Safe, Clean Water and Natural Flood Protection Program.**

Recommendation:

(a) Adopt a resolution:

(1) Authorizing the City Manager to accept an award of partnership grant funds up to \$200,000 each year from 2017-2018 through 2021-2022 under the Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection Program; and

(2) Authorizing the City Manager to execute a partnership agreement to effectuate Santa Clara Valley Water District award of funds to the City.

(b) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Storm Sewer Capital Fund:

(1) Establish an estimate for Revenue from Local Agencies in the amount of \$200,000; and

(2) Establish an appropriation to the Public Works Department for San José Watershed Invasive Species Removal and Engagement in the amount of \$200,000.

CEQA: Exempt, File No. PP13-057(h), CEQA Guidelines Section 15301, Existing Facilities. Council District: 2, 3, 4, 7 & 8. (Public Works/City Manager)

Attachments

[Agreement](#)

[Resolution](#)

[Memorandum](#)

3.11 [18-067](#) **Actions Related to the Relocation of Christopher Columbus Statue.**

Recommendation:

Accept staff report and consider options regarding the potential relocation of the Columbus statue and direct staff accordingly. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Public Works)

TO BE HEARD LAST

Attachments

[Memorandum](#)

[Presentation](#)

[Memorandum from Vice Mayor Carrasco](#)

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-073](#) **Actions Related to the 2018-2019 Hazardous Vegetation Commencement Report.**

Recommendation: Conduct a Public Hearing and adopt a resolution:
(a) Overruling any and all objections to the 2018-2019 Hazardous Vegetation Commencement Report (Report); and
(b) Directing the Santa Clara County Consumer and Environmental Protection Agency to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.
CEQA: Exempt, File No. PP13-097, CEQA Guidelines section 15301, Existing Facilities. (Planning, Building and Code Enforcement)

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

5. NEIGHBORHOOD SERVICES

5.1 [18-135](#) **Anti-Graffiti and Anti-Litter Programs Annual Report.**

Recommendation: As recommended by the Neighborhood Services and Education Committee on December 14, 2017, accept the Anti-Graffiti and Anti-Litter Programs Annual 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. (Parks, Recreation, and Neighborhood Services)
[Neighborhood Services and Education Committee referral 12/14/17-(d)4]

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

6. TRANSPORTATION & AVIATION SERVICES

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

**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.