



# **City Council Meeting Amended Agenda**

**Tuesday, February 27, 2018**

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



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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

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

- Call to Order and Roll Call

9:00 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  
See Separate Agenda

[18-300](#) 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 - CANCELLED

- Invocation (District 2)

Father Saju Joseph, St. Julie Billiard Parish

- 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 [18-248](#) Presentation of a proclamation recognizing March 3, 2018 as National Play Outside Day. (Perez)

## **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.**

[18-269](#)

**Recommendation:**

(a) ORD.NO. 30069 - An ordinance of the City of San José amending Chapter 4.79 and Chapter 4.80 of Title 4 of the San Jose Municipal Code and amending Chapter 14.32 of Title 14 of the San Jose Municipal Code to establish the Library Parcel Tax Capital Fund, the Convention and Cultural Affairs Capital Fund, the Convention Center Facility District Revenue Fund, and the Convention Center Facility District Capital Fund, and to make technical and clarifying changes. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and 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.

(b) ORD. NO. 30073 - An ordinance of the City of San José rezoning certain real property of approximately 0.48 acre situated at the west side of Meridian Avenue, approximately 370 feet southerly of Fruitdale Avenue (923 and 927 Meridian Ave), from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District.

CEQA: Determination of Consistency with the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval.

(c) ORD. NO. 30074 - An ordinance of the City of San José rezoning certain real property of approximately 14.0-gross acres situated on the southwest corner of West Trimble Road and Orchard Parkway (370 West Trimble Road) from the IP(PD) Planned Development Zoning District to the IP(PD) Planned Development Zoning District.

CEQA: Addendum to North San José Development Policies Update Final Environmental Impact Report (Resolution No. 72768), Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

(d) ORD. NO. 30075 - An ordinance of the City of San José rezoning certain real property of approximately 1.54-gross acres situated at the

northeast corner of Commercial Street and Oakland Road (1202 Oakland Road) from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District.

CEQA: Rotten Robbie No. 67 Project Mitigated Negative Declaration.

### 2.3 Approval of Council Committee Minutes.

[18-211](#)

#### Approval of Council Committee Minutes.

#### **Recommendation:**

(a) Transportation and Environment Committee Minutes of December 4, 2017. (Carrasco)

(b) Rules and Open Government Committee Minutes of December 13, 2017. (Mayor)

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

#### **Attachments**

[T & E Minutes of December 4, 2017](#)

[ROGC Minutes of December 13, 2017](#)

### 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 [18-233](#)

#### Approval of Free Use for Innovation and Impact Symposium on May 31, 2018.

#### **Recommendation:**

Adopt a resolution authorizing “Free Use” for private, ticketed events and activities held at City Hall for the Innovation and Impact Symposium on Thursday, May 31, 2018 co-hosted by the City of San José Mayor’s Office and Prospect Silicon Valley.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Mayor)

#### **Attachments**

[Memorandum](#)

[Resolution](#)



**2.8**     [18-245](#)     **Retroactively Approve Ryan Neighborhood Dumpster Day Sponsored By Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**     As recommended by the Rules and Open Government Committee on February 7, 2018:

- (a) Retroactively approve the Ryan Dumpster Day scheduled on January 27, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)  
[Rules Committee referral 2/07/18 - Item G.1.b]

**Attachments**     [Memorandum](#)

**2.9**     [18-246](#)     **Retroactively Approve Community Meeting Sponsored By Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**     As recommended by the Rules and Open Government Committee on February 7, 2018:

- (a) Retroactively approve the Community Meeting scheduled on January 20, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no physical changes to the environment. (Carrasco)  
[Rules Committee referral 2/07/18 - Item G.1.c]

**Attachments**     [Memorandum](#)

**2.10**    [18-247](#)                    **Retroactively Approve Participatory Budget Celebration Sponsored By Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on February 7, 2018:

- (a) Retroactively approve the Participatory Budget Celebration scheduled on January 4, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)  
[Rules Committee referral 2/07/18 - Item G.1.d]

**Attachments**    [Memorandum](#)

**2.11**    [18-244](#)                    **Approval of Neighborhoods Commission Appointments.**

**Recommendation:**    Approve the following Neighborhoods Commission appointments:

- (a) District 7 Seat: Appoint Jonathan Velasquez for the term February 27, 2018 through June 30, 2018; and
- (b) District 8 Seat: Appoint Jeremy Barousse for the term February 27, 2018 through June 30, 2020.

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

**Attachments**    [Memorandum](#)  
[Conflict of Interest Memorandum](#)  
[Code Review Memorandum](#)  
[Application - Jonathan Velasquez](#)  
[Application - Jeremy Barousse](#)

**2.12**   [18-243](#)      **Establishment of the General Purpose Parking Capital Fund.****Recommendation:**

Approve an ordinance amending Part 13 of Chapter 4.80 of Title 4 of the San José Municipal Code to amend Section 4.80.670 and add new Sections 4.80.680 and 4.80.690 to establish the General Purpose Parking Capital Fund and to make technical and clarifying changes. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and 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. (City Manager)

**Attachments**   [2017-2018 Mid-Year Budget Review Ordinance](#)

**2.13**   [18-178](#)      **Agreements with Haley & Aldrich, Inc. and Langan Engineering & Environmental Services, Inc. for Geotechnical Consulting Services for City Improvement Projects.****Recommendation:**

Approve the Master Agreements with Haley & Aldrich, Inc. and Langan Engineering & Environmental Services, Inc. from the date of execution through December 31, 2022 in an amount not to exceed \$1,000,000 for each agreement. CEQA: Not a Project, File No. PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action. (Public Works)

**Attachments**   [Memorandum Agreement - Haley & Aldrich Agreement - Langan](#)

**2.14**   [18-180](#)      **Amendment to Master Agreement with GHD, Inc. for Various City Trail Projects.****Recommendation:**

Approve the First Amendment to the Master Agreement with GHD, Inc. extending the expiration of the agreement from June 30, 2018 to June 30, 2020 for the limited purpose of allowing the Consultant to complete services for the Coyote Creek Trail (Brokaw Rd - UPRR) under Service Order No. 8, at no additional cost to the City. CEQA: Mitigated Negative Declaration for the Coyote Creek Trail Master Plan (Montague Expressway to Watson Park), File No. PP09-218. Council District 4. (Public Works)

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

**2.15**    [18-215](#)                    **Report on Bids and Award of Contract for the Park Avenue Green Bike Lane Enhancement Project.**

**Recommendation:**    (a) Report on bids and award of a construction contract for the Park Avenue Green Bike Lane Enhancement Project, to the low bidder, Chrisp Company in the amount of \$454,517.  
   (b) Approve a 10% contingency in the amount of \$45,572.  
   CEQA: Exempt, File No. PP13-069, CEQA Guidelines Section 15301(c), Existing Facilities and 15304(h), Minor Alterations to Land.  
   Council Districts 3 & 6. (Transportation)

**Attachments**    [Memorandum](#)

**2.16**    [18-255](#)                    **Retroactively 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 February 14, 2018:  
   (a) Retroactively approve the District 4 Office Hours event scheduled on February 22, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and  
   (b) Approve and accept donations from various individuals, businesses or community groups to support the event.  
   CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Diep)  
   [Rules Committee referral 2/14/18 - Item G.1.a]

**Attachments**    [Memorandum](#)

**2.17**    [18-249](#)                    **Retroactive Approval of Traffic Safety 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 February 14, 2018:  
   (a) Retroactively approve the Traffic Safety Meeting scheduled on January 29, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and  
   (b) Approve and accept donations from various individuals, businesses or community groups to support the event.  
   CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)  
   [Rules Committee referral 2/14/18 - Item G.1.b]

**Attachments**    [Memorandum](#)

**2.18**    [18-250](#)            **Approval of Dumpster Day Sponsored By Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on February 14, 2018:  
(a) Approve the Dumpster Day scheduled on March 10, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and  
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Rocha)  
[Rules Committee referral 02/14/18 - Item G.1.c]

**Attachments**    [Memorandum](#)

**2.19**    [18-251](#)            **Approval of the San Jose Earthquakes Flag Raising Sponsored By Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on February 14, 2018:  
(a) Approve the San Jose Earthquakes Flag Raising scheduled on February 28, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and  
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Perez)  
[Rules Committee referral 2/14/18 - Item G.1.d]

**Attachments**    [Memorandum](#)

**2.20**    [18-252](#)            **Approval of the Cesar Chavez Day Flag Raising Sponsored By Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on February 14, 2018:  
(a) Approve the Cesar Chavez Day Flag Raising Ceremony scheduled on March 22, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and  
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Perez)  
[Rules Committee referral 2/14/18 - Item G.1.e]

**Attachments**    [Memorandum](#)

**2.21**    [18-253](#)            **Retroactive Approval of Coffee with the Chief Sponsored By Council District 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on February 14, 2018:  
(a) Retroactively approve the Coffee with the Chief scheduled on February 10, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and  
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jimenez)  
[Rules Committee referral 2/14/18 - Item G.1.f]

**Attachments**    [Memorandum](#)

**2.22**    [18-254](#)            **Approval of the District 4 Spring Cleaning 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 February 14, 2018:

(a) Approve the District 4 Spring Cleaning Event scheduled on April 21, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

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

[Rules Committee referral 2/14/18 - Item G.1.g]

**Attachments**    [Memorandum](#)

**2.23**    [18-257](#)            **Approval of the 13th Annual Santos Family Car Show 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 February 14, 2018:

(a) Approve the 13th Annual Santos Family Car Show scheduled on September 1, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

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

[Rules Committee referral 2/14/18 - Item G.1.h]

**Attachments**    [Memorandum](#)

**2.24**    [18-261](#)                    **Actions Related to Councilmember Peralez's Travel to Tokyo-Okayama, Japan.**

**Recommendation:**    Authorize travel for Councilmember Peralez to Tokyo-Okayama, Japan on April 5- April 15, 2018 for Okayama Sister Cities Delegations Trip, and excuse his absence from the Regular Meeting of the City Council on April 10, 2018 and Neighborhood Services and Education Committee on April 12, 2018. Source of Funds: District 3 Office Funds (Personal Travel or activities on April 6-7, 2018 and April 13-14, 2018 will be paid for using personal funds).

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

[Rules Committee referral 2/21/18 - Item A.1.a]

**Attachments**    [Memorandum](#)

**2.25**    [18-267](#)                    **Actions Related to Mayor Liccardo's Travel to Washington D.C.**

**Recommendation:**    (a) Authorize travel for Mayor Liccardo to Washington D.C. to attend the Silicon Valley Leadership Group Advocacy Trip from February 27-28, 2018, as an official representative of the City of San José.

(b) Authorize an excused absence for Mayor Liccardo from the following meetings due to Authorized City Business:

(1) Any duration of the February 27, 2018 meeting of the San José City Council after Mayor Liccardo departs the San José International Airport.

(2) February 28, 2018 meeting of the Rules and Open Government Committee and Committee of the Whole. Source of Funds: Mayor/Council Travel Budget.

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

[Rules Committee referral 2/21/18 - Item A.1.a]

**Attachments**    [Memorandum](#)



**2.26** [18-276](#) **Deferred Compensation Committee Appointments.**

**Recommendation:** As recommended by the Rules and Open Government Committee on February 14, 2018, approve Roberto Peña, as the representative nominated by the group of employees designated as “Management Employees” for a four-year term starting March 2, 2018 and ending on March 1, 2022 to the Deferred Compensation Advisory Committee. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Human Resources)  
[Rules Committee referral 2/14/18 - Item F.1]

**Attachments** [Memorandum](#)

**2.27** [18-277](#) **Approval of 2018 State of the District Sponsored By Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:** As recommended by the Rules and Open Government Committee on February 21, 2018:  
(a) Approve the 2018 State of the District scheduled on March 3, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and  
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment (Davis)  
[Rules Committee referral 2/21/18 - Item G.1.a]

**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 9:00 A.M.**

**3.3**     [18-241](#)     **Actions Related to the Agreement with Calpine Energy Solutions, LLC, for Data Management and Call Center Services for San José Clean Energy.**

**Recommendation:**     Approve the Professional Services Agreement for Data Management and Customer Call Center Services with Calpine Energy Solutions, LLC for San José Clean Energy for a period of two years from the date of execution in an amount not to exceed \$5,783,800, and up to two one-year agreement extension options, each for an additional \$4,950,000, for a total contract amount not to exceed \$15,683,800, with no expenditure of funds in 2017-2018 and subject to appropriation of funds in 2018-2019 and subsequent fiscal years.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Community Energy)

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

**3.4**     [18-209](#)     **Status Report on Deferred Maintenance and Infrastructure Backlog.**

**Recommendation:**     As recommended by the Transportation and Environment Committee on February 5, 2018, accept status report on the City's Deferred Maintenance and Infrastructure Backlog.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)  
[Transportation and Environment Committee referral 2/05/18 - Item (d)2]  
DEFERRED FROM 2/27/18 TO 3/6/18 PER ADMINISTRATION

**Attachments**     [Memorandum February 5, 2018 T & E Presentation](#)

**3.5**     [18-179](#)            **Actions Related to the FEMA - Watson Park - Turf Soccer Fields and Field Lighting.**

**Recommendation:**

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award a construction contract for the 8713 FEMA - Watson Park - Turf Soccer Fields and Field Lighting (SCSJG82/PW-1169) Project to the lowest responsive and responsible bidder for the Base Bid, Repair Bid Alternates Nos. 1, 2, 3, and/or 4, and Bid Alternates Nos. 5, 6, and/or 7, in an amount not to exceed \$3,805,750 and to approve a fifteen (15) percent (of the Base Bid) change order reserve/contingency in an amount not to exceed \$395,000;
- (b) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and re-bid the project; and
- (c) Negotiate and execute any single and/or multiple change orders paid from the contingency for the project in any amount up to the amount of the contingency.

CEQA: Determination of Consistency with the Watson Park Remedial Action Plan and Master Plan Mitigated Negative Declaration for FEMA-Watson Park Flood Repair Project, File No. PP17-074. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services)

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

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

**4.1**     [18-217](#)            **Actions Related to the End of Watch Police Memorial Project.**

**Recommendation:**

- (a) Receive the report on the design for the End of Watch Police Memorial design; and
- (b) Continue to approve and accept donations from various individuals, businesses, and community groups to support the End of Watch Police Memorial project.

CEQA: Exempt, File No. PP16-006, CEQA Guidelines Section 15301, Existing Facilities. (Economic Development)

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

## **5. NEIGHBORHOOD SERVICES**

## **6. TRANSPORTATION & AVIATION SERVICES**

**6.1**    [18-213](#)            **Public Hearing on the Air Service Support Program.**

- Recommendation:**
- (a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding application of the City's Air Service Support Program, as authorized by the Federal Aviation Administration to Southwest, Frontier Airlines, and Delta Air Lines.
- (b) Adopt a resolution authorizing the Director of Aviation or the Director's designee to provide the City's Air Service Support Program to new air carrier service as outlined in the tables below:

TABLE 1: Southwest Routes

Airline: Southwest  
 Market: Spokane  
 Airport: GEG  
 Frequency: 1 Daily  
 Support Period: 12 Months  
 Landing Fee Waivers: (\$115,474)  
 Marketing Funds: (\$25,000)

Airline: Southwest  
 Market: Houston  
 Airport: HOU  
 Frequency: 1 Daily  
 Support Period: 18 Months  
 Landing Fee Waivers: (\$173,211)  
 Marketing Funds: (\$50,000)

Airline: Southwest  
 Market: St. Louis  
 Airport: STL  
 Frequency: 1 Daily  
 Support Period: 18 Months  
 Landing Fee Waivers: (\$173,211)  
 Marketing Funds: (\$50,000)

Airline: Southwest  
 Market: Chicago  
 Airport: MDW  
 Frequency: 1 Daily  
 Support Period: 18 Months  
 Landing Fee Waivers: (\$173,211)  
 Marketing Funds: (\$50,000)

Airline: Southwest  
Market: Orlando  
Airport: MCO  
Frequency: 1 Daily  
Support Period: 18 Months  
Landing Fee Waivers: (\$173,211)  
Marketing Funds: (\$50,000)

TABLE 2: Frontier and Delta Routes

Airline: Frontier  
Market: Atlanta  
Airport: ATL  
Frequency: 1 Daily  
Support Period: 18 Months  
Landing Fee Waivers: (\$195,070)  
Marketing Funds: (\$195,070)

Airline: Frontier  
Market: Cincinnati  
Airport: CVG  
Frequency: 1 Daily  
Support Period: 18 Months  
Landing Fee Waivers: (\$195,070)  
Marketing Funds: (\$195,070)

Airline: Frontier  
Market: Colorado Springs  
Airport: COS  
Frequency: 1 Daily  
Support Period: 12 Months  
Landing Fee Waivers: (\$130,047)  
Marketing Funds: (\$130,047)

Airline: Delta  
Market: New York  
Airport: JFK  
Frequency: 1 Daily  
Support Period: 18 Months  
Landing Fee Waivers: (\$196,136)  
Marketing Funds: (\$50,000)

For each airline and corresponding route, landing fees are waived under the program for the qualifying periods and/or marketing funds are provided to promote the new services.

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

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

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

**7.1** [18-214](#) **Climate Smart San José Plan.**

**Recommendation:**

(a) Accept the Climate Smart San José plan.  
(b) Direct the City Manager to return to Council in fall 2018 with a progress update on Climate Smart San José.  
CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR, Supplemental EIR, and Addenda thereto, File No. PP18-009. (Environmental Services)  
TO BE HEARD AFTER CONSENT

**Attachments** [Memorandum](#)  
[Supplemental Memorandum](#)  
[Memorandum from Mayor Liccardo & Councilmembers Jimenez](#)  
[Attachment A](#)  
[Attachment B](#)  
[Letter\(s\) from the Public](#)  
[Presentation](#)

## **8. PUBLIC SAFETY**

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

## **10. LAND USE**

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

### **10.1 Land Use on Consent Calendar**

(a) [18-218](#) **Conforming Rezoning for Real Property Located at 86 North 17th Street.**

**Recommendation:**

Consideration of an ordinance of the City of San José rezoning an approximately 1.86-gross acre site located on the north east corner of East Santa Clara and North 17th Street (86 North 17th Street) from the CG-Commercial General and LI- Light Industrial Zoning Districts 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 EIR (Resolution No. 76041), Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

C17-037 - Council District 3

[Deferred from 2/27/18 - Item 10.1(a)]

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

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

**CONTINUE GENERAL PLAN HEARING (FIRST CYCLE) FROM FEBRUARY 13, 2018**



**10.2** [18-144](#)**General Plan Text Amendment and Related Changes: Transportation Analysis Policy to Comply with Senate Bill 743.****Recommendation:**

The City is updating its transportation analysis policy and related changes to conform with State law (SB 743) and to further the goals and policies of the General Plan by removing the vehicular Level of Service (LOS) metric from transportation analysis under the California Environmental Quality Act (CEQA) and replacing it with a Vehicle Miles Traveled (VMT) metric.

(a) Adopt a resolution approving the General Plan Text Amendment to reflect the new City Council Transportation Analysis Policy 5-1.

(b) Adopt a resolution approving a new City Council Policy 5-1 entitled "Transportation Analysis Policy" using VMT, rather than LOS, as the CEQA transportation metric, and amending City Council Policy 5-3 entitled "Transportation Impact Policy" providing a transition from LOS to VMT.

(c) Adopt a resolution designating Infill Opportunity Zones (IOZs) pursuant to SB 743 to align the City's participation in the regional Congestion Management Program with the new City Council Transportation Analysis Policy 5-1.

CEQA: Pursuant to Section 21080(b)(1), the proposed adoption of the General Plan Text Amendment, adoption of new a City Council Transportation Analysis Policy 5-1, amendment to the existing City Council Transportation Impact Policy 5-3, and adoption of Infill Opportunity Zones, are ministerial actions and pursuant to Guidelines 15268(a), ministerial actions are exempt from the requirements of CEQA. (Planning, Building and Code Enforcement)

GPT17-009 & PP17-082 - Citywide

(Deferred from 2/13/18 - Item 10.3)

TO BE HEARD AFTER 7.1

**Attachments**

[Memorandum](#)

[Supplemental Memorandum](#)

[Memorandum from Councilmembers Jimenez and Rocha](#)

[\(a\) Resolution](#)

[\(b\) Resolution](#)

[\(c\) Resolution](#)

[Presentation](#)

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

**CLOSE GENERAL PLAN HEARING (FIRST CYCLE)**

- 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

[18-299](#)

**Notice of City Engineer's Pending Decision on Final Maps.**

**Recommendation:**

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

Tract	Location	Council District	Developer	Lots/Units	Type
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Proposed 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	Council District	Lots/Units	Type
10443	NE/C of Rosemar Ct & Rosemar Ave	5	3/3	SFD

Developer  
Rosemar Enterprise Corporation

This notice is to be posted with the City Council's regular agenda for 2/27/18.

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

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

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

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