



City Council Meeting

Amended Agenda

Tuesday, October 17, 2017

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.

[17-230](#) Closed Session Agenda

Attachments [Closed Session Agenda - October 17, 2017](#)

- 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

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

- Invocation (District 9)

Pagyamanin Likas Musika

- Pledge of Allegiance

- Orders of the Day

To be heard after Ceremonial Items

Adjournment: This meeting is adjourned in memory of Yasmin Fernandez. Yasmin passed away at the young age of 36 after a heart attack while working. She was a major advocate for low-wage workers' rights, and believed that every worker deserves to be treated with dignity. Her passionate service to her community, leadership within the labor movement, and efforts to protect working families are her legacy. Yasmin is survived by her wife, three children, granddaughter, mother, and four brothers. (Rocha)

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 [17-188](#) Presentation of a proclamation declaring the month of October 2017 as "National Arts and Humanities Month" in the City of San José. (Carrasco)

1.2 [17-206](#) Presentation of a commendation to Mark Purdy in honor of his dedication to the Bay Area sports community and the City of San José. (Mayor)

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.

[17-184](#)

Approval of City Council Minutes:

Recommendation:

(a) Regular Minutes of May 9, 2017.

(b) Regular Minutes of May 16, 2017.

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

Attachments [Regular Minutes - May 9, 2017](#)

[Regular Minutes - May 16, 2017](#)

2.2 Final Adoption of Ordinances.

[17-172](#)**Final Adoption of Ordinances.****Recommendation:**

ORDINANCE NO. 29997 - An ordinance of the City of San José amending Section 2.08.1070 of Chapter 2.08 of Title 2 of the San José Municipal Code to update the appointment process and composition of the interview panel for nominating retired members to the Board of Administration for the Federated City Employees' Retirement System. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Manager)

ORDINANCE NO. 30000 - An ordinance of the Council of the City of San José dedicating as Public Right-Of-Way an approximately 10 foot wide by 833.50 foot long piece of City-owned property along the south side of Auzeais Avenue for the purpose of constructing improvements as part of the Del Monte Park Project. CEQA: Del Monte Park - Phase II Mitigated Negative Declaration (Resolution No. 77930), File No. PP16-023. Council District 6. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

ORDINANCE NO. 30007 - An ordinance of the City of San José amending various sections of Chapter 3.36 and 3.57 of Title 3 of the San José Municipal Code, to implement the terms of the Alternative Pension Reform Settlement Framework Agreement with the San José Police Officers' Association and International Association of Fire Fighters, Local 230. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Manager)

ORDINANCE NO. 30010 - An ordinance of the City of San José approving a Second Amendment to Development Agreement with Jackson-Taylor Partners, LLC, relative to the development of the Japantown Corporation Yard Redevelopment Project on certain real property located at 696 North Sixth Street and authorizing the City Clerk to execute the Second Amendment to the Development Agreement and cause the same to be recorded with the Santa Clara County Recorder's Office. CEQA: Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report, adopted by City Council Resolution No. 74384, and addendum thereto. (Planning, Building and Code Enforcement)
DA17-001 - Council District 3

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 [17-169](#) Amendment to the Agreement with Moore, Iacofano Goltsman, Inc. for Capital Improvement Projects.**

Recommendation: Approve the Third Amendment to the Master Agreement for Consultant Services with Moore, Iacofano Goltsman, Inc. (MIG) to increase the total not to exceed contract amount from \$1,500,000 to \$2,350,060 to allow continued strategic planning support for various Parks, Recreation and Neighborhood Services Department Capital Improvement Projects including, but not limited to, community centers, parks, trails, and other recreational facilities. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

Attachments [Memorandum Agreement](#)

2.8 [17-178](#) Vacation of a Setback Easement at 5159 and 5181 Brewster Avenue.

Recommendation: Adopt a resolution of intention to vacate a 25-foot light and air easement located at 5159 and 5181 Brewster Avenue and set a Public Hearing on Tuesday, November 14, 2017, at 1:30 p.m. CEQA: Exempt, File No. PP17-054 & PP17-055, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)

Attachments [Memorandum Resolution](#)

2.9 [17-179](#) **Agreement with Woodard & Curran, Inc. for Sanitary Sewer System Services.**

Recommendation: Approve a Master Agreement with Woodard & Curran, Inc. for master planning consultant services for the sanitary sewer system from the date of execution to December 31, 2020, in an amount not to exceed \$2,000,000. 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](#)

2.10 [17-186](#) **Establishment of Clean Energy Community Advisory Commission.**

Recommendation: Approve an ordinance amending Chapter 2.08 of Title 2 of the San José Municipal Code to add a new Part establishing a Clean Energy Community Advisory Commission. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Clerk)

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

2.11 [17-189](#) **AB 597 (Stone). Child Abuse and Neglect: Information: Computerized Database System.**

Recommendation: As recommended by the Rules and Open Government Committee on October 4, 2017, pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position of support of AB 597, so that the City's legislative representative can continue to advocate the City's position of support for AB 597. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (City Manager)
[Rules Committee referral 10/4/17 - Item G.2.]

Attachments [Memorandum](#)

2.12 [17-190](#) **District 7 Community Events.****Recommendation:**

As recommended by the Rules and Open Government Committee on October 4, 2017:

(a) Approve the following community events sponsored by Council District 7 as City Council sponsored Special Events to expend City funds and accept donations of materials and services for the event.

(1) Clean Up with Tam on Saturday, October 28, 2017 at Kennedy Elementary School;

(2) Alma Neighborhood Halloween Family Night on Saturday, October 28, 2017 at the Alma Youth Center;

(3) Varoween Haunted House on Sunday, October 29, 2017 at the Vietnamese American Community Center;

(4) Halloween Festival on Monday, October 30, 2017 at Tully Library;

(5) Santee Halloween Family Night on Tuesday, October 31, 2017 at FMCI Building;

(6) Trunk or Treat on Tuesday, October 31, 2017 at Seven Trees Community Center;

(7) Rock the Block Party on Sunday, November 5, 2017 at Vieira Park;

(8) District 7 Neighborhood Leaders Appreciation Reception on Thursday, November 9, 2017 at Tully Library Community Room; and

(9) Traffic Safety Townhall Meeting on Thursday, November 16, 2017 at Franklin McKinley School District;

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

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

[Rules Committee referral 10/4/17 - Item G.1.a.]

Attachments [Memorandum](#)

2.13 [17-191](#) **District 5 Community Events.****Recommendation:**

As recommended by the Rules and Open Government Committee on October 4, 2017:

(a) Retroactively approve the following community events sponsored by Council District 5 as City Council sponsored Special Events to expend City funds and accept donations of materials and services for the event.

(1) Arbuckle Public Safety Meeting held on September 27, 2017;

(2) Capitol Park Dumpster Day held on September 30, 2017;

(3) Light Up City Hall Event scheduled on October 2, 2017; and

(4) Mid-Autumn Moon Festival scheduled on October 6, 2017.

(b) Approve East San José Halloween Safety Day scheduled in various areas on October 31, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(c) Approve and accept donations from various individuals, businesses or community groups to support these events.

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

[Rules Committee referral 10/4/17 - Items G.1.b. - G.1.f.]

Attachments [Memorandum](#)

2.14 [17-213](#) **Independence High School Beautification Day.****Recommendation:**

As recommended by the Rules and Open Government Committee on October 11, 2017:

(a) Retroactively approve the Independence High School Beautification Day held on October 14, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

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

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

[Rules Committee referral 10/11/17 - Item G.1.a.]

Attachments [Memorandum](#)

2.15 [17-214](#) **Silicon Valley Organization District 4 Merchant Walk.****Recommendation:**

As recommended by the Rules and Open Government Committee on October 11, 2017:

(a) Retroactively approve the Silicon Valley Organization District 4 Merchant Walk held on October 4, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

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

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

[Rules Committee referral 10/11/17 - Item G.1.b.]

Attachments [Memorandum](#)

2.16 [17-215](#) **POW! WOW! San José Flag Raising Ceremony.****Recommendation:**

As recommended by the Rules and Open Government Committee on October 11, 2017:

(a) Approve the POW! WOW! San José Flag Raising Ceremony scheduled on October 23, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

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

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

[Rules Committee referral 10/11/17 - Item G.1.c.]

Attachments [Memorandum](#)

2.17 [17-216](#) **Informational Briefing on the City of San José MBK Strategy-Education Initiative.**

Recommendation: As recommended by the Rules and Open Government Committee on October 11, 2017:

(a) Approve the Informational Briefing on the City of San José My Brother's Keeper (MBK) Strategy-Education Initiative scheduled for Wednesday, November 1, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

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

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

[Rules Committee referral 10/11/17 - Item G.1.d.]

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 [17-167](#) **2016-2017 City Manager's Annual Report.****Recommendation:**

- (a) Accept the 2016-2017 City Manager's Annual Report of the Finances of the City of San José in compliance with City Charter Section 701 (F).
- (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2016-2017 Annual Report recommendations, including appropriate technical adjustments, as detailed in Section IV of the Annual Report (Recommended Budget Adjustments and Clean-Up/Rebudget Actions).
- (c) Approve the addition of 1.0 Planner IV, limit-dated through February 28, 2019, in the Planning, Building and Code Enforcement Department.
- CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism of Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

Attachments [2016-2017 Annual Report](#)
[Supplemental Memorandum](#)

3.4 [17-042](#) **Towing Services Agreement.****Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute amendments to the Agreements for City Generated Tow Services for a term commencing on or around January 1, 2018 and ending on or around June 30, 2019 with the following tow operators:

- Alongi Brothers, Inc. (San José, CA)
- Century Tow (San José, CA)
- City Towing, Inc. (San José, CA)
- Courtesy Tow Services, Inc. (San José, CA)
- Matos Auto Towing & Transport (San José, CA)
- Motor Body Company, Inc. (San José, CA)

The proposed amendments include the following terms and conditions and would revert to the original terms and conditions after June 30, 2019 absent future Council action:

(1) Decrease the contract fee that the operators remit to the City from \$80 per tow to \$59 per towed vehicle to offset increased labor costs.

(2) Require the tow operators to provide proof of actual expenses for the disposal of vehicles that have no value to offset the \$59 contract fee that is required to be remitted to the City.

(3) Reduce each tow operator's security deposit by \$20,000, from \$25,000 to \$5,000.

(b) Direct the Administration to bring forward a funding proposal at the Fiscal Year 2017-2018 Mid-Year Budget review to fund a third party review of the City's Tow Program.

(c) Report back to the City Council, on or before March 2019, the results of an independent audit and assessment of the current tow program as discussed in this memorandum, with recommendations for any program restructuring or further changes to compensation, as appropriate.

CEQA: Not a Project, File No. PP17-033, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

[Rules Committee referral 6/21/17 - Item G.4]

(Deferred from 8/22/17 - Item 3.3; 9/26/17 - Item 3.3; and 10/17/17 - Item 3.4)

3.5 [17-185](#) **Actions Related to the Salary Setting Commission.****Recommendation:**

(a) Accept the Salary Setting Commission's report on Recommended Options for Consideration of Charter Amendment Relating to Mayor and City Council Salaries.

(b) Discussion and direction regarding an amendment to City Charter.

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

Attachments

[Memorandum](#)

[Supplemental Memorandum](#)

[Memorandum from Mayor Liccardo, Vice Mayor Carrasco and C](#)

[Memorandum from Councilmember Diep](#)

3.6 [17-141](#) **Council Priority Setting Session.****Recommendation:**

- (a) Approve new items for the Council Priority list.
(b) Rank items on Council Priority list.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City actions. (City Manager)

Attachments

[Memorandum](#)
[Supplemental Memorandum 1](#)
[Supplemental Memorandum 2](#)
[Memorandum from Councilmember Rocha](#)
[Memorandum 2 from Councilmember Rocha](#)
[Memorandum from Councilmember Peralez](#)
[Memorandum from Councilmember Jimenez](#)
[Memorandum from Councilmember Peralez](#)
[Memorandum from Councilmember Jimenez](#)
[Letters from the Public-Urban Street Park Pilot](#)
[Letters from the Public-Affordable Housing](#)
[Letters from the Public-Women's Bill of Rights](#)
[Letter from Law Foundation Silicon Valley](#)
[Letters from the Public-Public Health and Environmental Policy \]](#)
[Letter from SPUR](#)
[Letters from the Public](#)
[Letters from the Public-Suicide Prevention Policy](#)
[Letters from the Public-Urban Design Guidelines](#)

3.7 [17-136](#) **City Manager Appointment and Compensation Package.****Recommendation:**

Adopt a resolution appointing David Sykes as City Manager, effective October 14, 2017, consistent with the terms of compensation and benefits in the memorandum. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

Attachments

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [17-217](#) **Evergreen Senior Homes Initiative.****Recommendation:**

As recommended by the Rules and Open Government Committee on October 11, 2017, direct the City Manager, pursuant to the California Elections Code Section 9212, to report on any and all of the following items regarding the proposed Evergreen Senior Homes Initiative, no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition, in the event the petition is certified:

- (a) Its fiscal impact.
- (b) Its effect on the internal consistency of the City's General and Specific Plans, including the housing element, the consistency between planning and zoning, and the limitations on City actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
- (c) Its effect on the use of land, the impact on the availability and location of housing and the ability of the city to meet its regional housing needs.
- (d) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
- (e) Its impact on the community's ability to attract and retain business and employment.
- (f) Its impact on the uses of vacant parcels of land.
- (g) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
- (h) Its economic impact.
- (i) Its environmental impact.

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

[Rules Committee referral 10/11/17 - Item G.4.]

Attachments

[Memorandum](#)

[Memorandum from Councilmember Rocha](#)

[Letters from the Public](#)

5. NEIGHBORHOOD SERVICES

5.1 [17-135](#) **Actions Related to the Affordable Housing and Sustainable Communities Agreement for St. James Station.**

Recommendation:

(a) Adopt a resolution authorizing the City Manager or his designee to:

(1) Negotiate, enter, execute, and deliver a State of California Standard Grant Agreement (Grant Agreement) with any commitments necessary to deliver the agreed upon Grant Scope previously authorized by Council and as consistent with the proposed appropriation actions and future funding plan and all other documents required or deemed necessary or appropriate to secure the AHSC Program funds; and

(2) Negotiate and execute an agreement with First Communities Housing (FCH) to allocate responsibilities, liabilities and the disbursement of AHSC funds between the City and First Communities Housing.

(b) Accept the future spending plan, requiring future appropriation actions, and the City's intent to deliver the scope of work for City projects identified in the Grant Application and Grant Agreement.

CEQA: Determination of Consistency to the Brandenburg Mixed Use Project/North San Pedro Housing Sites Final Program Environmental Impact Report (Resolution No. 72170) and Addenda thereto, File No. PP16-056. Council District 3. (Parks, Recreation, and Neighborhood Services/Housing)

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

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

- 7.1 [17-061](#) **Amendment to the Master Consultant Agreement with Stantec Consulting Services Inc. (formerly MWH Americas, Inc.) for Program Management Services for the San José - Santa Clara Regional Wastewater Facility.**

Recommendation: Approve an Amended and Restated Master Consultant Agreement with Stantec Consulting Services Inc. (formerly MWH Americas, Inc.) for program management services for the San José - Santa Clara Regional Wastewater Facility Capital Improvement Program, increasing the not to exceed agreement amount from \$39,000,000 to a revised not to exceed agreement amount of \$78,000,000; and extending the term of the agreement from September 30, 2018 to June 30, 2023. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)
DEFERRED FROM 9/26/17 TO 10/17/17 PER ADMINISTRATION

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

8. PUBLIC SAFETY

- 8.1 [17-065](#) **Firearm Safe Storage Ordinance.**

Recommendation: Approve an ordinance amending Chapter 10.32 of Title 10 of the San José Municipal Code to add a new Part, requiring gun owners to safely store firearms in a locked container or disabled with a trigger lock upon leaving the residence. CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, Annual reports, and Informational Memos that involve no approvals of any City action. (City Manager/City Attorney)

Attachments [Memorandum Memorandum from Councilmembers Peralez and Jones](#)
[Memorandum from Councilmember Diep](#)
[Ordinance](#)
[Letters from the Public](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

- Open Forum

- Adjournment
- Notice of City Engineer's Pending Decision on Final Maps

[17-228](#)

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 - 10327, Location - 1275 Lucretia Ave., District 7,
Developer-Green Tech Housing LLC., Lots/Units 11/10, Type-SFD,
Proposed Decision - Approve

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

Tract - 10429, Location - 3581 Bournemouth Drive, District 9,
Developer-Castro Valley Edenbridge, Lots/Units 5/5, Type-SFD

Tract - 10409, Location - 1480 Douglas Street, District 6,
Developer-Dom Campaign LLC, Lots/Units 6/6, Type-SFA

This notice is to be posted with the City Council's regular agenda for 10/17/17.

**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.