



City Council Meeting Amended Agenda

Tuesday, May 1, 2018

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



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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

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

- Call to Order and Roll Call

9:30 a.m.- Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
See Separate Agenda

[18-653](#) See separate agenda.

Attachments [Closed Session Agenda](#)

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

- Invocation (District 5)

Juan Manuel Calderón Jaimes, Consul General of Mexico in San José, California

- Pledge of Allegiance

- Orders of the Day

ADJOURNMENT: This meeting is adjourned in the memory of San Jose Fire Department Chaplain - Father William John Stout, who passed away on March 14, 2018 at the age of 85. Father Stout was born in San José on January 27, 1933 and attended St. Mary's School and Bellarmine College Preparatory School. He earned degrees from Gonzaga University and Santa Clara University, and was ordained a priest in San Francisco in 1964. Father Stout's contributions in and beyond the City of San José are immeasurable. As a high school teacher, he taught chemistry, earth science, physics, mathematics; including years at Bellarmine College Preparatory School and William C. Overfelt High School. He served the parishioners of Our Lady Star of the Sea Parish in Alviso, and recently, Our Lady of Peace Church in Santa Clara. In chaplaincy, he assisted at Agnews State Hospital, Valley Medical Center, and extended his generosity, guidance, and comfort to the San José Fire Department for 45 years. Father Stout established the Annual Firefighter Memorial Mass to mark the contributions of firefighters who passed each year. Father Stout often shared the story of St. Florian, the Patron Saint of Firefighters, who suffered death for his faith and is invoked as a powerful protector in danger from fire or water. St. Florian's Day is May 4, and this week the San José Fire Department will miss their annual visit and cake from their beloved Father Stout.

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 [18-472](#) Presentation of a proclamation declaring the month of May as “Building Safety Month” in the City of San José. (Davis)
- 1.2 [18-593](#) Presentation of a proclamation recognizing May as Asian American and Pacific Islander Heritage Month, to recognize the achievements of San José’s Asian American and Pacific Islander community, who make up over 30% of San José’s population, and for their contributions to the City. (Diep/Jones)
- 1.3 [18-625](#) Presentation of a commendation for Consul for the Day. (Carrasco)

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

[18-586](#) Approval of City Council Minutes.

Recommendation: (a) Special Study Session Minutes for the Elected and Appointed Officials Emergency Management Training for December 1, 2017.
(b) Regular City Council Meeting Minutes for December 12, 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.

Attachments [December 1, 2017 Minutes](#)
[December 12, 2017 Minutes](#)

2.2 Final Adoption of Ordinances.

[18-594](#)**Final Adoption of Ordinances.****Recommendation:**

(a) ORD. NO. 30085 - An ordinance of the City of San José rezoning certain real property of approximately 0.84-gross acre situated at the southwest corner of Saratoga Avenue and Borina Drive (951 Saratoga Ave) from the A (PD) Planned Development and R-1-8 Single Family Residence Zoning Districts to the CP Commercial Pedestrian Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617) on December 15, 2015, and Addenda thereto, File No. C17-053.

(b) ORD. NO. 30086 - An ordinance of the City of San José rezoning certain real property of approximately 1.04 gross acres situated on the northwest corner of Berryessa Road and Lundy Avenue (1705 Berryessa Road) from the A(PD) Planned Development Zoning District to the CP(PD) Planned Development Zoning District.

CEQA: Mitigated Negative Declaration for the 1705 Berryessa Gas Station Project, File No. PDC15-027. Planning Commission recommends approval (7-0-0).

2.3 Approval of Council Committee Minutes.**2.4 Mayor and Council Excused Absence Requests.**[18-597](#)**Mayor and Council Excused Absence.****Recommendation:**

(a) Request for a retroactive excused absence for Mayor Sam Liccardo from the Rules and Open Government Committee on April 25, 2018 due to Authorized City Business.

(b) Request for a retroactive excused absence for Vice Mayor Magdalena Carrasco from the Public Safety, Finance and Strategic Support Committee on April 19, 2018 due to Authorized City Business.

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

[Rules Committee referral 4/25/18 - Item A.1.a]

Attachments

[\(a\) Excused Absence Memorandum - Liccardo](#)

[\(b\) Excused Absence Memorandum - Carrasco](#)

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.****2.7 [18-528](#) Action Related to Establishment of a VEBA Advisory Committee.****Recommendation:**

(a) Adopt a resolution to provide for the selection and term of office of members of the Voluntary Employees Beneficiary Association Advisory Committee for the Police and Fire Voluntary Employees Beneficiary Association and the Federated Employees' Voluntary Employees Beneficiary Association.

(b) Approve an ordinance amending various sections of Chapter 2.08 of Title 2 to establish the provisions for the administration of the Voluntary Employees Beneficiary Association Advisory Committee.

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

Attachments [Memorandum](#)

[Ordinance](#)

[Resolution](#)

2.8 [18-591](#) Programmatic Agreement with the Federal Transit Administration and the California State Historic Preservation Officer, and Valley Transportation Authority for the BART Silicon Valley - Phase II Extension Project in Santa Clara County.**Recommendation:**

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

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

(Planning, Building and Code Enforcement)

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

2.9 [18-543](#) **Actions Related to the Vacation of Setback Easements Located at 2823 Quinto Way within Tract No. 1098.**

Recommendation: (a) Adopt a resolution of intention to vacate the 25-foot and 12.5-foot light and air easements located within Tract No. 1098;
 (b) Set a Public Hearing on Tuesday, May 22, 2018, at 1:30 p.m., for consideration of the vacation; and
 (c) Direct the City Clerk to file the vacation map and advertise said public hearing.
 CEQA: Statutorily Exempt, File No. PP18-013, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)

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

2.10 [18-544](#) **Approval of the Rule 20A and 20B Underground Utility Program Workplan and the Rule 20B Undergrounding Master Plan.**

Recommendation: Approve the proposed Fiscal Year 2017/18 - 2022/23 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program and of the Fiscal Year 2016-2017 Rule 20B (In-Lieu Fee) Undergrounding Master Plan.
 CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Public Works)

Attachments [Memorandum](#)
 [Attachment A](#)
 [Attachment B](#)
 [Attachment C](#)
 [Attachment D](#)
 [Attachment E](#)
 [Attachment F](#)

2.11 [18-561](#) **Approval of an Ordinance Designating an Additional Right-of-Way for City-Owned Land Located North of North 21st Street.**

Recommendation: Approve an ordinance designating as public right-of-way, 6,480 square feet of City-owned land located at the northernmost terminus of North 21st Street, north of the intersection with Santa Clara Street.
CEQA: Categorically Exempt, File No. PP18-049, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Public Works)

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

2.12 [18-531](#) **Actions Related to the Annexation Area No. 1 to Convention Center Facilities District No. 2008-1.**

Recommendation: (a) Accept the landowner approval forms to annex hotel property into Convention Center Facilities District No. 2008-1 as Annexation No. 1.
(b) Adopt a resolution:
 (1) Approving the annexation of territory to Convention Center Facilities District No. 2008-1 and levying a special tax within Annexation No. 1; and
 (2) Directing the City Clerk to record a notice of special tax lien.
(c) Adopt the following 2017-2018 Funding Sources Resolution and Appropriation Ordinance amendments in the Convention Center Facilities District Revenue Fund:
 (1) Increase the revenue estimate for Convention Center Facilities District Special Tax by \$2,475,892; and
 (2) Increase the Unrestricted Ending Fund Balance by \$2,475,892.
CEQA: Determination of Consistency to the San José Downtown Strategy 2000 Final Environmental Impact Report, Resolution No. 72767, and Addenda thereto, File No. PP08-002. Council Districts 3, 4 & 7. (Public Works/Finance/City Manager)

Attachments [Memorandum](#)
 [Attachment A](#)
 [Attachment B](#)
 [Attachment C](#)
 [Resolution](#)

2.13 [18-599](#) **Retroactive Approval of "Conversations with Dev" 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 and Government Committee on April 18, 2018:
(a) Retroactively approve "Conversations with Dev" scheduled on April 11, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Retroactively 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 4/18/18 - Item G.1.a]

Attachments [Memorandum](#)

2.14 [18-600](#) **Approval of SVCTBA 2018 Tech Smart City Conference Sponsored By Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on April 18, 2018:
(a) Approve the SVCTBA Tech Smart City Conference scheduled on May 11, 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. (Khamis)
[Rules Committee referral 4/18/18 - Item G.1.b]

Attachments [Memorandum](#)

2.15 [18-520](#) **Agreement with History San José for Maintenance of City-Owned Historical Facilities.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with History San José, from July 1, 2018 to June 30, 2038, for the operations and maintenance of the City-owned historical facilities within History Park at Kelley Park and the Peralta Adobe - Fallon House Historic Site, as well as management of the City's historic collections for an annual amount not to exceed \$784,000, subject to annual appropriations as approved by City Council.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council Districts 3 and 7. (Economic Development)
RECOMMEND DEFERRAL FROM 4/24/18 ITEM 2.8, 5/1/18 ITEM 2.15 TO 5/8/18 PER ADMINISTRATION

Attachments [Memorandum](#)

2.16 [18-630](#) **Approval of “Mamapalooza! A Mother’s Day Affair at Evergreen Village Square” 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 April 25, 2018:
(a) Approve the “Mamapalooza! A Mother’s Day Affair at Evergreen Village Square” scheduled on May 12, 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 4/25/18 - Item G.1.c]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Accept Labor Negotiations

TO BE HEARD AT 9:30 A.M.

3.3 [18-580](#) **Actions Related to the Agreement with AT&T DBA New Cingular Wireless PCS, LLC for Permitting Small Cells.**

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute the following:
- (1) Amendment to the Master Non-Exclusive Installation and Property Use Agreement between the City and AT&T DBA New Cingular Wireless PCS, LLC, to amend the terms of the Form Site License Agreement; and
 - (2) Funding and Reimbursement Agreement between the City and AT&T DBA New Cingular Wireless PCS, LLC, to cover the Permitting and Process Improvement costs related to the Permitting of Small Cells.
- (b) Adopt the following 2017-2018 Funding Sources Resolution and Appropriation Ordinance amendments in the General Fund:
- (1) Decrease the revenue estimate for Other Revenue by \$750,000; and
 - (2) Decrease the appropriation to the City Manager's Office for Broadband and Digital Inclusion Strategy by \$750,000.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

Attachments

[Memorandum](#)

[Attachment](#)

[Memorandum from Mayor Liccardo, VM Carrasco, CM Arenas,](#)

[Memorandum from Councilmember Davis](#)

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

[Presentation](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-529](#) **Amendment to Title 17 for Vacant Buildings and Storefronts in Downtown San José.**

Recommendation: Approve an ordinance of the City of San José amending Chapter 17.38 of Title 17 of the San José Municipal Code to establish mandatory registration within the vacant building monitoring program for Downtown buildings and vacant storefronts that have been vacant for 30 days.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. Council District 3. (Economic Development/Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Memorandum from CM Peralez, VM Carrasco, CMs Jones & Kh](#)
[Ordinance](#)

4.2 [18-584](#) **Intent to Maintain the General Plan and Zoning Designation of Property Located at 435 S. Market Street - Convention Center South Hall. - DROP**

Recommendation: Approve the Statement of the City Council's intent to maintain the General Plan and zoning designation of the property located at 435 S. Market Street, the current site of the Convention Center South Hall Site, planned expansion of the San Jose Convention Center, as Public Quasi Public (PQP). CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. Council District 3. (Economic Development)
DROP

4.3 [18-592](#) **Actions Related to the Substantial Amendment to FY 2017-2018 Annual Action Plan for the Use of Funds from the U.S. Department of Housing and Urban Development.**

Recommendation:

- (a) Hold a Public Hearing and take public comment on the proposed Substantial Amendment to the Fiscal Year 2017-2018 Annual Action Plan to:
- (1) Reallocate approximately \$650,000 in grant funding;
 - (2) Recognize an additional \$200,000 in program income and commit \$115,000 of it; and
 - (3) Funds for these changes will be made available by taking the following actions:
 - (i) Decrease the CDBG fund allocation for Legal Services from \$530,000 to \$30,000.
 - (ii) Decrease the CDBG fund allocation for Place-Based Street and Infrastructure Enhancements from \$1,830,000 to \$1,680,000.
 - (iii) Increase the CDBG fund allocation for Revenues by \$200,000.
- (b) Adopt a resolution approving the proposed Substantial Amendment for submission to the U.S. Department of Housing and Urban Development.
- (c) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Community Development Block Grant Fund:
- (1) Increase the estimate for Revenue from the Use of Money/Property by \$200,000;
 - (2) Decrease the Housing Rehabilitation Loans and Grants Appropriation to the Housing Department by \$150,000;
 - (3) Increase the Housing Emergency and Minor Repair Program appropriation to the Housing Department by \$515,000; and
 - (4) Decrease Ending Fund Balance by \$165,000.
- (d) Adopt the following 2017-2018 Appropriation Ordinance amendments in the HOME Invest Partnership Fund:
- (1) Decrease the Housing Loans and Grants appropriation to the Housing Department by \$68,000; and
 - (2) Increase Ending Fund Balance by \$68,000.
- CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing/City Manager)

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

- 4.4 [18-530](#) PP14-036 - Amendments to Title 5 (Housing) and Title 20 (The Zoning Ordinance) for California Government Code Section 65915 Et Seq. (State Housing Density Bonuses and Incentives Law).

Recommendation: Approve an ordinance of the City of San José amending Section 5.08.450 of Chapter 5.08 of Title 5 and adding Chapter 20.190 to Title 20 of the San José Municipal Code to implement California Government Code Section 66915 (State Housing Density Bonus and Incentives Law) and provide affordable housing incentives and waivers consistent with the San Jose General Plan.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR) (Resolution No. 76041) and Supplemental Environmental Impact Report (EIR) (Resolution No. 77617), and Addenda thereto and does not involve new significant impacts beyond those analyzed in the FEIR or the Supplemental EIR. Planning Commission recommends approval (7-0-0) (Planning, Building and Code Enforcement)
PP14-036 - Citywide

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

- 4.5 [18-587](#) Report on the Cost of Development in San José.

Recommendation: Accept staff report on the Cost of Development in San José.
CEQA: Not a Project, File No PP17-009, Staff Report, Assessment, Annual Reports and Informational memos that involve no approvals of any City action. (Economic Development/Planning, Building and Code Enforcement)
TO BE HEARD LAST

Attachments [Memorandum](#)
[Attachment](#)
[Presentation - The Cost of Development](#)
[Presentation - Urban Village Implementation Analysis](#)
[Letter\(s\) from the Public](#)

5. NEIGHBORHOOD SERVICES

5.1 [18-582](#) **Actions Related to the Iconic Light Tower with San Jose Light Tower Corporation.**

Recommendation: Endorse the concept of and authorize the Department of Parks, Recreation and Neighborhood Services and Office of Economic Development/Cultural Affairs to guide the San Jose Light Tower Corporation as they investigate options to design and construct in downtown an artistically inspired and iconic structure as a gift to the City of San José.
CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Parks, Recreation and Neighborhood Services/Economic Development)

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

6. TRANSPORTATION & AVIATION SERVICES

6.1 [18-512](#) **Actions Related to the Design-Build Procurement for Terminal B Interim Facility Project at the Airport.**

Recommendation:

(a) Adopt a resolution in accordance with San José Municipal Code Section 14.07.310:

(1) Finding that the cost of the proposed design-build contract for the Terminal B Interim Facility Project (the “Project”) at the Norman Y. Mineta San Jose International Airport will exceed \$5,000,000, and that the use of the design-build delivery method process is likely to save money and/or result in faster Project completion than if the City used the traditional design-bid-build method of project delivery;

(2) Approving the Request for Proposals and the evaluation criteria and process by which the City shall select a design-build entity for the Interim Facility Project; and

(3) Authorizing the Acting Director of Public Works to issue addenda to the RFP to add any additional requirements or to make such other revisions to the RFP that are consistent with the scope and selection criteria as approved by Council.

(b) Adopt a resolution finding that the Airport traffic and transit improvement conditions set forth in Part 4 of Chapter 25 of the San José Municipal Code have been met and that the City may therefore expand the number of air carrier gates at the Airport beyond the existing thirty (30) gates, as provided in the Airport Master Plan.

CEQA: Addendum to the Norman Y. Mineta San José International Airport Master Plan Update Project Environmental Impact Report and Addenda thereto (Resolution Nos. 67380 and 71451), File No. PP18-038. (Airport/Public Works)

Attachments

[Memorandum](#)

[Resolution A](#)

[Resolution B](#)

[Request for Proposals](#)

[Final Environmental Impact Report Addendum](#)

[Presentation](#)

6.2 [18-385](#) **San José Complete Streets Design Guidelines.****Recommendation:**

(a) As recommended by the Transportation and Environment Committee on February 5, 2018, accept the report on San José's Complete Streets Design Guidelines and adopt a resolution to:

(1) Adopt the San José Complete Streets Design Guidelines that will serve as the official street design guide to be used by staff in the design of San José streets for all roadway users;

(2) Adopt Complete Streets principles, implementation methods, and exceptions as required by the Valley Transportation Authority (VTA) to be eligible to receive VTA 2016 Measure B funding; and

(3) Endorse the National Association of City Transportation Officials' (NACTO) Design Guidance, which serves as a model for the City's Complete Streets Guidelines.

(b) Approve an ordinance making minor amendments to the San José Municipal Code Title 9, 11, 13, 17 and 19 to align with the above Council actions.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Impact Report (Resolution No. 76041) and the Envision San José General Plan and Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

(Transportation)

[Transportation and Environment Committee referral 2/5/18 - Item (d)1]

DEFERRED FROM 3/27/18 ITEM 6.1 TO 5/1/18 PER ADMINISTRATION

Attachments

[5/1/18 Memorandum](#)

[San Jose Complete Streets Design Standards & Guidelines](#)

[Memorandum from CM Peralez, VM Carrasco, CMs Jimenez, Jo](#)

[Memorandum from Councilmember Peralez](#)

[2/5/18 T & E Memorandum](#)

[2/5/18 T& E Attachment](#)

[2/5/18 T & E Presentation](#)

[\(a\) Resolution](#)

[\(b\) Ordinance](#)

[Presentation](#)

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

6.3 [18-578](#) **Actions Related to the 2018 Arterial Resurfacing Project.**

- Recommendation:** (a) Approve award of a construction contract for the 2018 Arterial Resurfacing Project to the low bidder, MCK Services, Inc. in the amount of \$12,923,358.
- (b) Approve a 5% contingency in the amount of \$646,168.
 CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP18-029. (Transportation)

Attachments [Memorandum](#)

7. ENVIRONMENTAL & UTILITY SERVICES**7.1** [18-583](#) **Actions Related to the San José Clean Energy Risk Management Policy.**

- Recommendation:** (a) Adopt a resolution approving the Energy Risk Management Policy which details roles, responsibilities, strategies, controls, and authorities to manage risks for San José Clean Energy.
- (b) Approve March 1, 2019 as the Phase II (Residential) & III (Commercial) launch date to serve these customers.
 CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.
 (Community Energy/Finance)

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

No Land Use items on Consent Calendar.

10 Land Use - Regular Agenda

- Open Forum

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

- Adjournment

This meeting is adjourned in the memory of San Jose Fire Department Chaplain Father William John Stout, who passed away on March 14, 2018 at the age of 85. Father Stout was born in San José on January 27, 1933 and attended St. Mary's School and Bellarmine College Preparatory School. He earned degrees from Gonzaga University and Santa Clara University, and was ordained a priest in San Francisco in 1964. Father Stout's contributions in and beyond the City of San José are immeasurable. As a high school teacher, he taught chemistry, earth science, physics, mathematics; including years at Bellarmine College Preparatory School and William C. Overfelt High School. He served the parishioners of Our Lady Star of the Sea Parish in Alviso, and recently, Our Lady of Peace Church in Santa Clara. In chaplaincy, he assisted at Agnews State Hospital, Valley Medical Center, and extended his generosity, guidance, and comfort to the San José Fire Department for 45 years. Father Stout established the Annual Firefighter Memorial Mass to mark the contributions of firefighters who passed each year. Father Stout often shared the story of St. Florian, the Patron Saint of Firefighters, who suffered death for his faith and is invoked as a powerful protector in danger from fire or water. St. Florian's Day is May 4, and this week the San José Fire Department will miss their annual visit and cake from their beloved Father Stout.

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.