



City Council Meeting Amended Agenda

Tuesday, June 12, 2018

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



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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

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

- Call to Order and Roll Call

9:00 a.m.- Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
See Separate Agenda

[18-948](#) See separate agenda.

Attachments [Closed Session Agenda](#)

11:00 a.m. Regular Session, Council Chambers, City Hall

- Invocation (District 6)

The Church of Jesus Christ of Latter-Day Saints

- Pledge of Allegiance

- Orders of the Day

To be heard after Ceremonial Items

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation for Elder Abuse Awareness Day. (Carrasco)

TO BE HEARD AT 11:00 A.M.

1.2 Presentation of a proclamation declaring the month of June 2018 as Immigrant Heritage Month.
(Mayor)

TO BE HEARD AT 11:00 A.M.

1.3 Presentation of a commendation to Amy Jin, a high school senior at Harker School, for winning the Cutler-Bell Prize in High School Computing. (Jones)

TO BE HEARD AT 1:30 P.M.

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.

[18-918](#)

Approval of City Council Minutes.

Recommendation:

- a. Regular City Council Meeting Minutes of February 27, 2018.
- b. Regular City Council Meeting Minutes of March 6, 2018.
- c. Special City Council Meeting Minutes of March 8, 2018.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Clerk)

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

[18-919](#)**Approval of Council Committee Minutes.****Recommendation:**

- a. Ad-Hoc Committee for Development Service Minutes of April 27, 2017. (Khamis)
 - b. Smart Cities and Service Improvements Committee of May 4, 2017. (Jones)
 - c. Ad-Hoc Committee for Development Service Minutes of May 25, 2017. (Khamis)
 - d. Smart Cities and Service Improvements Committee of June 1, 2017. (Jones)
 - e. Rules and Open Government Committee of June 21, 2017. (Liccardo)
 - f. Ad-Hoc Committee for Development Service Minutes of June 22, 2017. (Khamis)
 - g. Ad-Hoc Committee for Development Service Minutes of November 30, 2017. (Khamis)
 - h. Public Safety, Finance, and Strategies Support Committee of August 17, 2017. (Peralez)
 - i. Rules and Open Government Committee of October 25, 2017. (Liccardo)
 - j. Smart Cities and Service Improvements Committee of November 2, 2017. (Jones)
 - k. Rules and Open Government Committee of January 17, 2018. (Liccardo)
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments

- [a. Ad-Hoc Committee for Development Service Minutes of April 27, 2017. \(Khamis\)](#)
- [b. Smart Cities and Service Improvements Committee of May 4, 2017. \(Jones\)](#)
- [c. Ad-Hoc Committee for Development Service Minutes of May 25, 2017. \(Khamis\)](#)
- [d. Smart Cities and Service Improvements Committee of June 1, 2017. \(Jones\)](#)
- [e. Rules and Open Government Committee of June 21, 2017. \(Liccardo\)](#)
- [f. Ad-Hoc Committee for Development Service Minutes of June 22, 2017. \(Khamis\)](#)
- [g. Ad-Hoc Committee for Development Service Minutes of November 30, 2017. \(Khamis\)](#)
- [h. Public Safety, Finance, and Strategies Support Committee of August 17, 2017. \(Peralez\)](#)
- [i. Rules and Open Government Committee of October 25, 2017. \(Liccardo\)](#)
- [j. Smart Cities and Service Improvements Committee of November 2, 2017. \(Jones\)](#)
- [k. Rules and Open Government Committee of January 17, 2018. \(Liccardo\)](#)

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 [18-807](#) Amendment to the Lease of Airport Premises Agreement with Swissport Fueling, Inc.**

Recommendation: Approve the First Amendment to the Lease of Airport Premises between the City of San José and Swissport Fueling, Inc. to extend its agreement for an additional five years to March 31, 2023.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Airport)

Attachments [Memorandum Agreement](#)

2.8 [18-812](#) Purchase Orders with Tucker Construction, Inc. for Metal and Steel Fence Repair and Replacement Services.

Recommendation: Adopt a resolution to authorize the City Manager to:

- a. Execute two Purchase Orders with Tucker Construction, Inc. (San José, CA), one for Public Works and another for Parks, Recreation and Neighborhood Services, for metal and steel fence repair and replacement services for an initial twelve-month period, starting on or about June 20, 2018 and ending on or about June 19, 2019, for a total aggregate amount not-to-exceed \$407,000, subject to the appropriation of funds.
- b. Exercise a one-year option to extend the term of both Purchase Orders with the term ending on or about June 19, 2020, subject to the annual appropriation of funds.

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

Attachments [Memorandum](#)

2.9 [18-803](#) **Actions Related to the Plaza De César Chávez Interim Improvements Project.**

Recommendation: Adopt the following 2017-2018 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

a. Establish the César Chávez Interim Improvements appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$500,000; and

b. Decrease the Future PDO/PIO Projects Reserve by \$500,000.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP18-051. (Parks, Recreation and Neighborhood Services/City Manager)

Attachments [Memorandum](#)

2.10 [18-814](#) **Actions Related to the Department of Parks, Recreation and Neighborhood Services Agreements.**

Recommendation:

Adopt a resolution authorizing the following, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager:

- a. Authorize the City Manager to negotiate and execute all agreements, amendments, and extensions to accept funds for the Department of Parks, Recreation and Neighborhood Services identified in the "Compensation Paid to the City of San José", (Attachment A of the memorandum to Council); and
- b. Authorize the City Manager to accept any funds exceeding the figures identified in Attachment A of the memorandum to Council for the specified programs and purposes identified as "Compensation Paid to the City of San José," provided that the City Manager determines that the City is able to provide the services and comply with any additional requirements associated with the increased grant funds. The City Manager shall also bring forward to City Council any items that require approval for budgetary adjustments and appropriation actions necessary for such programs; and
- c. Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2018-2019 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment B of the memorandum to Council) consistent with Adopted Budget amounts for the following City programs or services:
 1. After School Education and Safety;
 2. BeautifySJ Grant Program;
 3. Bringing Everyone's Strengths Together Grants;
 4. Citywide Aquatics Program;
 5. Community Center Reuse Program;
 6. County of Santa Clara Therapeutic Program;
 7. Family Camp Facility Use Agreements;
 8. Friends of PRNS Non-Profit Organizations;
 9. Grant Revenue Agreements;
 10. Happy Hollow Park and Zoo:
 - a. Education Programs;
 - b. Private Events;
 11. Homeless Response Team;
 12. Leisure and Recreation Fee Class Vendor Agreements;
 13. Leisure and Recreation Program Facility Use Agreements;
 14. Little League Agreement(s);
 15. Martial Cottle Community Garden;

16. Mayor's Gang Prevention Task Force:
 - a. Grant Revenue;
 - b. Related Sub-Contractor Agreements, where applicable;
 - c. Facility Use;
 - d. Memoranda of Understanding;
 - e. Evaluation Consultant Agreements;
17. Park Concessionaires Agreements;
18. Recreation of City Kids Program;
19. Safe Summer Initiative Grants;
20. Senior Health and Wellness Grants;
21. St. James / Urban Park Activation Grants; and
22. Summer Food Service Program.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP17-039; Categorically Exempt, CEQA Guidelines Section 15304, Minor Alterations to Land, File No. PP14-050; and Not a Project, File PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. All agreements cited in this memorandum, except for the BeautifySJ Grant Program and Martial Cottle Community Garden, have services that involve no change to the environment. (Parks, Recreation, and Neighborhood Services)

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

2.11 [18-809](#) **Actions Related to the Agreement with Kimley-Horn and Associates, Inc. for the East San José Multimodal Transportation Improvement Plan.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute a contract with Kimley-Horn and Associates, Inc. for planning and design consulting services to develop the East San José Multimodal Transportation Improvement Plan in an amount not to exceed \$450,000.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council Districts 3, 4, & 5.
(Transportation)

Attachments [Memorandum](#)

2.12 [18-806](#) **Disestablish the Hotel Business Improvement District.****Recommendation:**

Approve an ordinance to disestablish the Hotel Business Improvement District, originally established under the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. (Economic Development)

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

2.13 [18-813](#) **Agreement with Magical Bridge Foundation for Emma Prusch Farm Park Project.****Recommendation:**

Adopt a resolution authorizing the City Manager to:

a. Negotiate and execute an agreement with Magical Bridge Foundation to provide consulting design services and fundraising for a new all-inclusive play area at Emma Prusch Farm Park. The park's improvements will include new universally-accessible play equipment to replace existing equipment, new restrooms, and related improvements; and

b. Submit a grant application and, if awarded, negotiate and execute a grant agreement with the Santa Clara County Open Space Authority for an amount up to \$600,000 in funding to plan, design, and construct a new all-inclusive play area at Emma Prusch Farm Park.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP18-022. (Parks, Recreation and Neighborhood Services)

DEFERRED FROM 5/15/18 ITEM 2.8 (18-631) TO 6/12/18 PER ADMINISTRATION

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

2.14 [18-910](#) **Mayor and Council Excused Absence Requests.**

Recommendation: Request for an excused absence for Councilmember Sylvia Arenas from the June 4, 2018 Transportation and Environment Committee due to illness.

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

[Rules Committee referral 6/6/18 - Item A.1.a]

Attachments [Memorandum](#)

2.15 [18-911](#) **Actions Related to Mayor Liccardo's Travel to Boston, MA.**

Recommendation: Retroactively authorize travel by Mayor Liccardo to Boston, MA for the U.S. Conference of Mayors from June 8, 2018 to June 11, 2018.

Source of Funds: Mayor/Council Travel Budget.

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

[Rules Committee referral 6/6/18 - Item A.1.a]

Attachments [Memorandum](#)

2.16 [18-907](#) **Retroactive Approval of Foster Youth Summit Sponsored By Council District 1 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 June 6, 2018:

a. Retroactively approve the Foster Youth Summit scheduled on May 22, 2018 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. (Jones)

[Rules Committee referral 6/6/18 - Item G.1.a]

Attachments [Memorandum](#)

- 2.17** [18-909](#) Retroactive Approval of District 4 June Office Hours 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 June 6, 2018:

- a. Retroactively approve the District 4 June Office Hours scheduled on June 9, 2018 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 6/6/18 - Item G.1.c]

Attachments [Memorandum](#)

- 2.18** [18-913](#) **Deferred Compensation Advisory Committee Appointment.**

Recommendation: As recommended by the Rules and Open Government Committee on June 6, 2018, approve the appointment of Jaime Fonseca, as the representative nominated by American Federation of State, County, and Municipal Employees (AFSCME) MEF and CEO bargaining units to the Deferred Compensation Advisory Committee under City Council Resolution No. 70176 for a four-year term ending on March 1, 2022.
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 6/6/18- Item F.1]

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 [18-815](#) **Mayor's June Budget Message for Fiscal Year 2018-2019.****Recommendation:**

- a. Review, discuss and approve the Mayor's June Budget Message for Fiscal Year 2018-2019.
- b. Adopt a resolution authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

Attachments [Memorandum](#)
[Memorandum from Liccardo](#)

3.4 [18-816](#) **Approve the 2018-2019 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.**

Recommendation:

a. Adopt resolutions approving the Operating Budget for 2018-2019 for the City of San José, the Capital Budget for 2018-2019 for the City of San José, and the Five-Year Capital Improvement Program for 2019-2023 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.

b. Adopt a resolution establishing the Schedule of Fees and Charges for 2018-2019.

c. Establish the South Bay Water Recycling Operating Fund (Fund 570).

d. Adopt a resolution approving the loan in the amount of \$2,000,000 from the Construction and Conveyance Tax Fund: City-wide Parks Purposes to the Council District 5 Construction and Conveyance Tax Funds for the construction of the All Inclusive Playground - Emma Prusch Park with the following terms:

1. The Council District 5 Construction and Conveyance Tax Fund shall pay interest at a rate equal to the investment earnings of the monthly investment factor;

2. The loan shall be fully due and payable on June 30, 2022;

3. The loan shall be repaid with grant reimbursements from the County of Santa Clara All-Inclusive Playground Grant Program;

4. All grant reimbursements received by the City from the County of Santa Clara All-Inclusive Playground Grant Program for the construction of the All Inclusive Playground - Emma Prusch Park shall be allocated to the repayment of the loan until it is fully repaid;

5. In the event that a shortfall arises in the Council District 5 Construction and Conveyance Tax Fund, another eligible source of revenue shall fully repay the loan;

6. The loan shall be immediately due and payable if needed by the Construction and Conveyance Tax Fund: City-wide Parks Purposes to fund any eligible project; and

7. A final balloon payment shall be required if the loan has not been fully repaid from the grant reimbursements by June 30, 2022.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical Environment, 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 [Capitol Budget Resolution](#)
[Capital Improvement Program Resolution](#)
[Operating Budget Resolution](#)
[B\) Resolution](#)
[D\) Resolution](#)
[2018-2019 Proposed Operating Budget](#)
[2018-2019 Proposed Capital Budget & 2019-2023 Capital Impro](#)
[2018-2019 Proposed Fees and Charges](#)
[TPAC Supplemental Memorandum - Proposed Capitol Budget](#)
[TPAC Supplemental Memorandum - Proposed Operating Budget](#)

3.5 [18-817](#) **Status of Open Audit Recommendations as of December 31, 2017.**

Recommendation:

- a. Accept the Status of Open Audit Recommendations as of December 31, 2017.
- b. Approve the 2018-2019 Open Audit Recommendations Priorities with direction to the City Manager to prioritize work on these outstanding audit recommendations while continuing to make progress on addressing and working with the City Auditor to close out other open audit recommendations.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor/City Manager)

Attachments [Memorandum](#)
[Status of Open Recommendations as of December.31.2017](#)

3.6 [18-808](#) **Library Parcel Tax Rates for Fiscal Year 2018-2019.**

Recommendation: Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2018-2019 by 3.00% over the fiscal year 2017-2018 rates and approving the placement of the Library Parcel Tax on the fiscal year 2018-2019 Santa Clara County Property Tax Roll.
CEQA: Not a Project, File No. PP17-005, Adjustments to Fees, Rates & Fares without changes to or expansion of services. (Finance/Library)

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

3.7 [18-820](#) **Amendment to Title 1 for Electronic Signatures.**

Recommendation: Approve an ordinance amending Title 1 of the San José Municipal Code by adding Chapter 1.21 to authorize electronic signatures on documents used and accepted by the City of San José.

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

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

3.8 [18-726](#) **Actions Related to the Intention to Form Community Facilities District No. 17.****Recommendation:**

- a. Accept the landowner petitions requesting the institution of proceedings for the establishment of a community facilities district.
 - b. Approve an agreement with Civic South Bay, LLC and Arcadia Development Co. to fund the City's costs in investigating the feasibility of a community facilities district for the maintenance of landscape and hardscape improvements within the Evergreen area and conducting formation proceedings.
 - c. Adopt a resolution of intention to:
 1. Form Community Facilities District No. 17 (Capitol Expressway - Evergreen Place);
 2. Levy a special tax on land within Community Facilities District No. 17;
 3. Set a Public Hearing for August 14, 2018 at 1:30 p.m. regarding the district formation; and
 4. Hold an election immediately following the close of public hearing.
 - d. Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments to establish the Community Facilities District No. 17 (Capitol Expressway - Evergreen Place) Fund pursuant to Chapter 14.27 of the San José Municipal Code:
 1. Establish an appropriation for the Community Facilities District No. 17 Feasibility Project to the Department of Public Works in the amount of \$37,629; and
 2. Establish estimated revenue from Developer Contributions in the amount of \$37,629.
- CEQA: Addendum to the Evergreen East Hills Vision Strategy Final Environmental Impact Report (EIR) and Supplemental EIR (Resolution No. 74742); and Addenda thereto, File No. PDC10-022. Council District 8. (Public Works/City Manager)

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

3.9 [18-889](#) **Planning Commission Appointments.****Recommendation:**

- a. Interview applicants for appointment to the Planning Commission;
- b. Appoint up to three (3) applicants to the Planning Commission for the term of July 1, 2018 to June 30, 2022; and
- c. If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

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

NOT TO BE HEARD BEFORE 4:00 P.M.

Attachments

[Memorandum](#)

[Applications](#)

[Code Review](#)

[Conflict of Interest Review](#)

[Department Review](#)

NOT TO BE HEARD BEFORE 4:00 P.M.

4. COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 [18-804](#) **Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for 2018-2019.**

Recommendation:

Adopt an annual resolution authorizing the City Manager or his designee to negotiate and execute the following agreements relating to the Workforce Innovation and Opportunity Act Program and projects:

a. All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors, and partners providing services to the Workforce Innovation and Opportunity Act (formerly Workforce Investment Act Program, including, but not limited to innovations or assignments, case management contracts, and consultant contracts, for the period July 1, 2018 to June 30, 2020 in accordance with procurement procedures and requirements mandated by the State and Federal governments for Workforce Innovation and Opportunity Act grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Workforce Development Board (work2future Board), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

b. All memorandums of understanding with Required and Additional One-Stop Partners for the period July 1, 2018 to June 30, 2021 in accordance with Section 121 of the Workforce Innovation and Opportunity Act, including, but not limited to memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost-sharing agreements, regional consultant agreements, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from the work2future One Stops, a partner of the America's Job Center of CaliforniaSM, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement.

c. All amendments to City Council approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

d. All grant applications, grant agreements, sub grant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year periods so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient

to pay the expenses of the agreement.

e. All Eligible Training Provider List, Youth Career Technical Training, Youth Workshops, Adult Workshops, and Adult Cohort agreements, and multiple-scope agreements that combine two or more of the above agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2018 to June 30, 2020, subject to annual appropriation of funds by the Workforce Development Board.

f. All agreements specified in section (a) above with a term end date beyond the fiscal year in which the contract begins (an end date beyond June 30, 2019), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

g. All agreements specified in section (a) above that do not involve a disbursement of funds (no-fund agreement) with an end term beyond the fiscal year in which the agreement begins (beyond June 30, 2019). 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 impact on the environment. (Economic Development)

Attachments [Memorandum](#)

4.2 [18-823](#) **Actions Related to the HOME Funding for the Second Street Studio Apartments Project.**

Recommendation: Adopt a resolution approving an increase to the existing City Council-approved construction-permanent loan commitment to First Community Housing for the Second Street Studios project by \$1,500,000 in HOME Investment Partnership Funds from \$16,915,713 to a maximum of \$18,415,713.

CEQA: Mitigated Negative Declaration for Second Street Studios, File Nos. PDC07-086 and PD07-094, adopted 8/26/2008. Council District 3. (Housing)

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

4.3 [18-824](#) **FY 2017/18 - FY 2021/22 Affordable Housing Investment Plan.**

Recommendation: Accept the staff report on the FY 2017/18 - FY 2021/22 Affordable Housing Investment Plan.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

Attachments [Memorandum](#)
[Memorandum from Liccardo](#)
[Memorandum from Diep](#)
[Memorandum from Peralez](#)
[Memorandum from Jimenez](#)
[Letter\(s\) from the Public](#)
[Presentation](#)

4.4 [18-819](#) **Housing Crisis Workplan.**

Recommendation: Accept the staff report on the Housing Crisis Workplan.
CEQA: Not a Project, File No PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Economic Development/Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Supplemental Memorandum](#)
[Memorandum from Liccardo](#)
[Memorandum from Peralez](#)
[Memorandum from Rocha](#)
[Memorandum from Jimenez](#)
[Letter\(s\) from the Public](#)
[Presentation](#)

5. NEIGHBORHOOD SERVICES**6. TRANSPORTATION & AVIATION SERVICES**

6.1 [18-818](#) **Actions Related to the Master Parking Rate Schedule.****Recommendation:**

- a. Adopt a resolution to repeal Resolution No. 78157 and set forth the Master Parking Rate Schedule to establish a citywide \$2 per hour rate in parking meter districts where Smart Meters have been installed, effective July 1, 2018.
- b. Establish the Parking Meter District Area Reserve.
- c. Approve an ordinance amending San Jose Municipal Code Part 36 of Chapter 2.08 to alter membership criteria for the Downtown Parking Board.

CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates, & Fares without changes to or expansion of services; Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. Council District 3.
(Transportation)

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

6.2 [18-821](#) **Amendment to the Agreement with HMM Engineers for the US 101/Blossom Hill Road Interchange Improvement Project.****Recommendation:**

- a. Approve the First Amendment to the agreement between the City of San José and HMM Engineers for consultant services for the US 101/Blossom Hill Road Interchange Improvement project to increase maximum total amount of compensation in the amount of \$3,778,600 from \$1,585,100 to \$5,363,700, expand the scope of services related to final design, bid, award, and construction support, and extend the term of the agreement from June 30, 2018 to December 31, 2021.
- b. Adopt the following 2017-2018 Funding Source Resolution and Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:
 1. Establish an estimate for Other Revenue in the amount of \$4,061,334; and
 2. Increase the Route 101/Blossom Hill Road Interchange appropriation in the amount of \$4,061,334.

CEQA: Categorically Exempt, CEQA Guidelines 15301, Existing Facilities, File No. PP18-053. Council District 2. (Transportation)

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

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [18-825](#) Actions Related to the Phase 1 Rates and Energy Supply Contracts for San José Clean Energy.

Recommendation:

- a. Adopt a resolution authorizing the Director of Community Energy to negotiate and execute energy supply contracts using the Western Systems Power Pool (“WSPP”) Agreement in an amount not to exceed \$3,000,000 in aggregate and other related action;
- b. Approve the initial electric generation rates for Phase I (City Accounts) as shown in Attachment 2;
- c. Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance and Funding Sources Resolutions amendments in the San Jose Clean Energy Fund:
 1. Increase the estimate for Financing Proceeds in the amount of \$724,000;
 2. Decrease the Non-Personal/Equipment appropriation to the Community Energy Department in the amount of \$1,232,000;
 3. Decrease the Personal Services appropriation to the Community Energy Department in the amount of \$649,000;
 4. Decrease the Personal Services appropriation to the City Attorney’s Office in the amount of \$344,000;
 5. Decrease Pacific Gas & Electric (PG&E) Security Deposit appropriation to the Community Energy Department in the amount of \$51,000; and
 6. Establish the Cost of Energy appropriation to the Community Energy Department in the amount of \$3,000,000.

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

Attachments [Memorandum](#)
[Attachment 1](#)
[Attachment 2](#)
[Presentation](#)

7.2 [18-805](#) **Actions Related to the Agreement with D&L Hauling & Demolition Services for the Collection, Transport, and Disposal of Residential Clean-Out Material and Construction and Demolition Debris.**

Recommendation:

- a. Conduct a Public Hearing on the application of D&L Hauling & Demolition Services for a Non-Exclusive Franchise for the non-exclusive collection, transport, and disposal of residential clean-out material and construction and demolition debris.
- b. Approve an ordinance granting the franchise.
- c. Approve the Non-Exclusive Franchise Agreement for the collection, transport, and disposal of residential clean-out material and construction and demolition debris for a term from July 19, 2018 through June 30, 2019 with the option of two one-year extensions.

CEQA: Categorically Exempt, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment, File No. PP08-228. Commercial Solid Waste and Recyclables Collection Franchise agreements between the City of San José and private haulers for commercial solid waste and mixed recyclables collection in the City of San José. (Environmental Services)

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

7.3 [18-826](#) **Actions Related to the 7382-Digester and Thickener Facilities Upgrade Project at the San Jose-Santa Clara Regional Wastewater Facility.**

Recommendation:

- a. Approve a \$25,000,000 increase to the construction contingency amount of \$28,490,625 for a revised total contingency amount of \$53,490,625 and increasing the contract not-to-exceed amount from \$136,415,625 to a total revised contract amount not-to-exceed \$161,415,625 for the 7382 - Digester and Thickener Facilities Upgrade Project.
- b. Adopt the following 2017-2018 Appropriation Ordinance Amendments in the San José- Santa Clara Treatment Plant Capital Fund:
 1. Decrease the Aeration Tanks and Blower Rehabilitation Appropriation by \$18,000,000;
 2. Decrease the Urgent and Unscheduled Treatment Plant Rehabilitation Appropriation by \$4,500,000;
 3. Decrease the Advance Facility Control and Meter Replacement Appropriation by \$4,000,000; and
 4. Increase the Digester and Thickener Facilities Upgrade Appropriation Environmental Services Department by \$26,500,000.CEQA: Mitigated Negative Declaration for the San José-Santa Clara Regional Wastewater Facility Digester and Thickener Facilities Upgrade Project (Resolution No. 77758), File No. PP15-055. (Public Works/City Manager)

Attachments [Memorandum](#)
[TPAC Supplemental Memorandum](#)
[Resolution 77758](#)
[Presentation](#)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

CONVENE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

9.1 [18-810](#) **Approval of Write-Off of Uncollectable Small Business Accounts.**

Recommendation: Successor Agency Board adopt a resolution authorizing the Chief Financial Officer to the Successor Agency to write-off uncollectible small business loans in an amount not to exceed \$119,919.90.
CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Finance)

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

9.2 [18-811](#) **Successor Agency Board Approval of the July 1, 2018 - June 30, 2019 Administrative Budget and Annual Recognized Obligation Payment Schedule 18-19.**

Recommendation: Successor Agency Board adopt resolutions approving:
a. The Administrative Budget for July 1, 2018 through June 30, 2019; and
b. The Recognized Obligation Payment Schedule 18-19 and authorizing payment of expenditures for items on the Recognized Obligation Payment Schedule 18-19, which details the obligations of the Successor Agency for the period of July 1, 2018 through June 30, 2019.
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. (Finance/Successor Agency)

Attachments [Memorandum](#)
 [A\) Resolution](#)
 [B\) Resolution](#)

ADJOURN SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

10. LAND USE

- Adjournment
- Open Forum

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

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.