



City Council Meeting Amended Agenda

Tuesday, August 21, 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

[18-1148](#) **Closed Session Agenda**

Attachments [Closed Session Agenda](#)

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

- Invocation (District 7)

The Korean Cultural Center, Urisawe

- 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 A presentation of a commendation to Annette Hancock for her tireless work helping thousands of homeless individuals in the City of San Jose. (Mayor)

1.2 Presentation of a proclamation to recognize August 25 & 26, 2018 as Silicon Valley Pride Weekend in the City of San Jose.

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.

18-1055 **Approval of City Council Minutes.**

Recommendation: (a) Regular City Council Meeting Minutes of January 23, 2018.
 (b) Regular City Council Meeting Minutes of February 6, 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.

Attachments (a) Minutes of January 23, 2018
 (b) Minutes of February 6, 2018

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [18-1091](#) **Amendment to Agreement with Hanson Bridgett LLP for Legal Services.**

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and
 execute a Second Amendment to the agreement with Hanson Bridgett
 LLP for legal services related to Preservation of Benefit Plan Retirees
 Association, et al v. City of San Jose, et al, to increase the
 compensation by \$150,000 for a total amount not to exceed \$400,000.
 CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New
 or Amended) resulting in no physical changes to the environment. (City
 Attorney)

Attachments [Memorandum](#)

2.8 [18-1092](#) **Boards and Commissions Appointments.****Recommendation:**

Approve the following Boards and Commissions appointments:

- (a) Historic Landmarks Commission
 - (1) Appoint Rachel Royer for a term ending June 30, 2022;
 - (2) Appoint Eric Hirst for a term ending June 30, 2020;
- (b) Housing and Community Development Commission
 - (1) District 1 Seat: Appoint Justin Lardinois for a term ending June 30, 2021;
 - (2) Mobilehome Owner Representative Seat: Appoint Ryan Jasinsky to a term ending December 31, 2018;
- (c) Human Services Commission
 - (1) District 6 Seat: Appoint Joseph Herrity for a term ending December 31, 2020;
- (d) Library and Early Education Commission
 - (1) District 4 Seat: Appoint Pravir Ramtekkar for a term ending June 30, 2019; and
 - (2) Early Education/Child Care Seat: Appoint Christina Dunbar for a term ending June 30, 2020.

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

Attachments

- [Memorandum](#)
- [Supplemental Memorandum](#)
- [Applications - Historic Landmarks Commission](#)
- [Department Memo - Historic Landmarks Commission](#)
- [Code Review - Historic Landmarks Commission](#)
- [Conflict of Interest - Historic Landmarks Commission](#)
- [Applications - Housing and Community Development Commission](#)
- [Department Memo - Housing and Community Development Commission](#)
- [Code Review - Housing and Community Development Commission](#)
- [Conflict of Interest - Housing and Community Development Commission](#)
- [Applications - Human Services Commission](#)
- [Code Review - Human Services Commission](#)
- [Conflict of Interest - Human Services Commission](#)
- [Applications - Library and Early Education Commission](#)
- [Code Review - Library and Early Education Commission](#)
- [Conflict of Interest - Library and Early Education Commission](#)

2.9 [18-1086](#) **Actions Related to the Sale of Two Private Tax-Defaulted Properties from Santa Clara County to the Santa Clara Valley Water District.**

Recommendation:

Adopt a resolution approving a purchase price of \$58,500 for the sale of two private tax defaulted properties from Santa Clara County to the Santa Clara Valley Water District to better support flood protection and public access related to the Guadalupe River and Bay Trail as mandated under the Revenue and Taxation Code and authorizing the City Manager or his designee to execute all documents necessary to complete the transaction.

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

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

2.10 [18-1087](#) **Actions Related to the Report on Request for Proposal for an E-Procurement Solution.**

Recommendation:

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

(a) Execute an agreement with Purchasing Technology Corporation (Pasadena, CA) for an e-Procurement Solution, including design, configuration, implementation, deployment, training, mass vendor registration and onboarding, and other related professional services for an initial five-year term beginning on or about September 1, 2018 and ending August 31, 2023, with a maximum compensation not to exceed \$195,465 during the initial five-year term, subject to the appropriation of funds;

(b) Negotiate and execute amendments and change orders to the Agreement as may be required for any unanticipated changes for a contingency amount not to exceed \$75,000 during the initial five-year term, subject to the appropriation of funds; and

(c) Exercise up to seven additional one-year options to extend the term of the Agreement through August 31, 2030 for ongoing software subscriptions, support, maintenance, training and travel reimbursement, and other related professional services, subject to the appropriation of funds.

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

(Finance)

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

2.11 [18-1088](#) **Agreements with Signet Inc., Construction Testing Services Inc., and Intertek/PSI Inc. for Special Inspection Services.**

Recommendation: Approve the master agreements with Signet Inc., Construction Testing Services Inc., and Intertek/PSI Inc. for Special Inspection services from the date of execution through December 31, 2020, in an amount not to exceed \$750,000 for each agreement.

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

(Public Works)

RECOMMEND DEFERRAL TO 8/28/18 PER ADMINISTRATION

Attachments [Memorandum](#)
[Agreement CTS](#)
[Agreement PSI](#)
[Agreement Signet](#)

2.12 [18-1137](#) **Retroactive Approval of Caltrans Community Meeting Sponsored By Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on August 15, 2018:

1. Retroactively approve the Caltrans Community Meeting scheduled on August 1, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.
2. 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)

Attachments [Memorandum](#)

2.13 [18-1139](#) **2018 League of California Cities Annual Business Meeting Voting Delegate and Alternate.**

Recommendation: As recommended by the Rules and Open Government Committee on August 15, 2018, approve the proposed designation of Councilmember Sergio Jimenez as the voting delegate, and Councilmember Chappie Jones as the alternate voting delegate at the September 12-14, 2018 Annual Business Meeting for the League of California Cities (LOCC).
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)
[Rules Committee referral 8/15/18 - Item G.6]

Attachments [Memorandum](#)

2.14 [18-1140](#) **AB 2219 (Ting) Landlord-tenant: 3rd-party payments.**

Recommendation: As recommended by the Rules and Open Government Committee on August 15, 2018, pursuant to the City’s streamlined bill process for responding quickly to legislative proposals, re-affirm a support position for AB 2219 (Ting) Landlord-tenant: 3rd-party payments.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Housing)
[Rules Committee referral 8/15/18 - Item G.7]

Attachments [ab2219](#)

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.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-1084](#) **Actions Related to the 8794 - 31st and Alum Rock Park Phase 2B Project.****Recommendation:**

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award a construction contract for the 8794 - 31st and Alum Rock Park Phase 2B Project to the lowest responsive and responsible bidder in an amount not to exceed \$1,100,000, provided that the City has acquired ownership of the 0.2-acre parcel that is part of the Project;
- (b) Approve a contingency of up to, but not to exceed, 5 percent of the amount of the construction contract awarded by the Director; and
- (c) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive and responsible bidder, or reject all bids and re-bid the Project.

CEQA: Addendum to the Mitigated Negative Declaration for the S. 31st Street & Alum Rock Avenue Park (Resolution No. 77979), File No. PP18-042. Council District 5. (Public Works)

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

4.2 [18-1089](#) **Actions Related to the 8632 - Horace Mann and Washington Neighborhood Green Alleyways Improvements.****Recommendation:**

(a) Report on bids and award the contract for the 8632 - Horace Mann and Washington Neighborhood Green Alleyways Improvements Project to the low bidder, Wattis Construction Company Inc., in the amount of \$1,057,550 and approve a contingency in the amount of \$105,755.

(b) Adopt the following 2018-2019 Appropriation Ordinance amendments in the Community Development Block Grant Fund:

(1) Decrease the Unrestricted Ending Fund Balance appropriation in the amount of \$571,000;

(2) Decrease the appropriation to the Housing Department for the Neighborhood Infrastructure Improvements in the amount of \$484,000; and

(3) Increase the appropriation to the Public Works Department for the Neighborhood Infrastructure Improvements in the amount of \$1,055,000

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP17-056. Council District 3. (Public Works/Housing/City Manager)

Attachments [Memorandum](#)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [18-1090](#) **Amendment to the Agreement with Hensel Phelps for Design-Build Services for the Airport Interim Facility Project.**

Recommendation: (a) Adopt a resolution approving a Revised Addendum to the Environmental Impact Report for the Norman Y. Mineta San José International Airport Master Plan Update, as supplemented and addended, all in accordance with the California Environmental Quality Act, as amended.

(b) Approve a First Amendment to the Design-Build Contract with Hensel Phelps Construction Co. to modify the Airport Interim Terminal Facility project to include up to six gates at no increase in the total not to exceed Contract amount of \$50,000,000.

CEQA: Revised 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. PP18-070. (Public Works/Airport)

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

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [18-1058](#)**Actions Related to the Negotiations of the Recycle Plus Residential Solid Waste Agreements and China's Policy on Importing Recyclable Material.****Recommendation:**

- (a) Accept staff's report discussing the negotiations with the current Recycle Plus haulers and providing information on staff's evaluation that the negotiations were unsuccessful;
- (b) Direct staff to end negotiations with the current Recycle Plus haulers;
- (c) Adopt a resolution authorizing the City Manager to waive the contractor disincentives for not meeting the required diversion rates for calendar year 2018, if by December 31, 2018 the City Manager determines that the Recycle Plus haulers are unable to meet their required diversion rates because of China's "National Sword" policy on the import of recyclable materials;
- (d) Direct staff to return with recommendations on future waivers as part of the budget process for 2019-2020 if necessary because of the continuing impacts of China's "National Sword" policy.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment, and Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.
(Environmental Services)

[Deferred from 6/5/18 Item 7.4 (18-771) and 6/26/18 Item 7.2 (18-939)]

DEFERRED TO 9/11/18 PER ADMINISTRATION

7.2 [18-1059](#) **Actions Related to the Parameters for Request for Proposals for Residential Solid Waste Services.**

Recommendation:

Direct staff to:

- (a) Initiate development of a Request for Proposals (RFP) to solicit and award agreements for residential solid waste services that would begin July 1, 2021; services will include collection and processing of solid waste, recyclables, and organic materials for each of the two service districts for single-family residences and a citywide district for multi-family residences, and City Facilities;
- (b) Establish term of 15 years for the new agreements;
- (c) Include the following in the Request for Proposals:
 - (1) Living wage and employee retention requirements consistent with Council's Living Wage Policy;
 - (2) Solicit ideas for the new system to be flexible to address evolving recycling markets; while continuing to meet zero waste goals;
 - (3) Solicit ideas for the new system to support Climate Smart San José and reduce greenhouse gas emissions;
 - (4) Include optional services for emergency response support;
 - (5) Solicit ideas for providing larger garbage carts to single-family residents and exploring updated customer rate structures;
 - (6) Performance standards that would address leveraging technology and providing ease of use for enhanced customer service, material recovery and marketing, service delivery, environmental compliance, and vehicle standards;
- (d) Complete waste characterization studies to inform the RFP;
- (e) Explore using City staff for Junk Pick-Up services and customer outreach; and
- (f) Procure residential street sweeping and Public Litter Cans services separately from residential waste services.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)
[Deferred from 6/5/18 Item 7.5 (18-774) and from 6/26/18 Item 7.3 (18-940)]

DEFERRED TO 9/11/18 PER ADMINISTRATION

7.3 [18-1060](#) **Actions Related to the Living Wage Requirements for Recycle Plus Residential Garbage and Recycling Contracts.**

Recommendation:

- (a) Accept the staff report on:
- (1) The proposed methodology to implement a Modified Living Wage for Recycle Plus Customer Service Representatives, Mechanics, and Materials Recovery Facility workers (“Facility Workers”); and
 - (2) Updated labor peace plans from the Recycle Plus contractors.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute contract amendments with GreenTeam of San Jose and GreenWaste Recovery Inc. to implement a Modified Living Wage Requirement for Recycle Plus Facility Workers effective September 1, 2018.
- (c) Direct staff to include a Living Wage requirement for the Recycle Plus program in future residential garbage and recycling agreements. CEQA: Not a Project, File PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services/Public Works)
[Deferred from 6/5/18 Item 7.6 (18-773) and 6/26/18 Item 7.4 (18-941)]
DEFERRED TO 9/11/18 PER ADMINISTRATION

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum
- Adjournment

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

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

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

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