



City Council Meeting Synopsis

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



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**

9:10 a.m.- Closed Session, Call to Order in Council Chambers
All present.

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

- **Invocation (District 7)**

Me Sook Ko, from The Korean Cultural Center, Urisawe provided the Invocation with the performance of Huan Wan Moon, a dance that symbolizes peace and enrichment of the world.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved with no changes.

- **Closed Session Report**

There was no report.

1. CEREMONIAL ITEMS

- 1.1 Mayor Sam Liccardo presented a commendation to Annette Hancock for her tireless work helping thousands of homeless individuals in the City of San José.
- 1.2 Mayor Sam Liccardo and Councilmember Raul Peralez presented a proclamation recognizing August 25 and 26, 2018 Silicon Valley Pride Weekend in the City of San José.

2. CONSENT CALENDAR

The Consent Calendar was approved as recommended, with Items 2.9, 2.10 and 2.14 pulled, and the below listed actions taken as indicated.

2.1 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.
Approved.

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)
Resolution No. 78752 Adopted.

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)
Approved as Recommended.

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)
Resolution No. 78753 Adopted, including a change made from the dais to the sale price from \$58,500 to \$58,900.

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)

Approved as Recommended.

Resolution No. 78754 Adopted, including motion by Councilmember Jones requesting staff to incorporate the Small Business Advisory Task Force as we move forward with procurement solutions, and to get the Small Business Advisory Task Force' feedback, pre-launch; outreach to them, get their input, partner with them in terms of getting their information and notifications out to the business community as well.

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)

Deferred to August 28, 2018 per Administration

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. (Perez)

[Rules Committee referral 8/15/18 - Item G.1.b]

Approved as Recommended.

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:

(a) 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).

(b) Recommend a one-week turnaround to Council so that the full Council may act on this request for these designations to be submitted to the LOCC by their August 31, 2018 deadline. (City Manager)

2.14 18-1140

AB 2219 (Ting) Landlord-tenant: 3rd-party payments.

Recommendation:

As recommended by the Rules and Open Government Committee:

(a) 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.

(b) Recommend a one-week turnaround to the City Council so that the City's legislative representative can continue to advocate the City's support position in for AB 2219. (Housing)

Approved as Recommended.

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
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)
Resolution No. 78755 Adopted.

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)
Ordinance No. 30144 Adopted.

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) **Resolution No. 78756 Adopted.**

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 September 11, 2018 per Administration

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 September 11, 2018 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 September 11, 2018 per Administration

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

• Open Forum

- 1. Ray Perez offered comments on corporations’ gas tax and diesel fuel.

• Adjournment

The meeting of San Jose City Council adjourned at 2:24 p.m.