



# **City Council Meeting**

## **Amended Agenda**

**Tuesday, September 12, 2017**

SAM LICCARDO, MAYOR

CHAPPIE JONES, DISTRICT 1

SERGIO JIMENEZ, DISTRICT 2

RAUL PERALEZ, DISTRICT 3

LAN DIEP, DISTRICT 4

MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5

DEV DAVIS, DISTRICT 6

TAM NGUYEN, DISTRICT 7

SYLVIA ARENAS, DISTRICT 8

DONALD ROCHA, DISTRICT 9

JOHNNY KHAMIS, DISTRICT 10



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

Welcome to the San José City Council meeting!

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

- **Strategic Support Services** - 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.
- **Environment and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** - 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](mailto: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 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

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

[17-109](#) Closed Session Agenda

**Attachments** [September 12, 2017 Closed Session Agenda](#)

- Call to Order and Roll Call

9:00 a.m.- Closed Session, Call to Order in Council Chambers

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

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

6:00 p.m.- Public Hearings, Council Chambers, City Hall

- **Invocation (District 8)**

The Evergreen School of Music and Art

- **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.**

**Items marked with an asterisk denote changes or additions to the previously published agenda.**

- **Closed Session Report**

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 [17-052](#) Presentation of a proclamation to Museum Day Live! (Davis)  
TO BE HEARD IN THE EVENING

1.2 [17-106](#) Presentation of a proclamation to recognize the month of September as Ovarian Cancer Awareness Month in the City of San José. (Peralez)

- 1.3 [17-110](#) Presentation of a commendation to the Leland Robotics Quixilver team for representing San José at the 2017 FIRST Robotics World Championship in Houston, Texas. (Khamis)  
TO BE HEARD IN THE EVENING

## **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.**

### **2.2 Final Adoption of Ordinances.**

- 2.2(a) [17-069](#) ORDINANCE NO. 29987

**Recommendation:** An Ordinance of the City of San José amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new part for the San José Clean Energy Operating Fund. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Manager)

### **2.3 Approval of Council Committee Minutes.**

### **2.4 Mayor and Council Excused Absence Requests.**

### **2.5 City Council Travel Reports.**

### **2.6 Report from the Council Liaison to the Retirement Boards.**

- 2.7 [17-060](#) Sale of a Portion of the Northeasterly Corner of City-Owned Property on North Fourth Street and East Santa Clara Street.

**Recommendation:**

Adopt a resolution:

- (a) Declaring 86 square feet of vacated street on North Fourth and East Santa Clara Streets, surplus to the needs of the City;
- (b) Approving an Agreement between the City of San Jose and SJSC Properties, LLC for the sale of the property in the amount of \$18,146; and
- (c) Authorizing the City Manager or his designee to execute the sale agreement, the quitclaim deed, and all other documents necessary to complete the transaction.

CEQA: Addendum to the Downtown Strategy 2000 EIR, the Envision San José 2040 General Plan and Envision San José 2040 General Plan Supplemental EIR, Planning File No. SP17-009. Council District 3. (Economic Development)

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

- 2.8 [17-068](#) Mayor's Staff Travel to Atlanta, GA.

**Recommendation:**

Accept travel payments and authorize official City travel for Mayor's staff, Sachin Jain, to Atlanta, Georgia from September 14, 2017 to September 15, 2017 for a conference hosted by MetroLab on ways in which cities can partner with universities across the MetroLab Network. Source of Funds: Carnegie Mellon University (MetroLab is an institution within Carnegie Mellon) a 501(c)(3) organization will reimburse for airfare and hotels. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (Mayor)

**Attachments** [Memorandum](#)

2.9 [17-067](#) Mayor's Staff Travel to New York, NY.

**Recommendation:** Accept travel payments and designate Mayor's staff, Khanh Russo, Director of Strategic Partnerships, as the City's official representative to travel to New York, New York from September 22, 2017 to September 25, 2017 for the Bloomberg Data for Good Exchange. Source of Funds: Results for America. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (Mayor)

**Attachments** [Memorandum](#)

2.10 [17-035](#) Amendment to the Agreement with Verde Design, Inc. for Landscape Architectural Design Services for Various City Facility Projects.

**Recommendation:** Approve the First Amendment to the Master Agreement with Verde Design, Inc. for landscape architectural design services to: (1) increase the total compensation by \$500,000, for a total Agreement amount not to exceed \$1,500,000, (2) to increase the hourly rates, and (3) to extend the term of the Agreement from December 31, 2017, to June 30, 2019, for the exclusive purpose of allowing the consultant to complete work on the Arcadia Softball Facility and the Tamien Park Phase II projects. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts resulting in no physical changes to the environment. (Public Works)

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

2.11 [17-036](#) Actions Related to the Change Order for 8248 - Norman Y. Mineta International Airport Southeast Area IT Infrastructure.

**Recommendation:** (a) Approve an increase to the contingency for the 8248-Norman Y. Mineta International Airport Southeast Area IT Infrastructure project in the amount of \$40,787, for a total contingency amount of \$103,032. (b) Approval of Contract Change Order No. 5 with WestCal Design and Build, Inc. in the amount of \$40,787. CEQA: File No. Determination of Consistency with the Final Environmental Impact Report (EIR), as supplemented, for the San José International Airport Master Plan Update, File No. PP15-106, Resolution Nos. 67380 and 71451. (Public Works/Airport)

**Attachments** [Memorandum](#)  
[Agreement - Part \(b\)](#)

**2.12** [17-070](#) 2017 League of California Cities Voting Delegate and Alternate Voting Delegate at the Annual Business Meeting.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 30, 2017, approve the proposed designation of Councilmember Sergio Jimenez, as the voting delegate, and the Director of Intergovernmental Relations, Betsy Shotwell, as the alternate voting delegate at the September 15, 2017 Annual Business Meeting for the League of California Cities in Sacramento. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (City Manager)  
[Rules Committee referral 8/30/17 - Item G.2.]

**Attachments** [Memorandum](#)

**2.13** [17-071](#) SB 595 (Beall): Regional Measure 3.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 30, 2017, pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position of support for SB 595 (Beall), so that the City's legislative representatives can continue to advocate the City's support for SB 595 (Beall). CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (Transportation)  
[Rules Committee referral 8/30/17 - Item G.3.]

**Attachments** [Memorandum](#)

**2.14** [17-072](#) Resolution Condemning the Actions in Charlottesville, VA.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 30, 2017, adopt a resolution condemning the "Unite the Right" rally on August 11-12, 2017 in Charlottesville, VA that resulted in a tragic fatality and many injuries. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (Peralez/Jones)  
[Rules Committee referral 8/30/17 - Item G.4.]

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



**2.15** [17-103](#) District 5 Community Events.**Recommendation:**

As recommended by the Rules and Open Government Committee on September 6, 2017:

(a) Retroactively approve the Capitol Park Community Meeting held on August 16, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Retroactively approve Pizza and Policy held on August 18, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(c) Retroactively approve the Gramercy Neighborhood Movie Night held on August 25, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(d) Retroactively approve District 5 Hero's Reception held on August 31, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(e) Retroactively approve the Viva CalleSJ Business Informational Meeting held on September 6, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(f) Retroactively approve the Community Pancake Breakfast held on September 9, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(g) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)  
[Rules Committee referral 9/6/17 - Items G.1.a.-G.1.f.]

**Attachments** [Memorandum](#)

**2.16** [17-104](#) 2017 League of California Cities Resolutions.

**Recommendation:** As recommended by the Rules and Open Government Committee on September 6, 2017, approve the recommended City position on two resolutions regarding the implementation of strategies to reduce negative impacts of recent changes to criminal laws; and local control for emergency medical response to be considered at the Annual League of California Cities Conference to be held in Sacramento, September 13 - 15, 2017. 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 9/6/17 - Item G.2.]

**Attachments** [Memorandum](#)

### **3. STRATEGIC SUPPORT**

**3.1 Report of the City Manager, Norberto Dueñas (Verbal Report)**

**3.2 Labor Negotiations Update. Accept Labor Negotiations Update.**

**TO BE HEARD AT 9:00 A.M.**

**3.3** [17-038](#) Office of Emergency Management Workplan Priorities Annual Report.

**Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support on August 17, 2017, accept the annual report on the Office of Emergency Services workplan priorities. 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 Manager)  
[Public Safety, Finance, and Strategic Support referral 8/17/17 - Item (d)(4)]

**Attachments** [Memorandum](#)

- 3.4 [17-059](#) Office of Emergency Management Transfer to City Manager's Office and Establishment of Director.

**Recommendation:**

- (a) Establish the Office of Emergency Management in the City Manager's Office.
- (b) Adopt a resolution to amend the City of San José Pay Plan effective September 24, 2017, to reactivate and retitle the classification Director, Emergency Management (U) (formerly Emergency Preparedness Director U) with a salary range of \$153,137.55 - \$239,350.37 annually.
- (c) Adopt the following position adjustments:
  - (1) Add the following positions to the City Manager's Office:

Title: Director, Emergency Management U  
Job Code: 2341  
Count: 1

Title: Staff Specialist  
Job Code: 1622  
Count: 1

Title: Senior Analyst  
Job Code: 1654  
Count: 1

Title: Analyst I/II  
Job Code: 1627  
Count: 1

Title: Training Specialist  
Job Code: 1693  
Count: 1

- (2) Eliminate the following positions from the Fire Department:

Title: Deputy Director U  
Job Code: 1640  
Count: 1

Title: Staff Specialist  
Job Code: 1622  
Count: 1

Title: Senior Analyst  
Job Code: 1654

Count: 1

Title: Analyst I/II

Job Code: 1627

Count: 1

Title: Training Specialist

Job Code: 1693

Count: 1

(d) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance amendments in the General Fund:

(1) Decrease the Fire Department Personal Services appropriation by \$844,081;

(2) Increase the City Manager's Office Personal Services appropriation by \$844,081;

(3) Decrease the Fire Department Non-Personal/Equipment appropriation by \$655,758; and

(4) Increase the City Manager's Office Non-Personal/Equipment appropriation by \$655,758.

(e) Reassign the Urban Areas Security Initiative Grant - Fire 2016 City-Wide expenses appropriation in the General Fund from the Fire Department to the City Manager's Office.

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 impacts on the environment. (City Manager)

**Attachments** [Memorandum](#)  
[Resolution - Part \(b\)](#)

3.5 [17-039](#) Fourth Quarter Financial Reports for Fiscal Year 2016-2017.

**Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support on August 17, 2017, accept the following Fourth Quarter (period ending June 30, 2017) Financial Reports for Fiscal Year 2016-2017 for the following programs:

- (a) Debt Management Report;
- (b) Investment Management Report;
- (c) Revenue Collection Report.

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

[Public Safety, Finance, and Strategic Support referral 8/17/17 - Item (d)(1)]

**Attachments** [Memorandum](#)  
[Investment Management Report](#)  
[Public Safety, Finance & Strategic Support Committee Presentati](#)

3.6 [17-073](#) Open Government: The City Has Made Progress in Meeting the Goals of the Sunshine Reform Task Force.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 30, 2017, accept the audit of the Open Government. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (City Auditor)

[Rules Committee referral 8/30/17 - Item G.5.]

**Attachments** [Audit of the Open Government](#)  
[Memorandum from Councilmember Peralez](#)  
[Memorandum from Councilmember Jimenez](#)

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

4.1 [17-054](#) Agreements for Urban Village Master Plans and Other Projects to Implement Envision San José 2040 General Plan.

**Recommendation:** Adopt a resolution authorizing the City Manager to increase the maximum aggregate compensation to the Master Consulting Agreements for Urban Village Master Plans and related City projects in seven technical areas: 1) Urban Design, 2) Circulation Improvements, 3) Environmental Review Analysis, 4) Online Engagement, 5) Public Finance, 6) Public Art, and 7) Traffic Impact Analysis, from \$3,000,000 to \$12,000,000, for the initial five-year term ending in November 2020, subject to the appropriation of funds, for the approved list of consultants listed below.

- (1) AECOM, Inc. (San Diego, CA)
- (2) Alta Planning & Design (San José, CA)
- (3) Bottomley (Oakland, CA)
- (4) Circlepoint (San José, CA)
- (5) David J. Powers (San José, CA)
- (6) Dyett & Bhatia (San Francisco, CA)
- (7) Economic & Planning (Oakland, CA)
- (8) ESA Associates (San Francisco, CA)
- (9) Fehr & Peers (San José, CA)
- (10) Gehl Studio (San Francisco, CA)
- (11) Hexagon (San José, CA)
- (12) HKS Architects (Dallas, TX)
- (13) Keyser Marston (San Francisco, CA)
- (14) Kimley & Horn (San José, CA)
- (15) Metropolitan Planning (Mountain View, CA)
- (16) Moore Iacofano Goltsman (Berkeley, CA)
- (17) NelsonNygaard (San Francisco, CA)
- (18) Opticos Design (Berkeley, CA)
- (19) Placeworks (Berkeley, CA)
- (20) Skidmore, Owings & Merrill (New York, NY)
- (21) Strategic Economics (Berkeley, CA)
- (22) Wallace, Roberts & Todd (San Francisco, CA)
- (23) ZGF (Portland, OR)

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. (Planning, Building and Code Enforcement/Finance)

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

## **5. NEIGHBORHOOD SERVICES**



**5.1**    [17-048](#)            Actions Related to the 7620-Arcadia Softball Facility Project.

**Recommendation:**

(a) Report on bids and award of contract for the 7620-Arcadia Softball Facility Project to the low bidder, Goodland Landscape Construction, Inc., for the base bid and Bid Alternate No. 1 in the amount of \$16,791,161, and approval of a five percent contingency in the amount \$840,000.

(b) Adopt the following 2017-2018 Appropriation Ordinance and Funding Source Resolution amendments in the Parks and Recreation Bond Projects Fund:

(1) Increase the Beginning Fund Balance by \$748,000; and

(2) Increase the Arcadia Softball Facility appropriation to the Parks, Recreation, and Neighborhood Services Department by \$748,000.

(c) Adopt the following 2017-2018 Appropriation Ordinance and Funding Source Resolution amendments in the Construction and Conveyance Tax Fund: City-Wide Parks Purposes:

(1) Decrease the Beginning Fund Balance by \$65,100;

(2) Decrease the Arcadia Softball Facility appropriation to the Parks, Recreation, and Neighborhood Services Department in the amount of \$65,100;

(3) Increase the Arcadia Softball Facility appropriation to the Parks, Recreation, and Neighborhood Services Department by \$1,300,000; and

(4) Decrease the Infrastructure Backlog Reserve by \$1,300,000.

(d) Adopt the following 2017-2018 Appropriation Ordinance and Funding Source Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:

(1) Decrease the Beginning Fund Balance \$33,600;

(2) Decrease the Arcadia Softball Facility Maintenance Yard appropriation to the Parks, Recreation, and Neighborhood Services Department by \$33,600;

(3) Increase the Arcadia Softball Facility Maintenance Yard appropriation to the Parks, Recreation, and Neighborhood Services Department by \$129,000;

(4) Decrease the Park Yards Future Projects Reserve by \$129,000;

(e) Adopt the following 2017-2018 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:

(1) Establish the Arcadia Softball Facility appropriation to the Parks, Recreation, and Neighborhood Services Department in the amount of \$144,000; and

(2) Decrease the Future PDO/PIO Projects Reserve appropriation by \$144,000.

CEQA: Addendum to the Evergreen East Hills Vision Strategy

Environmental Impact Report and Supplemental Environmental Impact Report (Resolution No. 74742), File No. PP14-088. Council District 8. (Parks, Recreation and Neighborhood Services/Public Works/City Manager)  
(Deferred from 8/22/17 - Item 5.2)

Attachments [Memorandum](#)

## **6. TRANSPORTATION & AVIATION SERVICES**

6.1 [17-034](#) Public Hearing on the Air Service Support Program.

- Recommendation:**
- (a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding application of the City's Air Service Support Program, as authorized by the Federal Aviation Administration to Alaska Airlines and Frontier Airlines.
  - (b) Adopt a resolution authorizing the Director of Aviation or the Director's designee to provide the City's Air Service Support Program to new air carrier service as outlined in below:

Airline: Alaska  
Market: Dallas Love  
Airport: DAL  
Frequency: 1 Daily  
Support Period: 18 Months  
Landing Fee Waivers: (\$100,490)  
Marketing Funds: (\$50,000)

Airline: Frontier  
Market: Denver  
Airport: DEN  
Frequency: 1 Daily  
Support Period: 12 Months  
Landing Fee Waivers: \$0  
Marketing Funds: (\$100,000)

Airline: Frontier  
Market: Austin  
Airport: AUS  
Frequency: 1 Daily  
Support Period: 18 Months  
Landing Fee Waivers: (\$195,070)  
Marketing Funds: (\$50,000)

Airline: Frontier  
Market: San Antonio  
Airport: SAT  
Frequency: 1 Daily  
Support Period: 18 Months  
Landing Fee Waivers: (\$195,070)  
Marketing Funds: (\$50,000)

For each airline and corresponding route, landing fees are waived under

the program for the qualifying periods and/or marketing funds are provided to promote the new services. Frontier's first route, Denver, qualifies for New Entrant Carrier marketing funds.

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

**Attachments** [Memorandum](#)  
[Resolution - Part \(b\)](#)

## **7. ENVIRONMENTAL & UTILITY SERVICES**

7.1 [17-037](#) Report on Bids and Award of Contract for the 8383- Cast Iron Sewer Replacement FY 16-17 Package IV Project.

**Recommendation:** Report on bids and award of contract for the 8383- Cast Iron Sewer Replacement FY 16-17 Package IV to the low bidder, Cratus, Inc., in the amount of \$1,127,268 and approve a contingency in the amount of \$112,727. CEQA: Exempt, File No. PP17-031, CEQA Guidelines Section 15301, Existing Facilities, and 15302, Replacement or Reconstruction. Council Districts 6 & 9. (Public Works)

**Attachments** [Memorandum](#)

7.2 [17-056](#) Actions Related to San José Water Company.

**Recommendation:**

As recommended by the Rules and Open Government Committee on August 23, 2017, direct the City Manager to do the following and return to Council before the San José Water Company Public Participation Hearing in September:

(a) Research and present to Council a summary of the City of San José's payments to San José Water Company for water service for the last 6 years (2012-2016). The City Manager should present as a part of this summary:

(1) The total number of San José residents who receive water services from San José Water Company.

(2) The amount the City of San José pays for water service from San José Water Company monthly and annually.

(3) The total increase in cost for water services from San José Water Company.

(4) The total amount paid in drought surcharges.

(5) A list of all rate changes from San José Water Company with the associated purpose for the rate change.

(6) An estimate of the total refund the City of San José may receive as proposed in San José Water Company's advice letter #510 to the PUC.

(7) An estimate the of the total refund the City of San José would receive due to the meter credit proposed in advice letter #510 as calculated from when the City of San José account was first started.

(b) Evaluate based on the information above, the scale and scope of the situation, and whether the City of San José should take a more active role in representing the interests of the San José residents concerning San José Water Company rate increases. If appropriate, the City Manager should consider if there are ways for the City to become more engaged in the CPUC protest and response, formal complaint process, or any investigations that would allow us to represent the interests of San José residents and ensure their concerns are heard.

(c) Any other pertinent or beneficial information for the public.

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

(Deferred from 9/12/17 - Item 7.2)

[Rules Committee referral 8/23/17 - Item G.2.]

TO BE HEARD IN THE EVENING

**Attachments** [Memorandum](#)  
[Supplemental Memorandum](#)  
[Memorandum from Councilmember Rocha](#)  
[Letters from the Public](#)

## **8. PUBLIC SAFETY**

**8.1** [17-041](#) Fireworks Enforcement Ordinance Post-Fourth of July 2017 Status Report.

**Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support Committee on August 17, 2017, accept the status report on the implementation of the Fireworks Enforcement Ordinance Post-Fourth of July 2017. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Fire)  
[Public Safety, Finance, and Strategic Support Committee referral 8/17/17 - Item (d)(3)]

**Attachments** [Memorandum](#)  
[Supplemental Memorandum](#)  
[Memorandum from Mayor Liccardo and CMs Arenas and Khami](#)  
[Public Safety, Finance & Strategic Support Committee Presentati](#)  
[Letters from the Public](#)

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

- Open Forum

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

- Council will recess until 6:00 p.m.

## **10. LAND USE**

**Notice to the public:** There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.



**10.1 Land Use on Consent Calendar**

**10.1(a)** [17-044](#) ) Conforming Rezoning for Real Property Located at 222 West Capitol Expressway.

**Recommendation:** Consideration of an ordinance of the City of San José rezoning a 0.97-gross acre site, located on the south side of West Capitol Expressway, approximately 140 feet westerly of Snell Avenue a (222 West Capitol Expressway) from the LI Light Industrial Zoning District to the CG Commercial General Zoning District (Demetrios J. Barrous, Owner). CEQA: Determination of Consistency with the Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San Jose 2040 General Plan Supplemental Environmental Impact Report (Resolution 77617) and Addenda thereto. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)  
C17-029 - Council District 10

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

**10.1(b)** [17-049](#) ) Conforming Rezoning of the Real Property Located at 461 Park Avenue.

**Recommendation:** Consideration of an ordinance of the City of San Jose rezoning a 0.16-gross acre site, located on the northwest corner of Park Avenue and Gifford Avenue at 461 Park Avenue from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District on (Paul and Jane Yin, Et Al, Owner). CEQA: Determination of Consistency with the Final Program Environmental Impact Report for the Diridon Station Area Plan (Resolution No. 77096), the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San Jose 2040 General Plan Supplemental Environmental Impact Report (Resolution 77617) and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)  
C17-010 - Council District 3

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

10.1(c [17-062](#)  
)

Conforming Rezoning for Real Property Located at 1919 Senter Road.

**Recommendation:**

(a) Adopt a resolution adopting the Senter Road Office Project Mitigated Negative Declaration, for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.

(b) Consideration of an ordinance of the City of San José rezoning a 2.69-gross acre site, located at 1919 Senter Road from A(PD) Planned Development Zoning District to HI Heavy Industrial Zoning District (D&D Ranch, Owners).

CEQA: Mitigated Negative Declaration for the Senter Road Office Project. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement) C16-034 - Council District 7

**Attachments**

[Memorandum](#)

[Ordinance - Part \(b\)](#)

[Resolution](#)

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

10.2 [17-045](#) Conditional Use Permit and Determination of Public Convenience or Necessity for the Real Property Located at 320 Race Street.

**Recommendation:**

Adopt a resolution approving a Conditional Use Permit and Determination of Public Convenience or Necessity to allow late-night use, and the off-sale of alcohol for a full range of alcoholic beverages (ABC Type-21 License) on a proposed commercial/retail development (File No. H17-018) on an approximate 2.0-gross acre site, located at the Southeast corner of West San Carlos Street and Race Street (320 Race Street) (San Carlos 1 LLC, Owner). CEQA: Exempt per CEQA Guidelines Section 15332 for In-Fill Development Projects. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

CP17-005 & ABC17-002 - Council District 6

**Attachments**

[Memorandum](#)

[Resolution](#)

[Letters from the Public](#)

**10.3** [17-046](#) Planned Development Rezoning and Planned Development Permit for Real Property Located at 330 South Winchester Boulevard. DROP

**Recommendation:**

(a) Consideration of an ordinance of the City of San José rezoning an approximately 43 acres site (Santana Row), located on the southeast corner of Winchester Boulevard and Stevens Creek Boulevard from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow late night use (12:00 a.m. - 6:00 a.m.) excepting those uses within Lot 3A, Lot 4, Lot 6A, and Lot 12 in Santana Row (Federal Realty Trust, Owner).

(b) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow late night use between the hours of 12:00 a.m. and 2:00 a.m. at an existing restaurant (Roots and Rye) located at 330 South Winchester Boulevard.

CEQA: Determination of Consistency with the Santana Row Planned Development Rezoning Environmental Impact Report (Resolution No. 77532) and Addenda thereto, File No. PDC13-050.

PDC17-023 & PD17-017 - Council District 6

DROP TO BE RENOTICED

- Open Forum

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

- Adjournment

**• JOINT CITY OF SAN JOSE CITY COUNCIL/HOUSING AUTHORITY AGENDA**

1:30 p.m.

September 12, 2017

CHAMBERS

1. Call to Order and Roll Call

2. [17-040](#) Actions Related to the Agreement for the Transfer and Expenditure of All Housing Authority Litigation Award Funds.

**Recommendation:**

(a) Adopt a resolution of the Board of Commissioners for the Housing Authority of the City San José (“City Housing Authority”) authorizing the Executive Director of the City Housing Authority to execute a Cooperation Agreement with the City for the transfer of approximately \$36.3 million in Housing Authority Litigation Award funds to the City to commit and expend such funds consistent with State Housing Authority law.

(b) Adopt a resolution of the City of San José authorizing the City Manager to execute a Cooperation Agreement to enable the City to commit and expend the transferred Housing Authority Litigation Award funds consistent with State Housing Authority law.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing)

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

- Open Forum
- Adjournment
- Notice of City Engineer’s Pending Decision on Final Maps

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

Tract - 10383, Location - 6082 Almaden Expressway, District 10, Developer - DAL/Edenbridge San Jose 8, LP, Lots/Units - 11/18, Type - SFD, Proposed Decision - Approve

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**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.