



City Council Meeting Amended Agenda

Tuesday, March 20, 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

[18-347](#) See separate agenda.

Attachments [Closed Session Agenda](#)

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

- Invocation (District 3)

Beth Williams, Director of Development at Next Door Solutions

- Pledge of Allegiance

- Orders of the Day

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

- Closed Session Report

1. CEREMONIAL ITEMS

1.1 [18-345](#) Presentation of a commendation to Hopkins & Carley to recognize its 50th anniversary and strong commitment to providing outstanding legal and community service to San José and its surrounding communities. (Mayor)

1.2 [18-411](#) Presentation of commendations to the winners of the Employee Suggestion Program Pilot whose efforts have improved City services. (Khamis)

1.3 [18-412](#) Presentation of a proclamation recognizing March 20, 2018 as "Assyrian National Day/Assyrian New Year" in the City of San José. (Khamis)

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.

[18-346](#) **Approval of City Council Minutes.**

Recommendation: Regular Council Meeting Minutes of August 29, 2017.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments [Council Meeting Minutes - August 29, 2017](#)

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

[18-388](#) **Approval of Council Committee Minutes.**

Recommendation: Community and Economic Development Committee Minutes of November 27, 2017. (Khamis)
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.
[Rules Committee referral 3/14/18 - Item A.1.a]

Attachments [CED Minutes of November 27, 2017](#)

2.4 Mayor and Council Excused Absence Requests.

[18-387](#) **Mayor and Council Excused Absences Requests.**

Recommendation: Request for an excused absence for Vice Mayor Carrasco from the City Council meetings on March 6, 2018 and March 20, 2018, and Rules and Open Government Committee March 5, 2018 and Public Safety, Finance, and Strategic Support Committee March 15, 2018 due to death of a close family member.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Carrasco)
[Rules Committee referral 3/14/18 - Item A.1.a]

Attachments [Memorandum](#)

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.**

- 2.7 [18-305](#) **Agreement with Hydrosience Engineers, Inc., and with MNS Engineers, Inc. for Consultant Engineering Services for the South Bay Water Recycling Program.**

Recommendation: Approve Master Service Agreements for consultant engineering services with HydroScience Engineers, Inc. and MNS Engineers, Inc. for a term through June 30, 2020 for a total maximum compensation of \$750,000. CEQA: Exempt, File No. PP18-004, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council Districts 1, 2, 3, 4, 6, 7 & 8. (Environmental Services)

Attachments [Memorandum](#)
[Supplemental Memorandum](#)
[Agreement - Hydrosience Engineers, Inc.](#)
[Agreement - MNS Engineers, Inc.](#)

- 2.8 [18-281](#) **Agreement with Wood Rodgers, Inc. for City-Wide Master Planning for Storm Sewer System.**

Recommendation: Approve a Master Agreement with Wood Rodgers, Inc. for master planning consultant services for the storm sewer system from the date of execution to June 30, 2021, in an amount not to exceed \$1,500,000. CEQA: Statutory Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Public Works)

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

- 2.9 [18-284](#) **Actions Related to the Public Right-of-Way Located Along Terraine Street.**

Recommendation: Approve an ordinance dedicating as public right-of-way 2,438 square feet along the west side of Terraine Street, located over City-owned property, and accepting the newly dedicated right-of-way into the City's street system as part of Terraine Street to incorporate the traffic improvements along Terraine Street which were constructed in conjunction with the Julian Street Realignment Project. CEQA: Exempt, File No. PP18-006, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Public Works)

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

2.10 [18-285](#) **Report on Bids and Award of Contract for the 8666-Sanitary Sewer Repairs 2017-18 Package II Project.**

Recommendation: Report on bids and award of contract for the 8666-Sanitary Sewer Repairs 2017-18 Package II to the low bidder, JMB Construction Inc., in the amount of \$1,310,540, and approve a contingency in the amount of \$131,054.
CEQA: Exempt, File No. PP17-029. Council Districts 3, 5 & 8. (Public Works)

Attachments [Memorandum](#)

2.11 [18-351](#) **Approval of Great American Litter Pick-Up Sponsored 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 March 7, 2018:
(a) Approve the Great American Litter Pick-Up scheduled on April 21, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (City Clerk)
[Rules Committee referral 3/7/18 - Item G.1.a]

Attachments [Memorandum](#)

2.12 [18-352](#) **Approval of Brigadoon Park Beautification Day Sponsored By Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on March 7, 2018:
(a) Approve the Brigadoon Park Beautification Day scheduled on April 7, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)
[Rules Committee referral 3/7/18 - Item G.1.c]

Attachments [Memorandum](#)

- 2.13** [18-353](#) **Approval of the State of Latinos: A Cinco de Mayo Call to Action Event 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 March 7, 2018:
(a) Approve the State of Latinos: A Cinco de Mayo Call to Action scheduled on May 4, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Perez)
[Rules Committee referral 3/7/18 - Item G.1.i]

Attachments [Memorandum](#)

- 2.14** [18-381](#) **Actions Related to Councilmember Jimenez's Travel to Tokyo-Okayama, Japan.**

Recommendation: Authorize travel for Councilmember Jimenez to Tokyo-Okayama, Japan on April 7-April 15, 2018, and excuse absences from the regular meeting of the City Council on April 10, 2018, and the Neighborhood Services and Education Council Committee on April 12, 2018. Source of Funds: District 2 Office funds and personal funds (personal travel or activities on April 13-15, 2018 will be paid for using personal funds).
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Jimenez)
[Rules Committee referral 3/14/18 - Item A.1.a]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

3.3 [18-348](#) **Approval of the Fiscal Year 2018-2019 Mayor's March Budget Message.**

Recommendation: (a) Conduct a Public Hearing on the FY 2018-2019 Mayor's March Budget Message.
 (b) Approve the FY 2018-2019 Mayor's March Budget Message.
 CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Mayor)

Attachments [March Budget Message for Fiscal Year 2018-2019](#)
 [Memorandum from CM Jimenez and Khamis](#)
 [Memorandum from Councilmember Rocha](#)
 [Letter\(s\) from the Public](#)

3.4 [18-307](#) **Public Member Appointment to the Board of Administration for Federated City Employees' Retirement System.**

Recommendation: Interview applicant(s) for appointment to the Public Member Seat; and appoint one (1) applicant to the Public Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2020.
 CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)
 (Deferred from 3/13/18 - Item 3.3)
 TO BE HEARD IMMEDIATELY FOLLOWING CONSENT

Attachments [Memorandum](#)
 [Code Review Memorandum](#)
 [Conflict of Interest Memorandum](#)
 [Application](#)

3.5 [18-283](#) **Actions Related to the Agreement with TM San Jose 78, LLC for Private Improvements Located Under the Coleman Avenue Overcrossing.**

Recommendation:

Adopt a resolution:

- (a) Approving a permit for a major encroachment to TM San Jose 78, LLC, a Delaware limited liability company (“Owner”) to allow the maintenance of private encroachments within City right-of-way pursuant to San José Municipal Code Chapter 13.37 to be located underneath the Coleman Avenue Overcrossing utilizing approximately 2,176 square feet of right-of-way for private purposes;
- (b) Authorizing the Director of Public Works to execute the Maintenance, Access, and Encroachment Agreement Between the City of San José and TM San Jose 78, LLC (“Agreement”) to govern the private encroachments and other private uses pursuant to the Owner’s private parking easement; and
- (c) Directing the Director of Public Works to record the executed Agreement with the Office of the Recorder, County of Santa Clara. CEQA: Addendum to the Brandenburg Mixed Use Project / North San Pedro Housing Site Environmental Impact Report (Resolution No. 72170). Council District 3. (Public Works)

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-340](#) **Establishment of the San José Hotel Business Improvement District.**

Recommendation:

Receive a report on the establishment of the San José Hotel Business Improvement District (SJHBID) and accept public comment on the establishment of the SJHBID. This is the first of two public comment meetings required under the Property and Business Improvement Law of 1994, Streets and Highways Code Section 36600 et seq., to establish the proposed SJHBID.
CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b)(3). (Economic Development)

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

4.2 [18-341](#) **Annual Progress Report on the Implementation of the San José General Plan Housing Element and the Housing Successor Agency Annual Report.**

Recommendation:

(a) Accept the Calendar Year 2017 Annual Progress Report on the Implementation of the San José 2014-23 Housing Element.

(b) Accept the Fiscal Year 2016-17 Housing Successor to Redevelopment Agency Annual 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. (Housing/Planning, Building and Code Enforcement)

Attachments

[Memorandum](#)

[Memorandum from Mayor Liccardo](#)

[Attachment](#)

[Presentation](#)

4.3 [18-343](#) **Actions Related to the Fence Variance and Development Variance (Title 17 and Title 20). DROP**

Recommendation:

Consider staff's workload assessment of proposed changes to the Fence Variance and Development Variance findings in Title 17 and Title 20.

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

DROP

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

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

MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF SAN JOSE HOUSING AUTHORITY AGENDA

1:30 p.m.

March 20, 2018

CHAMBERS

Call to Order and Roll Call

[18-400](#)**Support for the 2019 Moving to Work Annual Plan.****Recommendation:**

Authorize the City Housing Authority's Executive Director to submit a letter to the Santa Clara County Housing Authority to support the 2019 Moving Annual Work Plan.

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

Attachments [Memorandum](#)

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.