



City Council Meeting Amended Agenda

Tuesday, April 3, 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 - 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

[18-510](#) See separate agenda.

Attachments [Agenda](#)

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

- Invocation (District 4)

Alana Yee, Blue Dragon Taekwondo

- 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 Presentation of a proclamation recognizing April 2018 as Child Abuse Awareness Month in the City of San José. (Arenas)

1.2 Presentation of a commendation for Chad Collins for demonstrating bravery and successfully saving his neighbor from a burning building in District 6. (Davis)

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.

[18-434](#) **Approval of City Council Minutes.**

Recommendation: (a) Environmental Sustainability Study Session Minutes of August 21, 2017.
 (b) City of San José and the County of Santa Clara Efforts to Address Homelessness Minutes of October 20, 2017.
 (c) Regular City Council Meeting Minutes of October 17, 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 [\(a\) Environmental Sustainability Study Session Minutes of August 21, 2017](#)
 [\(b\) CSJ & County Efforts to Address Homelessness Minutes of October 20, 2017](#)
 [\(c\) Regular City Council Meeting Minutes of October 17, 2017](#)

2.2 Final Adoption of Ordinances.

[18-436](#) **Final Adoption of Ordinances.**

Recommendation: ORD. NO. 30081 - An ordinance of the City of San José dedicating as public right-of-way approximately 2,438 square feet of City- owned property along the south side of Terraine Street for the purpose of constructing roadway improvements on Terraine Street.
 CEQA: Exempt, File No. PP18-006, CEQA Guidelines Section 15301, Existing Facilities.

2.3 Approval of Council Committee Minutes.

[18-451](#) **Approval of Council Committee Minutes.**

Recommendation: (a) Rules and Open Government Committee Minutes of February 21, 2018. (Mayor)
 (b) Rules and Open Government Committee Minutes of March 7, 2018. (Mayor)
 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 [ROGC Minutes of 2/21/18](#)
 [ROGC Minutes of 3/7/18](#)

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 [18-424](#) **Actions Related to the Purchase of Real Property Located at 1770 Alum Rock Avenue.****

Recommendation: Adopt the following 2017-2018 Appropriation Ordinance amendments in the General Fund:

- (1) Establish the Mexican Heritage Plaza Property Acquisition City-Wide appropriation to the Office of Economic Development in the amount of \$221,050; and
- (2) Decrease the Cultural Facilities Capital Maintenance Earmarked Reserve by \$221,050.

CEQA: Exempt, File No. PP18-026, CEQA Guidelines Section 15061(b)(3) Review for Exemption. (Economic Development/City Manager)

Attachments [Memorandum](#)

2.8 [18-390](#) **Amendment to the Agreement with Dulles Technology Partners, Inc. for a Hosted Electronic Grants Management System.**

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute the Third Amendment to the Agreement with Dulles Technology Partners, Inc. for a Hosted Electronic Grants Management System (“System”) to extend the term of the Agreement through May 1, 2019, for ongoing web hosting, support, and maintenance services, and increase compensation by \$16,747, with total compensation not to exceed \$303,413;
- (b) Execute additional one-year options to extend the Agreement for up to five additional years, with the last option year ending on May 1, 2024, with price adjustments capped at 3% annually, subject to the annual appropriation of funds; and
- (c) Negotiate and execute amendments and/or change orders not to exceed \$50,000 to cover any required changes to the System, 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](#)

2.9 [18-421](#) **Setting a Public Hearing for the Cost of Sidewalk Repairs for June 5, 2018.**

Recommendation: Adopt a resolution setting a Public Hearing on Tuesday, June 5, 2018 at 1:30 p.m. for the approval of the report from the Director of Finance for the cost of sidewalk repairs.

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)

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

2.10 [18-394](#) **Agreement with Caltrans for the US 101/Blossom Hill Road Interchange Improvement Project.**

Recommendation: (a) Approve the Cooperative Agreement with the California Department of Transportation (Caltrans) for the US 101/Blossom Hill Road Interchange Improvement Project for the Plans, Specifications, and Estimate and Right of Way phases.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute future amendments to modify the scope of the agreement as needed with no funding provided to Caltrans.

CEQA: Statutory Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council District 2. (Transportation)

Attachments [Memorandum](#)
[Attachment A](#)
[Attachment B](#)
[Agreement](#)

2.11 [18-419](#) **Award of Construction Contract for the 2018 ADA Sidewalk Accessibility Project.**

Recommendation: (a) Approve award of a construction contract for the 2018 ADA Sidewalk Accessibility Project to the low bidder, Rosas Brothers Construction in the amount of \$638,890.

(b) Approve a 10% contingency in the amount of \$63,889.

CEQA: Exempt, File No. PP14-017, CEQA Guidelines Section 15301, Existing Facilities. (Transportation)

Attachments [Memorandum](#)

2.12 [18-438](#) **Approval of the Berryessa Art and Wine Festival Sponsored By Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on March 21, 2018:
(a) Approve the 41st Annual Berryessa Art & Wine Festival scheduled on May 12, 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. (Diep)
[Rules Committee referral 3/21/18 - Item G.1.a]

Attachments [Memorandum](#)

2.13 [18-439](#) **Approval of Dumpster Day Sponsored By Council District 9 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 21, 2018:
(a) Approve the Dumpster Day scheduled on April 14, 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. (Rocha)
[Rules Committee referral 3/21/18 - Item G.1.b]

Attachments [Memorandum](#)

2.14 [18-485](#) **Retroactive Approval of Coyote Valley Flower Hike and Approval of Additional Events Sponsored By Council District 2 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 28, 2018:

- (a) Retroactively approve the Coyote Valley Flower Hike scheduled on March 24, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the District 2 Easter Egg Hunt Celebration scheduled on March 31, 2018 as a City Council sponsored Special Event and approve the purchase of gift cards, and other items as raffle prizes.
- (c) Approve the Dumpster Day scheduled on April 14, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (d) 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. (Jimenez)
[Rules Committee referral 3/28/18 - Item G.1.c]

Attachments [Memorandum](#)

2.15 [18-486](#) **Approval of 13th Annual West Valley Senior Walk Sponsored By Council District 1 and 6 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 28, 2018:

- (a) Approve the 13th Annual West Valley Senior Walk scheduled on April 13, 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. (Jones/Davis)
[Rules Committee referral 3/28/18 - Item G.1.d]

Attachments [Memorandum](#)

- 2.16** [18-487](#) **Approval of District 6 Purchase of a Safeway Gift Card for Trash Punx to support the March 10, 2018 Beautification Project-Litter Pick Up in the Buena Vista Neighborhood.**

Recommendation: As recommended by the Rules and Open Government Committee on March 28, 2018, approve the purchase of a \$100 Safeway gift card for Trash Punx to purchase breakfast and beverages for its volunteers to be paid by Council District 6's Office Funds.

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

[Rules Committee referral 3/28/18 - Item G.2]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Accept Labor Negotiations.

TO BE HEARD AT 9:00 A.M.

3.3 [18-447](#) **Private Development Workforce Standards/Community Workforce Agreements on Public Project.**

Recommendation: As recommended by the Rules and Open Government Committee on March 21, 2018, Council discussion and direction to staff on Private Development Workforce Standards, Capital Bond Measure, Best-Value Contracting, and Community Workforce Agreements as described in the memorandum.

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

[Rules Committee referral 3/21/18 - Item G.7]

TO BE HEARD LAST

Attachments [4/3/18 Supplemental Memorandum](#)
[4/3/18 Memorandum from Mayor Liccardo](#)
[4/3/18 Memorandum from Councilmember Rocha](#)
[4/3/18 Memorandum from Councilmember Khamis](#)
[3/21/18 ROGC Memorandum](#)
[3/21/18 ROGC Supplemental](#)
[Letter\(s\) from the Public](#)

3.4 [18-429](#) **Pensionable Earnings Audit.**

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on March 15, 2018, accept the results of a follow-up audit on the accuracy of the City's pensionable earnings calculation.

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

[Public Safety, Finance and Strategic Support Committee referral - Item (d) 2]

Attachments [4/3/18 Memorandum from CMs Arenas & Peralez](#)
[3/15/18 PSFSS Memorandum](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

5. NEIGHBORHOOD SERVICES

5.1 [18-428](#) **Park Ranger Program Annual Report.****Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on March 15, 2018, accept the 2017 Annual Report on the Park Ranger Program.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City actions. (Parks, Recreation and Neighborhood Services) [Public Safety, Finance and Strategic Support Committee - Item (d) 4] DEFERRED FROM 4/3/18 ITEM 5.1 TO 4/17/18 PER ADMINISTRATION

Attachments

[3/15/18 PSFSS Memorandum](#)

[3/15/18 PSFSS Presentation](#)

[3/15/18 PSFSS Letter\(s\) from the Public](#)

6. TRANSPORTATION & AVIATION SERVICES**7. ENVIRONMENTAL & UTILITY SERVICES****8. PUBLIC SAFETY****8.1** [18-423](#)

Status Update on Santa Clara County’s Release of Request for Proposal for Emergency Ambulance Services and Potential Impacts to the 911 Emergency Medical Services Provider Agreement with the County of Santa Clara.

Recommendation:

Accept the status update on Santa Clara County’s release of Request for Proposal for Emergency Ambulance Services and potential impacts to the 911 Emergency Medical Services Provider Agreement between the City of San José and the County of Santa Clara.

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/City Manager)

Attachments

[Memorandum](#)

[Presentation](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY

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

9.1 [18-391](#) **Approval of the Purchase and Sale Agreement for Property Located at 1770 Alum Rock Avenue.**

Recommendation: Successor Agency Board approve a Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and the City of San José as buyer to allow the sale of 1770 Alum Rock Avenue for a purchase price of \$221,050.
CEQA: Exempt, File No. PP18-026, CEQA Guidelines Section 15061(b)(3) Review for Exemption. (Successor Agency)

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

- Open Forum

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

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

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.