



City Council Meeting Amended Agenda

Tuesday, June 5, 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

9:30 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

[18-869](#) See separate agenda.

Attachments [Closed Session Agenda](#)

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

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

Cancelled

- Invocation (District 6)

The President of the Billy DeFrank LGBTQ Community Center

- Pledge of Allegiance

- Orders of the Day

To be heard after Ceremonial Items

ADJOURNMENT: This meeting is adjourned in the memory of Ernest Guzman, a retired City of San Jose employee and longtime neighborhoods activist who dedicated his life to service in the community.

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to the Department of Public Works Sanitary and Storm Hydraulics Engineering Team in recognition of National Public Works Week. (Jones)

1.2 Presentation of a commendation recognizing Japantown Prepared for training many District 3 residents in CPR and local safety in partnership with our local Fire and Police Departments under the leadership of Rich Saito and Jim McClure. (Perez)

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.

[18-786](#)

Final Adoption of Ordinances.

Recommendation:

a. ORD. NO. 31020 - An ordinance of the City of San José amending Part 3 of Chapter 17.23 of Title 17 of the San Jose Municipal Code to modify the provisions regarding the one-time rent increase for units with pass through agreements.

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

b. ORD. NO. 31021 - An ordinance of the City of San José rezoning certain real property of approximately 0.43-gross acre situated at the northeast corner of North 3rd Street and East Empire Street (501 North 3rd Street), from the co commercial office zoning district to the cp commercial pedestrian zoning district.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (EIR) (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. The project does not involve new significant impacts beyond those analyzed in the above EIRs. Director of Planning, Building and Code Enforcement recommends approval.

Sponsors: City Council

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

[18-779](#) **Mayor and Council Excused Absence Requests.**

Recommendation: Request for a retroactive excused absence for Councilmember Raul Peralez from the Regular City Council Meeting on May 15, 2018 due to illness.

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

Attachments [Memorandum](#)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [18-769](#) **Actions Related to the Agreement with Santa Clara County for AB939 Implementation Fee and Participation in the Household Hazardous Waste Collection Program.**

Recommendation: Approve the following Agreements with the County of Santa Clara:
a. Agreement for Household Hazardous Waste Collection Program for Fiscal Year 2018-2019 through 2020-2021, for \$200,000 each year, subject to the appropriation of funds; and
b. Agreement for Countywide Assembly Bill 939 Implementation Fee for Fiscal Year 2018-2019 through 2020-2021.

CEQA: Negative Declaration for the Environmental Innovation Center, File No. PP09-138. (Environmental Services)

Sponsors: City Council

Attachments [Memorandum](#)
 [a\) Agreement](#)
 [b\) Agreement](#)

2.8 [18-770](#) **Amendment to the Agreement with County of Santa Clara for Household Hazardous Waste Collection Program.**

Recommendation: Approve the Third Amendment to the Sublease Agreement between the City of San José and the County of Santa Clara for the use of City-leased Property for the Household Hazardous Waste Collection Program.

CEQA: Negative Declaration for the Environmental Innovation Center, File No. PP09-138. (Environmental Services)

Sponsors: City Council

Attachments [Memorandum Agreement](#)

2.9 [18-765](#) **Third Quarter Financial Reports for Fiscal Year 2017-2018.**

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on May 17, 2018:

a. Accept the third quarter (period ending March 31, 2018) Financial Reports for Fiscal Year 2017-2018 for the following programs:

1. Debt Management;
2. Investment Management; and
3. Revenue Collection; and

b. Adopt a resolution authorizing the Director of Finance to write-off uncollectible debts in an amount up to \$496,681.64.

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 5/17/18 - Item C.1]

Attachments [PSFSS 5/17/18 Memorandum](#)
[PSFSS 5/17/18 Investment Management Report](#)
[PSFSS 5/17/18 Presentation](#)
[Resolution](#)

2.10 [18-714](#) **Amendment to the Agreement with Axon Enterprise, Inc. for Police Body Worn Camera and Evidence Management System.**

Recommendation: Adopt a resolution authorizing the City Manager to:

 a. Execute the First Amendment to the Agreement with Axon Enterprise, Inc. for a Body Worn Camera and Evidence Management System to increase the compensation by \$387,871 for a maximum compensation of \$5,205,555 to purchase 143 additional body worn cameras and related services, subject to the appropriation of funds; and

 b. Execute additional change orders to the Agreement to purchase additional cameras and services as required, subject to the same unit pricing, terms, and conditions and 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)

 DEFERRED FROM 5/8/18 ITEM 2.7 TO 6/19/18 PER ADMINISTRATION

Sponsors: City Council

Attachments [Agreement](#)

2.11 [18-662](#) **Report on Bids and Award of Contract for the 8709 - Sanitary Sewer Repairs 2017-18 Package III.**

Recommendation: Report on bids and award of contract for the 8709 - Sanitary Sewer Repairs 2017-18 Package III to the low bidder, Southwest Pipeline & Trenchless Corporation in the amount of \$2,174,891 and approve a contingency in the amount of \$217,489.

 CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction, File No. PP17-029. Council Districts 1, 3, 5, 6, & 9. (Public Works)

Sponsors: City Council

Attachments [Memorandum](#)

2.12 [18-722](#) **Actions Related to the 7274 - Willow Glen Community Center Improvements Project.**

Recommendation: Approve an increase to the contingency for the 7274 - Willow Glen Community Center Improvements project in the amount of \$40,000 for a total contingency amount of \$118,400 thereby increasing the contingency from 10% to 15%.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP15-112. (Public Works)

Sponsors: City Council

Attachments [Memorandum](#)

2.13 [18-723](#) **Report on Bids and Award of Contract for Construction of the 8765 - FEMA - Kelley Park Japanese Friendship Garden Restrooms and Maintenance Shop Facility.**

Recommendation: Report on bids and award of the construction contract for the 8765 - FEMA - Kelley Park Japanese Friendship Garden Restrooms and Maintenance Shop Facility (SCSJ89/PW891) to the low bidder, Tucker Construction, Inc., for the total bid in the amount of \$244,443 and approval of a 15% percent Change Order Reserve in the amount of \$36,666.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Project, File No. PP18-003. Council District 7. (Public Works)

Sponsors: City Council

Attachments [Memorandum](#)

2.14 [18-724](#) **Report on Bids and Award of Contract for Construction of the 8821 - FEMA - Happy Hollow Lower Zoo.**

Recommendation: Report on bids and award of the construction contract for the 8821-FEMA - Happy Hollow Lower Zoo - Offices, Night Houses, Employee Breakroom, Storage Sheds (SCSJE88/PW983) to the low bidder, Tucker Construction, Inc., for the total bid in the amount of \$168,187 and approval of a 15% Change Order Reserve in the amount of \$25,228.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Projects, File No. PP18-003. Council District 7. (Public Works)

Sponsors: City Council

Attachments [Memorandum](#)

2.15 [18-760](#) **Agreement with Toole Design Group, LLC for San Jose Bike Plan 2025 Development and Outreach.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a consulting services agreement with Toole Design Group, LLC for San Jose Bike Plan 2025 development and outreach during the period commencing on or about June 5, 2018, and ending on or about June 30, 2020, for an amount not to exceed \$675,000.

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

Sponsors: City Council

Attachments [Memorandum](#)

2.16 [18-776](#) **Naming of Esther Medina Park.**

Recommendation: As recommended by Parks, Recreation and Neighborhood Services and the Parks and Recreation Commission, approve the name "Esther Medina Park" for the new City park on South 31st Street and Shortridge Avenue.

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

Attachments [Memorandum](#)

2.17 [18-763](#) **Agreement with Bateman Community Living for Senior Nutrition Program Services.**

Recommendation:

- a. Accept the report on the Request for Proposal for the Senior Nutrition Program; and
 - b. Adopt a resolution authorizing the City Manager to:
 1. Negotiate and execute an Agreement, subject to appropriation of funds by City Council, with Bateman Community Living, a division of Compass Group, to provide Citywide Senior Nutrition Service for an initial one-year term commencing on July 1, 2018 through June 30, 2019, with a maximum compensation amount not to exceed \$2,516,000 during the first twelve months of the initial term; and
 2. Execute five one-year options to renew the Agreement, subject to annual appropriation of funds by City Council.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

Sponsors: City Council

Attachments [Memorandum](#)

2.18 [18-761](#) **Actions Related to the Agreement with Caltrans for the Large Trash Capture Project.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

- a. Negotiate and execute a Cooperative Implementation Agreement with the State of California by and through the Department of Transportation (Caltrans) to accept reimbursement for the construction of large trash capture devices capturing drainage from Caltrans jurisdiction and minimizing trash from discharging to local watersheds and into the San Francisco Bay, in the approximate amount of \$3.5 million, or to the fullest extent allowed with funding authorized by Caltrans; and
- b. Negotiate and execute options, amendments, or other agreements with Caltrans, in excess of the City Manager's authority, accepting future Caltrans reimbursements for large trash capture devices serving Caltrans right-of-way.

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

Sponsors: City Council

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

2.19 [18-778](#) **Approval of the Terms of an Agreement with the International Brotherhood of Electrical Workers (IBEW), Local 332 for the term of July 1, 2017 through June 30, 2021.**

Recommendation: a. Adopt a resolution approving the terms of a collective bargaining agreement between the City and the International Brotherhood of Electrical Workers (IBEW), Local 332 for the term of July 1, 2017 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms.

 b. Adopt the following Appropriation Ordinance amendments in the General Fund:

 1. Increase the Personal Services appropriation to the Public Works Department by \$44,287; and

 2. Decrease the Salaries and Benefits Reserve by \$44,287.

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

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

2.20 [18-777](#) **Approval of the Terms of an Agreement with the Association of Legal Professionals (ALP) for the term of July 1, 2018 through June 30, 2021.**

Recommendation: Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Legal Professionals (ALP) for the term of July 1, 2018 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms.

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

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

2.21 [18-780](#) **Actions Related to Councilmember Tam Nguyen's Travel to San Diego, CA.****Recommendation:**

Authorize travel for Councilmember Tam Nguyen to San Diego, CA from June 29 - June 30, 2018 to visit and tour Dreams for Change, Father Joe's Villages, Veterans Village of San Diego and The Alpha Project.

Source of Funds: District 7 Funds.

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

DROP PER 5/30/18 RULES COMMITTEE

Attachments [Memorandum](#)

DROP PER 5/30/18 RULES COMMITTEE

2.22 [18-781](#) **Actions Related to Mayor's Staff Travel to Boston, MA.****Recommendation:**

Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Nicholas Almeida, as a City representative, to attend the US Conference of Mayors' Workforce Development Council from June 6-8, 2018 in Boston, MA.

Source of Funds: FUSE Corps.

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

Attachments [Memorandum](#)

2.23 [18-783](#) **Retroactive Approval of Community Events Sponsored By Council District 5 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 May 23, 2018:

1. Retroactively approve the following District 5 events as City Council Sponsored Events and approve the expenditure of funds:
 - a. The Mount Pleasant Dumpster Day on May 19, 2018 at Robert Sanders Elementary School;
 - b. D5 Decides Participatory Budgeting Steering Committee on March 24, 2018 and April 7, 2018 at Alum Rock Library; and
 - c. Trash Punx Litter Pickup on June 2, 2018 at the Capitol Avenue and McKee Road neighborhood.
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. (Carrasco)
[Rules Committee referral 5/23/18 - Item G.1.b]

Attachments [Memorandum](#)

2.24 [18-784](#) **Approval of Community Events Sponsored By Council District 7 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 May 23, 2018:

1. Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:
 - a. Spring Fling at Bellevue Park on Sunday, June 10, 2018 at Bellevue Park;
 - b. Dump Your Junk on Saturday, June 16, 2018 at Hubbard Elementary School; and
 - c. Clean Up with Tam on Saturday, August 4, 2018 at Markham Plaza.
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. (Nguyen)
[Rules Committee referral 5/23/18 - Item G.1.c]

Attachments [Memorandum](#)

2.25 [18-785](#) **Approval of District 2 SAP Grant to Santa Teresa Little League of San Jose, Inc.**

Recommendation: As recommended by the Rules and Open Government Committee on May 23, 2018, approve a SAP grant to Santa Teresa Little League in the amount of \$8,000 for their general fund for general operating and administrative expenses to support their upcoming recreational season in San José.

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

[Rules Committee referral 5/23/18 - Item G.2]

Attachments [Memorandum](#)

2.26 [18-827](#) **Actions Related to Mayor's Staff Travel to Detroit, MI.**

Recommendation: Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Shireen Santosham, as a City representative, to attend the Knight Foundation Convening for their Internet of Things program grantees from June 14-15, 2018 in Detroit, Michigan.

Source of Funds: Knight Foundation and Harvard University.

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

Attachments [Memorandum](#)

- 2.27 [18-829](#) Approval of District 4 Clean-Up Events 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 May 30, 2018:

1. Approve the District 4 Santa Clara VTA and George Mayne Elementary School Beautification Event scheduled on June 9, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve the District 4 Brooktree Elementary and Milpitas Christian Elementary School Dumpster Day scheduled on June 16, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.
3. 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 5/30/18 - Item G.1.a]

Attachments [Memorandum](#)

- 2.28 [18-828](#) Approval of Senior Health Fair & Walk Sponsored By Council District 5 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 May 30, 2018:

1. Approve the Senior Health Fair & Walk scheduled on June 8, 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. (Carrasco)
[Rules Committee referral 5/30/18 - Item G.1.b]

Attachments [Memorandum](#)

2.29 [18-830](#) Approval of the Puerto Rican Flag Raising 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 May 30, 2018:

1. Approve the Puerto Rican Flag Raising scheduled on June 8, 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 5/30/18 - Item G.1.c]

Attachments [Memorandum](#)

2.30 [18-831](#) Approval of Senior Health Fair 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 May 30, 2018:

1. Approve the Senior Health Fair scheduled on June 9, 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. (Arenas)

[Rules Committee referral 5/30/18 - Item G.1.d]

Attachments [Memorandum](#)

- 2.31** [18-832](#) Approval of Community Events Sponsored By Council District 7 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 May 30, 2018:

1. Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds.
 - a. Transportation Townhall Meeting on Thursday, June 7, 2018 at Richardson Park;
 - b. Ice Cream Social on Friday, June 8, 2018 at SevenTrees Village;
 - c. Clean Up with Tam on Saturday, June 9, 2018 at Holly Hill Neighborhood; and
 - d. Block Party at Tropicana on Saturday, June 23, 2018 at Midfield and Havana.
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. (Nguyen)
[Rules Committee referral 5/30/18 - Item G.1.e]

Attachments [Memorandum](#)

- 2.32** [18-782](#) **Retroactive Approval of Rainbow and Transgender Pride Flag Raising Sponsored By Council District 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 May 23, 2018:

1. Retroactively approve the Rainbow and Transgender Pride Flag Raising scheduled on June 5, 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. (Davis)
[Rules Committee referral 5/23/18 - Item G.1.a]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)**3.2 Labor Negotiations Update.**

Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 [18-669](#) Statement of Policy and City Council Questions for the Prospective Fire Chief.

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Fire Chief as described in the memorandum to Council, in compliance with City Charter Section 411.1.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

Sponsors: City Council

Attachments [Memorandum](#)
[Memorandum from Liccardo](#)

3.4 [18-756](#) Actions Related to the Recording Liens on Properties for the Reimbursement of the Cost of Sidewalk Repairs.

Recommendation:

- Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs;
- Adopt a resolution confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report; and
- Direct the recording of liens and the placement of charges as set forth therein on the 2018-2019 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs.

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. (Finance)

Sponsors: City Council

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

3.5 [18-762](#) **Amendment to the Agreement with Kaiser Foundation Health Plan, Inc. for Medical Insurance.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with Kaiser Foundation Health Plan, Inc., for medical insurance for City employees, retirees, and their dependents, increasing the not to exceed Agreement amount from \$255,343,698 to a revised not to exceed amount of \$457,069,000; and extending the term of the Agreement from December 31, 2018 to December 31, 2020.

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

Sponsors: City Council

Attachments [Memorandum](#)

3.6 [18-834](#) Council Consideration of Mayor Liccardo's Letter to the California Public Utilities Commission (CPUC).

Recommendation: As recommended by the Rules and Open Government Committee on May 30, 2018, the City Council to consider taking a support position that the CPUC review the proposed San Jose Water Company (SJWC) - Connecticut Water Service Company Merger.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Khamis/Rocha)
[Rules Committee referral 5/30/18 - Item G.4]

Attachments [Memorandum](#)
[Letter\(s\) from the Public](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-757](#) **Public Hearing on the Downtown High-Rise Residential Incentive for the Aviato at North San Pedro Located at 199 Bassett Street.**

Recommendation: Conduct a Public Hearing regarding an economic development subsidy given in connection with a reduction in construction and conveyance taxes and park impact in-lieu fees for a Downtown residential high-rise at 199 Bassett Street in the amount of \$4,391,240, pursuant to California Government Code Section 53083 and Open Government Resolution Section 2.3.2.6 C.

CEQA: Addendum to the Brandenburg Mixed Use Project/North San Pedro Housing Sites Environmental Impact Report (EIR) (Resolution No. 72170); the Downtown Strategy 2000 Final EIR, and Addenda thereto (Resolution No. 72767); Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), and Addenda thereto; Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto, File Nos. SP17-023 and T17-026. Council District 3. (Economic Development)

Sponsors: City Council

Attachments [Memorandum](#)
[Memorandum from Peralez](#)

4.2 [18-758](#) **Public Hearings on Business Improvement District Reports for Fiscal Year 2018-2019.**

Recommendation: a. Conduct a Public Hearing and adopt a resolution approving the Downtown Business Improvement District budget report for fiscal year 2018-2019, as filed or modified by Council, to levy the Downtown BID assessments for 2018-2019, and to suspend collection of the Downtown BID assessments for the businesses that qualify for the business tax financial hardship exemptions under the City's general business tax ordinance.

b. Conduct a Public Hearing and adopt a resolution approving the Japantown Business Improvement District budget report for fiscal year 2018-2019, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2018-2019.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. Council District 3. (Economic Development)

Sponsors: City Council

Attachments [A\) Memorandum](#)
[B\) Memorandum](#)
[A\) Resolution](#)
[B\) Resolution](#)

4.3 [18-754](#) **Public Hearing on the U.S. Department of Housing and Urban Development FY 2018-2019 Annual Action Plan.**

Recommendation: a. Conduct a Public Hearing on the Draft FY 2018-2019 Annual Action Plan, as required by the U.S. Department of Housing and Urban Development; and

b. Provide Housing Department staff with input on the draft FY 2018-2019 Annual Action Plan and funding 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. Specific development projects that are funded as a result of the Consolidated Annual Action Plan are subject to project-specific CEQA clearance. (Housing)

Sponsors: City Council

Attachments [Memorandum](#)

5. NEIGHBORHOOD SERVICES

5.1 [18-764](#) **Mayor's Gang Prevention Task Force Strategic Work Plan 2018-2020.****Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on May 17, 2018, accept the Mayor's Gang Prevention Task Force Strategic Work Plan 2018-2020.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services) [Public Safety, Finance and Strategic Support Committee referral 5/17/18 - Item (d)5]

Attachments [5/17/18 Memorandum & Strategic Work Plan](#)
[Memorandum from Liccardo](#)
[Presentation Item 5.1](#)

6. TRANSPORTATION & AVIATION SERVICES**7. ENVIRONMENTAL & UTILITY SERVICES****7.1** [18-755](#) **Recycle Plus Rates for Single-Family and Multi-Family Services.****Recommendation:**

Adopt a resolution to amend the current Recycle Plus rate resolution effective July 1, 2018, as follows:

- a. Increase rates for single-family households by 3 percent; and
- b. Increase rates for multi-family households by 2 percent.

CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Environmental Services)

Sponsors: City Council

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

7.2 [18-767](#)**Actions Related to the 2018-2019 Sewer Service and Use Charge Rates.****Recommendation:**

- a. Conduct a Public Hearing on proposed 2018-2019 Sewer Service and Use Charge rates and proposed maximums for rate increases in 2019-2020 and 2020-2021; and direct staff to return during the 2019-2020 and 2020-2021 budget cycles with recommendations regarding rate increases consistent with staff recommended maximum rate increases noticed for those years.
 - b. Adopt a resolution setting the following Sewer Service and Use Charge monthly rates for 2018-2019:
 1. Single-Family Residential - \$38.90
 2. Multi-Family Residential - \$26.10 per unit
 3. Mobile Home - \$29.40 per unit
 4. Non-Monitored Commercial and Industrial - See Attachment A of the staff memorandum to Council
 5. Monitored Industrial - See Attachment A of the staff memorandum to Council.
 - c. Adopt a resolution setting the following Storm Sewer Service Charge monthly rates for 2018-2019:
 1. Single-Family Residential and Duplex - \$7.87
 2. Mobile Home - \$3.94 per unit
 3. Residential Condominium - \$4.30 per unit
 4. Large Multi-Family Residential (5 or more units) - \$4.30 per unit
 5. Small Multi-Family Residential (3-4 units) - \$14.95
 6. Commercial, Institutional and Industrial - See Attachment B of the staff memorandum to Council.
- CEQA: Not a Project, File No. PP17-005, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Environmental Services)

Sponsors: City Council

Attachments [Memorandum](#)
[Supplemental Memorandum](#)
[B\) Resolution](#)
[C\) Resolution](#)

7.3 [18-768](#) **San José Municipal Water System 2018-2019 Water Rates and Charges.**

Recommendation:

- a. Hold a Public Hearing on proposed San José Municipal Water System 2018-2019 water rates and charges.
- b. Adopt a resolution updating San José Municipal Water System potable and recycled water rates and charges, effective July 1, 2018.
CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates & Fares without changes to or expansion of services. Council Districts 2, 4, 7 and 8. (Environmental Services)

Sponsors: City Council

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

7.4 [18-771](#)**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)

RECOMMEND DEFERRAL FROM 6/5/18 ITEM 7.4 TO 6/26/18
PER ADMINISTRATION

Sponsors: City Council

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

RECOMMEND DEFERRAL FROM 6/5/18 ITEM 7.4 TO 6/26/18
PER ADMINISTRATION

7.5 [18-774](#) **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. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Environmental Services)

RECOMMEND DEFERRAL FROM 6/5/18 ITEM 7.4 TO 6/26/18
PER ADMINISTRATION

Sponsors: City Council

Attachments [Memorandum](#)

RECOMMEND DEFERRAL FROM 6/5/18 ITEM 7.4 TO 6/26/18
PER ADMINISTRATION

7.6 [18-773](#) **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)
RECOMMEND DEFERRAL FROM 6/5/18 ITEM 7.4 TO 6/26/18
PER ADMINISTRATION

Sponsors: City Council

Attachments [Memorandum](#)

RECOMMEND DEFERRAL FROM 6/5/18 ITEM 7.4 TO 6/26/18
PER ADMINISTRATION

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: This meeting is adjourned in the memory of Ernest Guzman, a retired City of San Jose employee and longtime neighborhoods activist who dedicated his life to service in the community.

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

[18-862](#)

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

Recommendation:

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:

			Council	
Proposed				
Tract	Location	Decision	District	Developer
Lot/Units	Type			
10430	N. Capitol Ave	Approve	5	Pulte Group
3/188	MFA			
10304	N/S of Huff Ave	Approve	1	STEI LLC
1/16	MFA			
	350' W of S. Baywood Ave			

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

Tract	Location	District	Developer
Lots/Units	Type		

This notice is to be posted with the City Council's regular agenda for 6/5/18.

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.