



City Council Meeting Amended Agenda

Tuesday, June 26, 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

Regular Session, Council Chambers, City Hall--TO BEGIN IMMEDIATELY AFTER CLOSED SESSION

[18-1014](#) See separate agenda.

Attachments [Closed Session Agenda](#)

- Invocation (District 6)

Bryan Franzen the Pastor and Head of Staff the Rev. Dr. Bryan Franzen from the Westminster Presbyterian Church

- Pledge of Allegiance

- Orders of the Day

To be heard after Ceremonial Items

ADJOURNMENT: Diane Lindberg was a long time resident of San Jose and was an exemplary employee in the Department of Parks, Recreation and Neighborhood Services for over 37 years. She began her long career of community service as a part time Volunteer Junior Recreation Leader at Alum Rock Park and other city facilities, including San Tomas Center at San Tomas Park and Starbird Community Center at Starbird Park. She graduated with a B.S. in Psychology from San Jose State University and shortly after was promoted to the position of Gerontology Specialist and subsequently to Gerontology Supervisor, where she found her passion of working for older adults. Diane spent the majority of her career working for senior programs at Alma Senior Center, San Jose Office on Aging, and at Southside Senior & Community Center. She focused heavily on providing memorable recreation programs, crucial social services, and a valuable weekday nutrition program to San Jose's older adult community. She was promoted to Community Services Supervisor and oversaw the entire San Jose Office on Aging's operations, which had once been comprised of 10 large senior centers in each council district, and included the large Retired Senior Volunteer Program. While serving thousands of senior adults throughout the city, she also worked closely with the County of Santa Clara to provide a valuable Senior Nutrition Program that provided high quality, cost efficient, nutritious meals to seniors and promoted the role of nutrition in preventative health and long term care. Diane completed her accomplished career with the City of San José in January 2010 and retired in San Jose and spent time with those near and dear to her: her family and friends, especially her wife, Janice; and limitless in her vision and boundless in her capacity to excel in life, Diane Lindberg shall in memory ever endure as a beacon of hope for all people who believe strongly in their obligation to improve the quality of life for future generations.

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 proclamation declaring July 2018 as Parks and Rec month in the City of San José. (Arenas)

1.2 Presentation of a commendation to Vivace Youth Chorus for making music accessible and engaging youth in the community. (Mayor)

1.3 Presentation of a commendation recognizing Evergreen Valley College for their outstanding service to San Jose students. (Arenas)

1.4 Oath of Office for newly appointed Youth Commissioners. (City Clerk)

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.

[18-954](#)

Approval of City Council Minutes.

Recommendation:

- a. Regular City Council Meeting Minutes of February 27, 2018.
 - b. Regular City Council Meeting Minutes of March 6, 2018.
 - c. Special City Council Meeting Minutes of March 8, 2018.
 - d. Regular City Council Meeting Minutes of March 20, 2018.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Clerk)

Attachments

- [a. Regular City Council Meeting Minutes of February 27, 2018](#)
- [b. Regular City Council Meeting Minutes of March 6, 2018](#)
- [c. Special City Council Meeting Minutes of March 8, 2018](#)
- [d. Regular City Council Meeting Minutes of March 20, 2018](#)

2.2 Final Adoption of Ordinances.

[18-961](#)

Final Adoption of Ordinances.

Recommendation:

(a) ORD. NO. 30113 - An Ordinance of the City of San José to disestablish the Hotel Business Improvement District pursuant to Section 36550 of the California Parking and Business Improvement Area Law.

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

(b) ORD. NO. 30116 - An Ordinance of the City of San José amending Title 2 of the San José Municipal Code to amend Section 2.08.3630 of Chapter 2.08 to alter membership criteria for the Downtown Parking Board.

CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates, & Fares without changes to or expansion of services; and File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.

(c) ORD. NO. 30121 - An Ordinance of the City of San José adding a new Chapter 4.40 of Title 4 of the San José Municipal Code to establish procedures for securing credit facilities for San José Clean Energy.

(d) ORD. NO. 30127 - An Ordinance of the City of San José amending Sections 6.60.060 and 6.60.240 of Chapter 6.60 of Title 6 (Business Licenses and Regulations) of the San José Municipal Code to establish an alternate security ratio and ownership/management license requirements for outdoor public entertainment businesses that meet specified criteria.

(e) ORD. NO. 30129 - An Ordinance of the City of San José rezoning certain real property of approximately 0.26- gross acre situated on the north side of Wabash Street, approximately 640 feet westerly of Archer Street (APN: 015-12-049), from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residence Zoning District (Rene and Fahira Orellana, Owner).

(f) ORD. NO. 30130 - An Ordinance of the City of San José rezoning certain real property of approximately 0.93- gross acre situated on the south side of Story Road, approximately 120 feet westerly of Beltrami Drive (14380 Story Road), from the a Agricultural Zoning District to the R-1-8 single family Residence Zoning District (Narinder and Sushama Pal Trustee, Owner).

(g) ORD. NO. 30131 - An Ordinance of the City of San José rezoning certain real property of an approximately 1.74-gross acre site located at the southwest corner of Bird Avenue and Willow Street (820 Willow Street), from the A(PD) planned Development Zoning District to the CP Commercial Pedestrian Zoning District (Willow Glen Real Estate LLC, Owner).

(h) ORD. NO. 30132 - An Ordinance of the City of San José rezoning certain real property of an approximately 0.14-gross acre site situated approximately 50 feet from the southeast corner of the Alameda and Sunol Street (840 The Alameda; APN: 261-33-021 and 10 Sunol Street; APN: 261-33- 019), from the LI Light Industrial Zoning District to the CP Commercial Pedestrian Zoning District (Mary F. Mundy Trustee, Owner).

(i) ORD. NO. 30133 - An Ordinance of the City of San José amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to amend Sections 20.30.150 and 20.30.440 of Chapter 20.30 to modify development standards and requirements for secondary dwelling units (also known as Accessory Dwelling Units), including lot size, unit area, unit type, setbacks and height; to amend Sections 20.90.120 and 20.90.220 of Chapter 20.90 to modify parking requirements and development standards for secondary dwelling units; to amend Sections 20.100.300 and 20.100.1040 of Chapter 20.100 to make minor modifications to single family permitting and recordation provisions; and to make other technical, non-substantive, or formatting changes within those Sections of Title 20.

(j) ORD. NO. 30134 - An Ordinance of the City of San José rezoning certain real property of approximately 0.68 acre site generally situated at the northwest corner of Delmas Avenue and Auzerais Avenue (425 Auzerais Avenue; APN: 264-26-088 and 383 Delmas Avenue; APN: 264-26-013) from the LI Light Industrial/R-2 Two Family Residence Zoning Districts and the LI Light Industrial Zoning District, respectively, to the DC Downtown Primary Commercial Zoning District (Auzerais SJ LLC et al, Owner).

Attachments [\(i\) Ordinance 30133](#)

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

a. [18-991](#) Mayor and Council Excused Absence Requests.

Recommendation: Request for a retroactive excused absence for Councilmember Sylvia Arenas from the Regular City Council Meeting on June 19, 2018 due to illness.

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

[Rules Committee referral 06/20/18 - Adds]

Attachments [Memorandum](#)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [18-950](#) Approval of the Terms of an Agreement with the Confidential Employees' Organization (CEO), AFSCME Local 101, 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 Confidential Employees' Organization, AFSCME Local 101 (CEO) 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](#)

2.8 [18-943](#) **Neighborhoods Commission 2018 Caucus Appointments.**

Recommendation: Appointment of the following persons to fill Council District vacancies on the Neighborhoods Commission to a term ending June 30, 2022:

- a. Council District 1: Gary Cunningham and Franklin Nguyen;
- b. Council District 3: Richard Wong and LaToya Fernandez;
- c. Council District 5: Mimi Hernandez and Jewell Buchanan;
- d. Council District 7: Jonathan Velazquez and Juan Quiñones; and
- e. Council District 9: Terry Martin and Michael Young.

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

Attachments [Memorandum](#)
[Applications](#)
[Department Review](#)
[Code Review](#)
[Conflicts of Interest](#)

2.9 [18-799](#) **Amendment to the Agreement with FUSE Corps for Placement Services.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Third Amendment to the Agreement for Placement Services between the City of San José and FUSE Corps to:

- a. Extend the term of the agreement from November 30, 2018 to November 30, 2019;
- b. Modify the scope of services to add two FUSE Fellows and one FUSE Executive Advisor for 2018-2019; and
- c. Increase the amount of total compensation by \$456,000, from \$490,000 to \$946,000.

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](#)

2.10 [18-923](#) **Actions Related to the Purchase of Real Property Located at S. 31st Street and Shortridge Avenue.**

Recommendation: Adopt a resolution authorizing the City Manager or his designee to negotiate and execute the Purchase and Sale Agreement and all other documents necessary to complete the purchase of a parcel of land located at South 31st Street and Shortridge Avenue (APN 481-14-130), north of the existing park expansion of the S. 31st Street and Alum Rock Avenue Park, for the price of \$2,500, allowing for the additional expansion of said park.

CEQA: Addendum to the Mitigated Negative Declaration for S. 31st Street & Alum Rock Avenue Park, File No. PP18-042. Council District 5. (Economic Development/Parks, Recreation and Neighborhood Services)

Attachments [Memorandum](#)

2.11 [18-935](#) **Amendment to the Agreement with the San Jose Downtown Association for Marketing Services.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement for Consultant Services between the City of San José and the San Jose Downtown Association to include additional marketing, promotional, placemaking and concession services and increase compensation to an amount not to exceed \$560,350 subject to the appropriation of funds by the City Council.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development)

Attachments [Memorandum](#)

2.12 [18-927](#) **Actions Related to the Purchase Order with ZAP Manufacturing, Inc. for Street Regulatory Signs and Refurbishing/Recycling Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

- a. Execute a Purchase Order with ZAP Manufacturing, Inc. (Grass Valley, CA) for traffic and street signs and refurbishing/recycling services for the Department of Transportation for an initial twelve-month period, starting on or about July 1, 2018 and ending on or about June 30, 2019, for an amount not-to-exceed \$750,000, subject to the annual appropriation of funds; and
- b. Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about June 30, 2023, subject to the annual 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](#)

2.13 [18-929](#) **Amendment to the City Pay Plan for Various Classifications.**

Recommendation:

Adopt a resolution amending the City of San José Pay Plan effective June 26, 2018, to:

- a. Create the classification of Radio Communications Supervisor (8528) with a salary range of \$97,344.00- \$118,601.60 annually; and
- b. Delete the classification of Radio Communications Manager (8523).

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

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

2.14 [18-854](#) **Agreement with San José Public Library Foundation for Library Programs.****Recommendation:**

Adopt a resolution authorizing the City Manager to execute an agreement between the City of San José and the San José Public Library Foundation in the amount not to exceed \$1,350,000 for the fiscal administration of San José Learns and Summer Learning funds (\$1,250,000) and for fundraising activities to support Library programs (\$100,000).

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

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

2.15 [18-934](#) **Agreement with Santa Clara Valley Water District for the Lower Silver Creek Retaining Wall/Dobern Avenue Bridge Project.****Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute a cost-sharing agreement between the City of San José and the Santa Clara Valley Water District in the amount of \$372,980 for improvements to enhance recreational access at the Lower Silver Creek Trail/Dobern Avenue Bridge site.

CEQA: Categorically Exempt, CEQA Guidelines Section 15302(c), Replacement or Reconstruction, File No. PP14-027. Council District 5. (Parks, Recreation and Neighborhood Services)

Attachments [Memorandum](#)

2.16 [18-868](#) **Annual Status Report on the Public Safety Bond Projects Program Audit Report for Fiscal Year 2016-2017.****Recommendation:**

Accept the status and audit report for the Fiscal Year 2016-2017 Public Safety Bond Projects Program Fund.

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

Attachments [Memorandum](#)

2.17 [18-891](#) **Agreement with City of Milpitas for Animal Care and Control Services.****Recommendation:**

Adopt a resolution authorizing the City Manager to execute an agreement between the City of Milpitas and the City of San José for animal care and control services for a term beginning July 1, 2018, through June 30, 2021, for a total compensation of \$1,212,158. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Attachments [Memorandum Agreement](#)

2.18 [18-953](#) **Memorandum of Understanding Between the City of San José and Union Pacific.****Recommendation:**

As recommended by the Joint Meeting for the Rules and Open Government Committee and Committee of the Whole on May 9, 2018, direct the City Manager and City Attorney to work with Union Pacific to implement the objectives of the initiatives articulated in the attached letter to Union Pacific Railroad Corporation. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Liccardo/Jimenez/Peralez/Nguyen) [Rules Committee referral May 9, 2018 - Item G.3]

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

2.19 [18-930](#) **Actions Related to the Disposition and Development Agreement with Insight King Wah, LLC for the Assignment of Developer Interest in the Museum Place Project.**

Recommendation: Consent to an assignment by Insight King Wah, LLC of its interest as the Developer in the Disposition and Development Agreement dated August 18, 2017 for the Museum Place project to Museum Place Owner LLC.

CEQA: Supplemental Environmental Impact Report to the Downtown Strategy 2000 Final Environmental Impact Report (EIR) (Resolution No. 72767) and Addenda thereto; Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041); and Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617) and Addenda thereto, for the Museum Place Mixed-Use Project. (Economic Development)

RENUMBERED FROM ITEM 4.4 (18-989)

Attachments [Memorandum Agreement](#)
[Memorandum from Liccardo and Peralez](#)
[Memorandum from Liccardo](#)

2.20 [18-990](#)**Reduction of Inclusionary Housing Rental In-Lieu Fee for Downtown High-Rise Rental Projects.****Recommendation:**

a. Adopt a resolution authorizing a reduction in the Inclusionary In-Lieu Fee to \$0 (per In-Lieu unit) for High-Rise rental developments in the Downtown Core (as described in Resolution Number 73587 adopted January 9, 2007) that are ten (10) or more floors or stories in height not including any nonresidential uses where the highest occupied floor has a floor level elevation that is at least 150 feet above street level, if they obtain issuance of all Certificates of Occupancy on or prior to June 30, 2021.

b. Adopt a resolution amending the 2018-2019 Schedule of Fees and Charges (Resolution No. 72737, as amended) to reduce the Inclusionary In-Lieu fee under San Jose Municipal Code Chapter 5.08 to \$0 for qualifying Downtown High Rise Rental Developments completed by June 30, 2021.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Housing) RENUMBERED FROM ITEM 4.6 (18-932)

Attachments[Memorandum](#)[Supplemental Memorandum](#)[Resolution \(a\)](#)[Resolution \(b\)](#)[Memorandum from Peralez](#)[Letters from the Public](#)

2.21 [18-992](#) **Retroactive Approval of the Viva Parks 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 June 20, 2018:

1. Retroactively approve the Viva Parks scheduled on June 13th, 18th, and 21st as a City Council sponsored Special Event and approve the expenditure of funds; and
2. Approve the Viva Parks scheduled on July 2nd, 9th, 23rd, 25th and 30th, and August 13th, 20th, 22nd and 29th as City Council sponsored Special Events and approve the expenditure of funds.
3. Approve and accept donations from various individuals, businesses, or community groups to support the event.
4. Approve advertising expenditures for the promotion of the Special Event not to exceed \$2,000.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)
[Rules Committee referral 06/20/18 - Adds]

Attachments [Memorandum](#)
[ROGC Memorandum from Arenas](#)

2.22 [18-993](#) **Approval of the Terms of an Agreement with the Association of Building, Mechanical and Electrical Inspectors (ABMEI), for the Term of July 1, 2018 through June 30, 2023.**

Recommendation: Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Building, Mechanical and Electrical Inspectors (ABMEI) for the term of July 1, 2018, through June 30, 2023, 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)
[Rules Committee referral 06/20/2018 - Adds]

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

2.23 [18-994](#) **Settlement of Grijalva v. City of San José.**

Recommendation: Approve a settlement in the amount of \$59,900.00, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of Grijalva v. City of San José.
CEQA: Not a Project; File No. 17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Attachments [Memorandum](#)
[Contract](#)

2.24 [18-995](#) **Retroactive Approval of Buena Vista Dumpster Day 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 June 20, 2018:

1. Retroactively approve the Buena Vista Dumpster Day scheduled on June 9, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. Retroactively 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 06/20/18 - Item G.1.a]

Attachments [Memorandum](#)

2.25 [18-997](#) **Retroactive Approval of Cory Dumpster Day 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 June 20, 2018:

1. Retroactively approve the Cory Dumpster Day scheduled on June 23, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Retroactively 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 06/20/18 - Item G.1.b]

Attachments [Memorandum](#)

2.26 [18-998](#) **Retroactive Approval of Willow Creek Dumpster Day 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 June 20, 2018:

1. Retroactively approve the Willow Creek Dumpster Day scheduled on April 14, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
 2. Retroactively 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 06/20/18 - Item G.1.c]

Attachments [Memorandum](#)

2.27 [18-999](#) **Retroactive Approval of Shasta Hanchett Park Neighborhood Association Dumpster Day 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 June 20, 2018:

1. Retroactively approve the Shasta Hanchett Park Neighborhood Association Dumpster Day scheduled on June 23, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.; and
 2. Retroactively 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 06/20/18 - Item G.1.d]

Attachments [Memorandum](#)

2.28 [18-1000](#) **Approval of Puppies and Ice Cream with Councilmember Peralez 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 June 20, 2018:

1. Approve the Puppies and Ice Cream with Councilmember Peralez scheduled on August 16, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.; and
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. (Peralez)
[Rules Committee referral 06/20/18 - Item G.1.e]

Attachments [Memorandum](#)

2.29 [18-1001](#) **Retroactive Approval of Canada Day Flag Raising and Reception 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 June 20, 2018:

1. Retroactively approve the Canada Day Flag Raising and Reception scheduled on June 22, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.; and
2. Retroactively 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. (Peralez)
[Rules Committee referral 06/20/18 - Item G.1.f]

Attachments [Memorandum](#)

2.30 [18-1002](#) **Retroactive Approval of Picnic with Peralez 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 June 20, 2018:

1. Retroactively approve the Picnic with Peralez scheduled on June 10, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.; and

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. (Peralez)
[Rules Committee referral 06/20/18 - Item G.1.g]

Attachments [Memorandum](#)

2.31 [18-1003](#) **Retroactive Approval of Metzger Ranch Clean Up 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 June 20, 2018:

1. Retroactively approve the Metzger Ranch Clean Up scheduled on June 9, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

2. Retroactively 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 06/20/18 - Item G.1.h]

Attachments [Memorandum](#)

2.32 [18-1004](#) **Retroactive Approval of Coffee Hours 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 June 20, 2018:

1. Retroactively approve the Coffee Hours scheduled on June 21, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.; and
 2. Retroactively 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 06/20/18 - Item G.1.i]

Attachments [Memorandum](#)

2.33 [18-1005](#) **Approval of Summertime in the Square Music Series 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 June 20, 2018:

1. Approve the Summertime in the Square Music Series scheduled on June 29, 2018, July 20, 2018, and August 3, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
 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 06/20/18 - Item G.1.j]

Attachments [Memorandum](#)

2.34 [18-1006](#) **Approval of South Bay Cannabis Roundtable 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 June 20, 2018:

1. Approve the South Bay Cannabis Roundtable scheduled on July 11, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

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. (Jimenez)

[Rules Committee referral 06/20/18 - Item G.1.k]

Attachments [Memorandum](#)

2.35 [18-1007](#) **Approval of National Night Out 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 June 20, 2018:

1. Approve the National Night Out scheduled on August 7, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

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. (City Clerk)

[Rules Committee referral 06/20/18 - Item G.1.l]

Attachments [Memorandum](#)

2.36 [18-1008](#) **AB 1912 (Rodriguez): Joint Powers Agreements - Public Employee Retirement Liability.**

Recommendation: As recommended by the Rules and Open Government Committee on June 20, 2018 and pursuant to the City’s streamlined bill process for responding quickly to legislative proposals, re-affirm an oppose position for AB 1912 (Rodriguez).

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

[Rules Committee referral 06/20/18 - Item G.2]

Attachments [Memorandum](#)

2.37 [18-1009](#) **AB 1884 (Calderon and Bloom) Food Facilities: Single-Use Plastic Straws.**

Recommendation: As recommended by the Rules and Open Government Committee on June 20, 2018, adopt a position of support for AB 1884 (Calderon and Bloom).

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

[Rules Committee referral 06/20/18 - Item G.3]

Attachments [Memorandum](#)

2.38 [18-1010](#) **AB 3232 (Friedman) Zero-Emissions Buildings and Sources of Heat Energy/SB 1477 (Stern) Low-Emissions Buildings and Sources of Heat Energy.**

Recommendation: As recommended by the Rules and Open Government Committee on June 20, 2018, adopt a position of support for AB 3232 (Friedman) and SB 1477 (Stern).

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

[Rules Committee referral 06/20/18 - Item G.4]

Attachments [Memorandum](#)

2.39 [18-1011](#) **SB 831 (Wieckowski): Land Use: Accessory Dwelling Units.**

Recommendation: As recommended by the Rules and Open Government Committee on June 20, 2018, adopt support if amended position for SB 831 (Wieckowski).

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Parks, Recreation and Neighborhood Services)
[Rules Committee referral 06/20/18 - Item G.5]

Attachments [Memorandum](#)

2.40 [18-1012](#) **Private Activity Bond Exempt Facilities Federal Policy Change Request.**

Recommendation: As recommended by the Rules and Open Government Committee on June 20, 2018:

1. Approve a support position for requesting a change to the federal policy on Private Activity Bonds to include “community serving recreation facilities” on the list of Exempt Facilities.
2. Direct staff to add this issue to the Legislative Guiding Principles.
3. Direct Staff to reach out to Congresswoman Anna Eshoo’s office, the rest of our Congressional Delegation, and our Federal lobbyist, to address this issue.

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

[Rules Committee referral 06/20/18 - Item G.6]

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 9:00 A.M.

3.3 [18-920](#)**Actions Related to the Amendment to the Agreement with Mobilitie, LLC, for Permitting of Small Cells on City Owned Assets in the Public Right of Way.****Recommendation:**

- a. Adopt a resolution authorizing the City Manager to execute the following:
 1. Amendment to the Master Non-Exclusive Installation and Property Use Agreement between the City and Mobilitie, LLC, to amend the terms of the Form Site License Agreement; and
 2. Funding and Reimbursement Agreement between the City and Mobilitie, LLC, to cover the Permitting and Process Improvement costs related to the Permitting of Small Cells.
- b. Adopt the following 2018-2019 Funding Sources Resolution and Appropriation Ordinance amendments in the General Fund:
 1. Increase the revenue estimate for Other Revenue by \$250,000;
 2. Increase the revenue estimate for Fees, Rates, and Charges by \$850,000;
 3. Increase the appropriation to the City Manager's Office for Broadband and Digital Inclusion Strategy by \$250,000; and
 4. Increase the appropriation to the Public Works Department for the Public Works Development Fee Program - Small Cell Permitting Reserve by \$850,000.

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

Attachments [Memorandum](#)
[A\) Agreement](#)
[B\) Agreement](#)
[Memorandum from Liccardo](#)
[Presentation](#)

3.4 [18-921](#) **Actions Related to the Amendment to the Agreement with AT&T Agreement for Permitting of Small Cells.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the First Amendment to the Funding and Reimbursement Agreement and related agreements between the City and AT&T DBA New Cingular Wireless PCS, LLC, related to the licensing of small cells and cover the permitting and process improvement costs related to the permitting of small cells.

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

3.5 [18-922](#) **Actions Related to the Agreement with Verizon Wireless for Permitting of Small Cells.**

Recommendation:

- a. Adopt a resolution authorizing the City Manager to negotiate and execute the following:
 1. A Master Agreement and related agreements between the City and Cellco Partnership DBA Verizon Wireless; and
 2. A Funding and Reimbursement Agreement between the City and Verizon Business Network Services, Inc., and GTE Mobilnet of California Limited Partnership, DBA Verizon Wireless, by Cellco Partnership, its general partner, to cover the Permitting costs related to the licensing of small cells, wireline deployment and funding and reimbursement of permitting costs.
- b. Adopt the following 2018-2019 Funding Sources Resolution and Appropriation Ordinance amendments in the General Fund:
 1. Increase the revenue estimate for Other Revenue by \$300,000;
 2. Increase the revenue estimate for Fees, Rates, and Charges by \$850,000;
 3. Establish an appropriation to the City Manager's Office for the Digital Inclusion Program in the amount of \$300,000; and
 4. Increase the appropriation to the Public Works Department for the Public Works Development Fee Program - Small Cell Permitting Reserve by \$850,000.

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

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

3.6 [18-944](#) **Actions Related to the Potential General Obligation Bond on the November 2018 Citywide Ballot.**

Recommendation:

- a. Review survey results and a potential project list for a citywide general obligation bond for upgrading 9-1-1 communications/police/fire/paramedic facilities; repairing roads, bridges, and stormdrains to prevent flooding and waterway pollution; and address urgent infrastructure needs;
 - b. Direct the City Manager and City Attorney to draft ballot language and return to City Council no later than August 7, 2018 for consideration of placing on the November 6, 2018 ballot a measure authorizing the City to issue general obligation bonds to upgrade 9-1-1 communications/police/fire/paramedic facilities to improve public safety and emergency/disaster response; repair deteriorating bridges; fix potholes/repave streets in the worst condition; repair stormdrains to prevent flooding/waterway pollution; and address urgent infrastructure needs; and
 - c. Direct the City Manager to conduct additional polling to refine the ballot language and finalize the bond amount; and
 - d. Direct the City Manager to develop a general obligation project category list, which will guide development of potential bond projects, outreach, and education, and return to Council on August 7, 2018.
- CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Manager)

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

3.7 [18-945](#) **Actions Related to the Potential Update of the City's Cardroom Tax on the November 2018 Citywide Ballot.**

Recommendation:

- a. Discussion of a potential Cardroom Business Tax Revenue Ballot Measure.
- b. Direct the City Manager to analyze and develop extending the 15 percent Cardroom Business Tax to the Third-Party Proposition Player Services Businesses, engage with the City's two cardrooms on possible alternative approaches, and return to the Council on August 7, 2018 with a recommended ballot measure.

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

Attachments

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

3.8 [18-946](#) **Actions Related to a Potential Modernization of the City Charter on the November 2018 Citywide Ballot.**

Recommendation:

- a. Review the results of a survey regarding a potential ballot measure to modernize the City Charter.
- b. Direct the City Manager and City Attorney to draft ballot language and return to City Council no later than August 7, 2018 for consideration of placing on the November 6, 2018 ballot a measure modernizing the City Charter with respect to removing the ability of the City Council to set their own salaries and limiting City Council increases to annual adjustments accounting only for inflation; streamlining construction contract procurement and updating the bidding process; and aligning the City Charter with state law regarding competing measures in Municipal Elections.

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

Attachments

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

3.9 [18-936](#) **Amendment to the City Pay Plan for Director of Retirement Services & Chief Executive Officer Classification.**

Recommendation:

- a. Accept the Director of Retirement Services & Chief Executive Officer Compensation study results.
- b. Adopt a resolution amending the City of San José Pay Plan effective July 1, 2018 to adjust the salary range for the classification of Director of Retirement Services & Chief Executive Officer with a new pay range of \$192,000-\$272,000 annually.

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

TO BE HEARD IMMEDIATELY FOLLOWING CONSENT
CALENDAR.

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-952](#) **Actions Related to the Purchase and Sale Agreement with Grizzly Hanchett, LLC, for Real Property Located at 1343 The Alameda.**

Recommendation:

- a. Adopt a resolution authorizing the City Manager or his designee to negotiate and execute a Purchase and Sale Agreement with Grizzly Hanchett, LLC, a California limited liability company in the amount not-to-exceed \$561,000 for the purchase of a parking lot located at 1343 The Alameda, San José, CA identified as APN 261-23-064 for the future construction of a public plaza or pocket park and to negotiate and execute all other documents necessary to complete the transaction.
- b. Adopt the following 2018-2019 Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):
 1. Establish the Council District 6 Land Trust Acquisition Project to the Parks, Recreation, and Neighborhood Services Department in the amount of \$561,000; and
 2. Decrease the Future PDO/PIO Projects Reserve appropriation by \$561,000.

CEQA: Statutorily Exempt, File No. PP18-052, CEQA Guidelines Section 15061(b)(3), Review for Exemption. Council District 6. (Economic Development/Parks, Recreation and Neighborhood Services/City Manager)

Attachments

[Memorandum](#)

[Letter from the Public](#)

4.2 [18-454](#) **Actions Related to the Property Acquisition for Park Purposes Located Between Claitor Way and Boulder Drive.**

Recommendation:

Adopt a resolution authorizing the City Manager or his designee to negotiate and execute a Purchase and Sale Agreement between Steve H. Eachus and M. Anne Eachus, Trustees of the Eachus Family Revocable Trust date of transfer, May 2, 2000, and the City of San José for approximately .29 acres of real property located between Claitor Way and Boulder Drive, San José (APN 595-20-001), adjacent to existing open space parkland, at no cost to the City.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b)(3), Review for Exemption, File No. PP16-128. Council District 4. (Economic Development/Parks, Recreation and Neighborhood Services)

Attachments

[Memorandum](#)

4.3 [18-925](#) **Actions Related to the Bid Award and Agreement for the Edenvale Park Parking Garage (Underground Portion) Located at 200 Edenvale Avenue.**

Recommendation:

- a. Award a bid to JMA Ventures for the lease of the underground portion of the City-owned Edenvale Park Parking Garage for a period of 50 years.
- b. Adopt a resolution authorizing the City Manager or his designee to negotiate and execute a Lease Agreement with JMA Ventures for the underground portion of the Edenvale Park Parking Garage for a period of 50 years, based upon the terms and conditions outlined in the memorandum to Council.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP16-016. (Economic Development)
TO BE HEARD WITH SJFA ITEM 2 (18-924)

Attachments [Memorandum](#)

4.4 [18-989](#) **Actions Related to the Disposition and Development Agreement with Insight King Wah, LLC for the Assignment of Developer Interest in the Museum Place Project.**

Renumbered to Consent Calendar item number 2.19 (18-930)

4.5 [18-912](#) **Award of a Grant from California Department of Social Services to Catholic Charities to Support Families Displaced from the 2017 Coyote Creek Flood.**

Recommendation:

- a. Accept the Staff report on the use of the State Flood Grant Funds.
- b. Adopt a resolution authorizing the Director of Housing to negotiate and execute an Agreement with Catholic Charities without conducting a competitive procurement, to continue providing housing assistance payments to the remaining 2017 Coyote Creek flood survivors that remain in temporary housing, and to provide financial assistance to the low-income families that were displaced from the flood, retroactive to April 1, 2018 to June 30, 2019, at a cost of \$2,718,000, with the option to extend the agreement for two successive six month terms, at the discretion of the City.

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

Attachments [Memorandum](#)

4.6 [18-932](#) **Reduction of Inclusionary Housing Rental In-Lieu Fee for Downtown High-Rise Rental Projects.**

Renumbered to Consent Calendar item number 2.20. (18-990)

4.7 [18-955](#) **Actions Related to the Development of a Multifamily Soft Story Seismic Retrofit Program.**

Recommendation:

- a. Accept the staff report on potential ways to incentivize the seismic retrofit of multifamily “soft story” buildings and direct the City Manager or designee to return to the City Council with recommendations on options or amendments of Property Assessed Clean Energy (PACE) charters for seismic retrofits of multifamily soft story buildings.
- b. Direct the City Manager or his designee to return to the City Council with:

1. A policy framework for a mandatory multifamily soft story seismic mitigation ordinance; and

2. Potential strategies that incentivize the redevelopment of multifamily soft story buildings into quality, affordable housing while minimizing displacement.

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)

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

4.8 [18-855](#) **Agreement with CH2M Hill, Inc. for Engineering Design Services for Various City Trail Projects.**

Recommendation:

Approve the Master Agreement with CH2M Hill, Inc. for engineering design services for various City Trail Projects from the date of execution through June 30, 2023, in an amount not to exceed \$5,000,000.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Public Works)

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

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [18-896](#) **Actions Related to the Award Design-Build Contract for the Interim Facility - Four Gates at the Mineta San José International Airport.**

Recommendation:

- a. Adopt a resolution approving an Addendum to the Final Environmental Impact Report for the Norman Y. Mineta San Jose International Airport Master Plan Update, as supplemented and addended, all in accordance with the California Environmental Quality Act, as amended.
- b. Adopt a resolution:
 1. Approving the final ranking of the Design-Build (D-B) Entities that responded to the RFP for the Project.
 2. Authorizing the Director of Public Works to negotiate a D-B Contract in an amount not to exceed \$50,000,000 for the Project as follows:
 - a. Begin negotiating with the highest ranked D-B Entity;
 - b. Begin negotiating with the next highest D-B Entity, if after having negotiated with highest ranked D-B Entity, the Director determines that the City's interests are best served by beginning negotiations with the next highest ranked D-B Entity; and
 - c. Begin negotiating with each of the other D-B Entities in order of their ranking as the Director determines is appropriate.
 3. Authorizing the Director of Public Works to award and execute the D-B Contract for the Project to the highest ranked D-B Entity that successfully completes D-B Contract negotiations with the City.
 4. Authorizing the Director of Public Works to negotiate and execute Task Orders up to the Contract not to exceed amount as necessary to meet project completion.
 5. Approving a D-B contingency in the amount of fifteen percent of the negotiated D-B Contract for City-approved changes to the design scope and construction services and authorizing the Director of Public Works to execute Contract Change Orders up to the contingency amount.
- c. Adopt a resolution declaring the City's official intent to reimburse expenditures for the Project from the proceeds of the City of San José, Norman Y. Mineta San José International Airport, Subordinate Commercial Paper Notes.
CEQA: Addendum to the Norman Y. Mineta San José International Airport Master Plan Update Project Environmental Impact Report and Addenda thereto (Resolution Nos. 67380 and 71451), File No. PP18-038. (Public Works/Airport/Finance)

Attachments [Memorandum](#)
[Supplemental Memorandum](#)
[Resolution \(a\)](#)
[Resolution \(b\)](#)
[Resolution \(c\)](#)

6.2 [18-926](#) **Actions Related to the Agreement with New Cingular Wireless PCS, LLC for the Neutral Host Distributed Antenna System at the Mineta San José International Airport.**

Recommendation: Adopt a resolution:

a. Authorizing the City Manager to negotiate and execute a concession agreement with New Cingular Wireless PCS, LLC for the right to design, install, operate, and manage a neutral host distributed antenna system (DAS) at the Mineta San José International Airport for a term of ten years from the date of execution by the City, with two 5-year options to extend at the City’s sole discretion, and an annual concession fee payable to the City of \$265,500 with an annual 3% inflation adjustment for the first three carriers and an additional annual fee of \$88,500, also subject to an annual 3% inflation adjustment, for each additional carrier.

b. Authorizing the Director of Aviation to negotiate and execute an agreement with New Cingular Wireless PCS, LLC for the rental of space on Airport property to house any necessary equipment related to the DAS for a term of ten years from the date of execution by the City, with two 5-year options to extend at the City’s sole discretion, and subject to current guidelines in the resolution on fees, rates, and charges.

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

Attachments [Memorandum](#)

6.3 [18-928](#) **Public Hearing on the Air Service Support Program at the Mineta San José International Airport.**

Recommendation:

a. Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding application of the City's Air Service Support Program, as authorized by the Federal Aviation Administration to Alaska Airlines.

b. Adopt a resolution authorizing the Director of Aviation or the Director's designee to provide the City's Air Service Support Program to new air carrier service as outlined in the below:

Alaska Airlines Routes:

1. Market: New York; Airport: JFK; Frequency: 1 Daily; Support Period: 18 Months; Landing Fee Waivers: (-\$195,070); Marketing Funds: (-\$50,000).

2. Market: Everett, WA; Airport: PAE; Frequency: 1 Daily; Support Period: 12 Months; Landing Fee Waivers: (-\$66,994); Marketing Funds: (-\$25,000).

For each route, landing fees are waived under the program for the qualifying periods and/or marketing funds are provided to promote the new services.

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

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

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [18-937](#) **San José Clean Energy Integrated Resource Plan.****Recommendation:**

Adopt a resolution approving the criteria for an Integrated Resource Plan which details procurement plans to ensure San José Clean Energy meets the program goals and has a reliable and cost-effective electricity supply and delegating to the City Manager authority to file such plan that is consistent with the criteria in Attachment 1 of the memorandum to Council and that complies with all California Public Utilities Commission requirements by August 1, 2018; and require San José Clean Energy to present an updated Integrated Resource Plan every two years to City Council for review and approval by March of all even years.

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

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

7.2 [18-939](#) **Actions Related to the Negotiations of the Recycle Plus Residential Solid Waste Agreements and China's Policy on Importing Recyclable Material.**
-RECOMMEND DEFERRAL

Recommendation:

- a. Accept staff's report discussing the negotiations with the current Recycle Plus haulers and providing information on staff's evaluation that the negotiations were unsuccessful;
- b. Direct staff to end negotiations with the current Recycle Plus haulers;
- c. Adopt a resolution authorizing the City Manager to waive the contractor disincentives for not meeting the required diversion rates for calendar year 2018, if by December 31, 2018 the City Manager determines that the Recycle Plus haulers are unable to meet their required diversion rates because of China's "National Sword" policy on the import of recyclable materials;
- d. Direct staff to return with recommendations on future waivers as part of the budget process for 2019-2020 if necessary because of the continuing impacts of China's "National Sword" policy.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment, and Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.

(Environmental Services)

DEFERRED FROM 6/5/18 ITEM 7.4 (18-771) TO 6/26/18 PER ADMINISTRATION

RECOMMEND DEFERRAL TO 8/21/18 PER ADMINISTRATION

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

7.3 [18-940](#) **Actions Related to the Parameters for Request for Proposals for Residential Solid Waste Services.--RECOMMEND DEFERRAL**

Recommendation:

Direct staff to:

- a. Initiate development of a Request for Proposals (RFP) to solicit and award agreements for residential solid waste services that would begin July 1, 2021; services will include collection and processing of solid waste, recyclables, and organic materials for each of the two service districts for single-family residences and a citywide district for multi-family residences, and City Facilities;
- b. Establish term of 15 years for the new agreements;
- c. Include the following in the Request for Proposals:
 1. Living wage and employee retention requirements consistent with Council's Living Wage Policy;
 2. Solicit ideas for the new system to be flexible to address evolving recycling markets; while continuing to meet zero waste goals;
 3. Solicit ideas for the new system to support Climate Smart San José and reduce greenhouse gas emissions;
 4. Include optional services for emergency response support;
 5. Solicit ideas for providing larger garbage carts to single-family residents and exploring updated customer rate structures;
 6. Performance standards that would address leveraging technology and providing ease of use for enhanced customer service, material recovery and marketing, service delivery, environmental compliance, and vehicle standards;
- d. Complete waste characterization studies to inform the RFP;
- e. Explore using City staff for Junk Pick-Up services and customer outreach; and
- f. Procure residential street sweeping and Public Litter Cans services separately from residential waste services.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action; and File No. PP17-003,

Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

DEFERRED FROM 6/5/18 ITEM 7.5 (18-774) TO 6/26/18 PER ADMINISTRATION

RECOMMEND DEFERRAL TO 8/21/18 PER ADMINISTRATION

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

7.4 [18-941](#) **Actions Related to the Living Wage Requirements for Recycle Plus Residential Garbage and Recycling Contracts.- RECOMMEND DEFERRAL**

Recommendation:

- a. Accept the staff report on:
 1. The proposed methodology to implement a Modified Living Wage for Recycle Plus Customer Service Representatives, Mechanics, and Materials Recovery Facility workers (“Facility Workers”); and
 2. Updated labor peace plans from the Recycle Plus contractors.
- b. Adopt a resolution authorizing the City Manager to negotiate and execute contract amendments with GreenTeam of San Jose and GreenWaste Recovery Inc. to implement a Modified Living Wage Requirement for Recycle Plus Facility Workers effective September 1, 2018.
- c. Direct staff to include a Living Wage requirement for the Recycle Plus program in future residential garbage and recycling agreements. CEQA: Not a Project, File PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services/Public Works)
DEFERRED FROM 6/5/18 ITEM 7.6 (18-773) TO 6/26/18 PER ADMINISTRATION
RECOMMEND DEFERRAL TO 8/21/18 PER ADMINISTRATION

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

8. PUBLIC SAFETY

8.1 [18-949](#) **2017 Independent Police Auditor Year End Report.****Recommendation:**

Accept the 2017 Independent Police Auditor Year End 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. (Independent Police Auditor)
DEFERRED FROM 5/22/18 ITEM 8.1 (18-654) TO 6/26/18 PER
COUNCIL
TO BE HEARD LAST

Attachments

[Revised 2017 IPA Year End Report](#)
[5-22-18 City Council 2017 IPA Year End Report](#)
[5-22-18 City Council Memorandum from Liccardo](#)
[5-22-18 City Council Liccardo Memorandum Withdrawl](#)
[5-22-18 City Council Presentation](#)
[5-22-18 City Council Letter\(s\) from the Public](#)
[Letter\(s\) from the Public](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY**10. LAND USE**

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

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

10 Land Use - Regular Agenda

10.2 [18-942](#)**C16-041 & H16-032 - Conforming Rezoning and Site Development Permit for Real Property Located at 1090 South De Anza Boulevard.-DROP****Recommendation:**

- a. Adopt a resolution approving the 1090 South De Anza Boulevard Hotel Project Mitigated Negative Declaration, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Plan.
- b. Consideration of an ordinance of the City of San José rezoning a 0.61 gross acre site, located on the northeasterly corner of Via Vico and South De Anza Boulevard (1090 South De Anza Boulevard), from a CP(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District (Cupertino De Anza Hospitality, Owner).
- c. Adopt a resolution approving a Site Development Permit, subject to conditions, to allow the demolition of a gas station and accessory structures and the removal of six ordinance-size trees, and to allow the construction of a four-story, 90-room hotel with one level of underground parking and utilization of Transportation Demand Management measures to reduce the parking requirements by 50 percent.

CEQA: Mitigated Negative Declaration for the 1090 South De Anza Boulevard Hotel Project, File Nos. C16-041 & H16-032. Planning, Building and Code Enforcement Director recommends approval.

(Planning, Building and Code Enforcement)

C16-041 & H16-032 - Council District 1

DEFERRED FROM 6/19/18 ITEM 10.1(a) (18-865) TO 6/26/18 PER RULES AND OPEN GOVERNMENT COMMITTEE
DROP

- Attachments** [Memorandum](#)
[Supplemental Memorandum](#)
[A\) Resolution](#)
[B\) Ordinance](#)
[C\) Resolution](#)

- 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

ADJOURNMENT: Diane Lindberg was a long time resident of San Jose and was an exemplary employee in the Department of Parks, Recreation and Neighborhood Services for over 37 years. She began her long career of community service as a part time Volunteer Junior Recreation Leader at Alum Rock Park and other city facilities, including San Tomas Center at San Tomas Park and Starbird Community Center at Starbird Park. She graduated with a B.S. in Psychology from San Jose State University and shortly after was promoted to the position of Gerontology Specialist and subsequently to Gerontology Supervisor, where she found her passion of working for older adults. Diane spent the majority of her career working for senior programs at Alma Senior Center, San Jose Office on Aging, and at Southside Senior & Community Center. She focused heavily on providing memorable recreation programs, crucial social services, and a valuable weekday nutrition program to San Jose's older adult community. She was promoted to Community Services Supervisor and oversaw the entire San Jose Office on Aging's operations, which had once been comprised of 10 large senior centers in each council district, and included the large Retired Senior Volunteer Program. While serving thousands of senior adults throughout the city, she also worked closely with the County of Santa Clara to provide a valuable Senior Nutrition Program that provided high quality, cost efficient, nutritious meals to seniors and promoted the role of nutrition in preventative health and long term care. Diane completed her accomplished career with the City of San José in January 2010 and retired in San Jose and spent time with those near and dear to her: her family and friends, especially her wife, Janice; and limitless in her vision and boundless in her capacity to excel in life, Diane Lindberg shall in memory ever endure as a beacon of hope for all people who believe strongly in their obligation to improve the quality of life for future generations.

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

[18-1013](#)**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:

Tract: 10419

Location: Area bounded by W. Julian Street, N. San Pedro Street, Terraine Street and W. St. James Street

Council District: 3

Developer: Successor Agency to the Redevelopment Agency of the City of San Jose, the City of San Jose, City Heights Development, LLC

Lot/Units: 15/0

Type: Financing Map

Proposed Decision: Approve

Tract: 10444

Location: 3770 Quimby Rd, 300' NE of Murillo Ave.

Council District: 8

Developer: Quimby Road Holdings LLC

Lot/Units: 8/7

Type: SFD

Proposed Decision: Approve

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: 10458

Location: S. Bascom Ave., 690' S/O Curtner Ave.

Council District: 9

Developer: IDA 1, Inc.

Lot/Units: 5/4

Type: SFA

This notice is to be posted with the City Council's regular agenda for 6/26/18.

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

11:00 a.m.

June 26, 2018

CHAMBERS

1. Call to Order and Roll Call

SJFA [18-938](#)**1****Recommendation:****Actions Related to the Agreements Related to the Interim Financing Program for Capital Improvements at the Regional Wastewater Facility.**

a. Adopt a resolution of the City Council approving and authorizing the execution and delivery of a First Amendment to the Credit Agreement and an Amended and Restated Fee Letter Agreement with Wells Fargo Bank, National Association, related to the issuance by the City of San José Financing Authority of its Subordinate Wastewater Revenue Notes (“Notes”) in an aggregate principal amount not to exceed \$300,000,000 outstanding at any one time for the purpose of financing or refinancing Wastewater System and Treatment Plant Projects to revise the calculation of interest and fees for the tax exempt Notes and authorizing other related actions in connection therewith.

b. Adopt a resolution of the City of San José Financing Authority Board approving and authorizing the execution and delivery of a First Amendment to the Credit Agreement and an Amended and Restated Fee Letter Agreement with Wells Fargo Bank, National Association related to the issuance by the City of San José Financing Authority of its Subordinate Wastewater Revenue Notes (“Notes”) in an aggregate principal amount not to exceed \$300,000,000 outstanding at any one time for the purpose of financing or refinancing Wastewater System and Treatment Plant Projects to revise the calculation of interest and fees for the tax exempt Notes and authorizing other related actions in connection therewith.

CEQA: San José-Santa Clara Regional Wastewater Facility Master Plan EIR, (Resolution No. 76858), File No. PP11-043. (Finance)

Attachments[Memorandum](#)[SJFA 1\(a\) Agreement 2](#)[Resolution \(a\)](#)[SJFA 1\(b\) Agreement 2](#)[Resolution \(b\)](#)[Agreement](#)

**SJFA [18-924](#)
2**

Actions Related to the Purchase and Sale Agreement with JMA Ventures, LLC for the Hayes Mansion Located at 200 Edenvale Avenue.

Recommendation:

a. Adopt a resolution of the City Council:

1. Approving a Purchase and Sale Agreement with JMA Ventures, LLC for the sale of the Hayes Mansion hotel and conference center, including all furniture, fixtures, equipment, and vehicles, located at 200 Edenvale Avenue. in San José, for the amount of \$30,000,000;

2. Authorizing the City Manager to negotiate a in the Purchase and Sale Agreement to address potential financial implications related to the collective bargaining agreement between Dolce Hayes Mansion and UNITE HERE, Local 19;

3. Authorizing the City Manager to negotiate and execute an Assignment of the Hotel Management Agreement to the Purchaser;

4. Authorizing the City Manager to execute the deed and all other documents needed to complete the transaction; and

5. Accepting the transfer of the Grant Deed for the Hayes Mansion property as of the closing date of the sale of the property to JMA Ventures, LLC in exchange for funds sufficient (in combination with proceeds on hand in associated Debt Service Reserve Funds) to retire all bonds issued by the City of San José Financing Authority that are secured by the Hayes Mansion property;

6. Directing staff to apply the sale proceeds and other related proceeds and savings to the retirement of debt and payment of obligations related to the Hayes Mansion as set forth herein; and

7. Directing staff to return to the City Council with recommendations to allocate any remaining proceeds in accordance with City Council Policy 1-18.

b. Adopt a resolution of the City of San José Financing Authority Board directing the Executive Director or the Treasurer of the Authority or their authorized designees to take the necessary actions to effectuate the transfer of the Hayes Mansion property to the City in conjunction with the sale of the property to JMA Ventures, LLC and apply the sale proceeds, Debt Services Reserve Funds and other funds on hand related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008C and Series 2008D (Hayes Mansion Refunding Project) to retire these outstanding bonds and repealing Resolution No. 129.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP16-016. (Economic Development)
TO BE HEARD WITH ITEM 4.3 (18-925)

JMA

Attachments [Memorandum](#)
[Supplemental Memorandum](#)
[A\) Purchase and Sale Agreement](#)
[A\) Resolution](#)
[B\) Resolution](#)
[Attachment](#)
[Letter\(s\) from the Public](#)
[Presentation](#)

- 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.