



City Council Meeting Amended Agenda

Tuesday, August 7, 2018

SAM LICCARDO, MAYOR
CHAPPIE JONES, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5
DEV DAVIS, DISTRICT 6
TAM NGUYEN, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
DONALD ROCHA, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



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

Welcome to the San José City Council meeting!

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

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

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

- Call to Order and Roll Call

9:00 a.m.- Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
See Separate Agenda

[18-1083](#) **Closed Session Agenda**

Attachments [Closed Session Agenda](#)

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

NOTICE OF PARTICIPATION OF COUNCILMEMBER JIMENEZ BY TELECONFERENCE IN THE CLOSED SESSION AND OPEN SESSION OF THE CITY COUNCIL MEETING ON AUGUST 7, 2018.

Councilmember Jimenez intends to participate via Teleconference from the Business Center at Now Sapphire Riviera Cancun, Super Manzana 11 Manzana 9 Privada Lote 10, Puerto Morelos, 77580, Mexico.

- Invocation (District 7)

Grupo Yolotly Guerrerense

- Pledge of Allegiance

- Orders of the Day

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

- Adjournment

This meeting is adjourned in memory of Paul Mayer, who passed on May 24, 2018 at 93 years of age and is survived by 6 children, 12 grandchildren, and 9 great-grandchildren. Mr. Mayer heroically served his country as a Second Lieutenant in the United States Army Air Corps and as a B-17 pilot during World War II. A humble man dedicated to standing up for others, Paul Mayer was the inspiration behind San Jose's Just Cause ordinance which protects tens of thousands of renters today.

- Closed Session Report

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation from the City of San José supporting the "Food Empowerment Project", which promotes a more sustainable world by educating the community on issues, such as access to healthy foods for low income families, working conditions for farm workers, and depletion of natural resources. (City Manager)

1.2 Presentation of a commendation to Mayetta Behringer, now age 100, for her passion for flying and for serving as a positive role model and a pillar of her community of San José. (Khamis)

1.3 Presentation of a commendation recognizing Apoorva Panidapu for being an outstanding District 8 student and a quiz show champion. (Arenas)

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

[18-1057](#) **Approval of Council Committee Minutes.**

Recommendation:

- (a) Ad-Hoc Committee for Development Services Minutes of October 27, 2016. (Liccardo)
 - (b) Smart Cities and Service Improvements Committee Minutes of October 5, 2017. (Jones)
 - (c) Rules and Open Government Committee Minutes of January 31, 2018. (Mayor)
 - (d) Rules and Open Government Committee Minutes of March 14, 2018. (Mayor)
 - (e) Rules and Open Government Committee Minutes of March 21, 2018. (Mayor)
 - (f) Rules and Open Government Committee Minutes of April 4, 2018. (Mayor)
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments

- [\(a\) Ad-Hoc Committee for Development Service Minutes of October 27, 2016.](#)
- [\(b\) Smart Cities and Service Improvements Committee Minutes of October 5, 2017.](#)
- [\(c\) Rules and Open Government Committee Minutes of January 31, 2018.](#)
- [\(d\) Rules and Open Government Committee Minutes of March 14, 2018.](#)
- [\(e\) Rules and Open Government Committee Minutes of March 21, 2018.](#)
- [\(f\) Rules and Open Government Committee Minutes of April 4, 2018.](#)

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [18-1028](#) Declaration and Recording of a Statement of the Results of the June 5, 2018 Primary and Special Municipal Election.

Recommendation:

- Adopt a resolution declaring and recording a statement of the results of the June 5, 2018 Primary and Special Municipal Election per Elections Code Sections 10263, 10264, and 15400.
- CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Attachments

- [Memorandum](#)
- [Resolution](#)

2.8 [18-1027](#) **Amendment to the Definition of Compensation in the Unclassified Management Defined Contribution 401(a) Plan (Tier 3).**

Recommendation: Approve an ordinance to amend the definition of compensation for the Unclassified Management Defined Contribution 401(a) Plan (Tier 3).
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

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

2.9 [18-1023](#) **Actions Related to the City Healthcare Program.****Recommendation:**

Adopt a resolution to:

(a) Approve the terms of a Side Letter Agreement (attached to the memorandum to Council) related to the City's healthcare program between the City of San José (City) and the bargaining units listed below:

- (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI)
- (2) Association of Engineers and Architects, IFPTE Local 21 (AEA)
- (3) Association of Legal Professionals (ALP)
- (4) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP)
- (5) City Association of Management Personnel, IFPTE Local 21 (CAMP)
- (6) Confidential Employees' Organization, AFSCME Local No. 101 (CEO)
- (7) San José Fire Fighters, IAFF Local 230 (IAFF)
- (8) International Brotherhood of Electrical Workers, Local No. 332 (IBEW)
- (9) Municipal Employees' Federation, AFSCME Local No. 101 (MEF)
- (10) International Union of Operating Engineers, Local No. 3 (OE#3)
- (11) San José Police Officers' Association (POA)

(b) Approve benefit and cost sharing changes for executive management and professional employees in Unit 99 and other unrepresented employees consistent with the terms of the Side Letter Agreement with the City's bargaining units related to the City's healthcare program.

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

[Deferred from 8/7/18 Item 2.9 (18-1023)]

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

2.10 [18-1020](#) **Approval of an Agreement with Brian Brush for Illuminated Façade Enhancement at the Market/San Pedro Street Parking Garage Located at 45 N Market Street.**

Recommendation: Adopt a resolution authorizing the City Manager or his designee to execute a design/fabrication/installation agreement with Brian Brush to provide an illuminated enhancement to the façade of the Market/San Pedro Street Parking Garage, located at 45 N Market Street, San José, CA 95113, in an amount not to exceed \$600,000.
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 Agreement](#)

2.11 [18-1018](#) **Actions Related to the Library Department Reorganization.**

Recommendation: Approve the following position changes in the Library Department effective September 1, 2018:
(a) Add 2.0 FTE Deputy Director (U) (1640) positions; and
(b) Eliminate the following positions:
 (1) 1.0 FTE Assistant Director (3548); and
 (2) 1.0 FTE Senior Librarian (6235).
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Library/City Manager)

Attachments [Memorandum](#)

2.12 [18-1016](#) **Actions Related to the Measure Q Grant Agreement with Santa Clara Valley Open Space Authority for the Guadalupe Oak Grove Park Outdoor Classroom Project.**

Recommendation:

Adopt a resolution:

(a) Authorizing the City Manager to submit, negotiate and execute a grant agreement with Santa Clara Valley Open Space Authority in the amount of \$30,000 for the Guadalupe Oak Grove Park Outdoor Classroom Project; and

(b) Supersede Resolution 78465, which was adopted by City Council on December 19, 2017.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities File No. PP18-001. Council District 10. (Parks, Recreation and Neighborhood Services)

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

2.13 [18-1019](#) **Amendment to the Schedule of Parkland In-Lieu Fees for Single Resident Occupancy and Secondary or Accessory Dwelling Units.**

Recommendation:

Adopt a resolution to revise unit type definitions and requirements for Single Resident Occupancy and Secondary or Accessory Dwelling Units in the Schedule of Parkland In-Lieu Fees to be consistent with the corresponding definitions in San José Municipal Code (Title 20), as may be amended from time to time.

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

Attachments [Memorandum](#)
[Resolution](#)
[Letter from the Public](#)

2.14 [18-1037](#) **Retroactive Approval of Travel for Mayor Liccardo to attend the Bloomberg Harvard City Leadership Initiative in New York, NY.**

Recommendation: Retroactively approve travel for Mayor Liccardo to attend the Bloomberg Harvard City Leadership Initiative in New York, NY from July 22-July 25, 2018, and accept the gift of funds from Bloomberg Harvard City Leadership Initiative. Source of funds for travel: Bloomberg Harvard City Leadership Initiative.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

Attachments [Memorandum](#)

2.15 [18-1038](#) **Retroactive Approval of Travel for Vice Mayor Carrasco to attend the Sister Cities International Annual Conference in Aurora, Colorado.**

Recommendation: Retroactively approve travel for Vice Mayor Carrasco to attend the Sister Cities International Annual Conference from August 1-August 4, 2018. Source of funds for travel: District 5 office funds.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Carrasco)

Attachments [M_ViceMayor_Aurora_SisterCity_Aug2018](#)

2.16 [18-1053](#) **Youth Commission Appointment.**

Recommendation: Appoint Sofia Jaquez to the District 5 Youth Commission Seat for a term expiring May 31, 2019.
CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

Attachments [Memorandum](#)
[Application](#)

2.17 [18-1052](#) **Employee Member Vacancy on the Federated City Employees' Retirement System Board of Administration.**

Recommendation: As recommended by the Federated City Employees' Retirement System Board of Administration (Board), appoint Qianyu Sun as an employee member to fill an unanticipated vacancy on the Board to a term expiring November 30, 2021.

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

Attachments [Memorandum](#)
[Application](#)

2.18 [18-1072](#) Approval of the Vinci Park Elementary Dumpster Day 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 August 1, 2018:

1. Approve the District 4 Dumpster Day at Vinci Park Elementary School scheduled on September 15, 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. (Diep)
[Rules Committee referral 08/01/18- Item G.1.d]

Attachments [Memorandum](#)

- 2.19** [18-1071](#) Retroactive Approval of Caltrans Community Meeting 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 August 1, 2018:

1. Retroactively approve the Caltrans Community Meeting scheduled on August 1, 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. (Jimenez)
[Rules Committee referral 08/01/18 - Item G.1.c]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

- 3.3** [18-1050](#) **Audit of the Department of Public Works: Enhancing Management of Capital Projects.**

Recommendation: Accept the results of an audit of the Department of Public Works: Enhancing Management of Capital Projects.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

Attachments [Audit of Public Works](#)

3.4 [18-1029](#) **Potential General Obligation Bond Ballot Measure.**

Recommendation:

- (a) Review and discuss the community survey results regarding a potential general obligation bond ballot measure;
- (b) Adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on November 6, 2018, to submit to the electors of the City of San José a general obligation bond measure with the following statement of the measure to be printed in the ballot:

General Obligation Bond Measure

To:

- Upgrade 911 communications/ police/ fire facilities to improve public safety and emergency/ disaster response;
- Repair deteriorating bridges;
- Repave worst streets/potholes;
- Repair storm drain system/ protect open space to prevent creek pollution;
- Provide housing affordable for families/ homeless/ veterans; and
- Address urgent infrastructure needs.

Shall San José issue \$950,000,000 in general obligation bonds with an average levy of 16¢ per \$1,000 of assessed value, averaging \$51,075,000 annually while bonds are outstanding, requiring community oversight/ audits? (YES/NO)

- (c) Council discussion and consideration of whether the full text of the proposed measure should be printed in the November 6, 2018 Voter's Sample Ballot, pursuant to Elections Code Section 12111, to be incorporated into the resolution (as Exhibit A) calling for the election;
- (d) Council discussion and consideration of whether to print rebuttal arguments in the November 6, 2018 Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated into the resolution calling for the election;
- (e) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the November 6, 2018 Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election;
- (f) Council discussion and consideration of whether to direct the City Clerk to transmit a copy of the measure to the City Attorney to prepare an Impartial Analysis, pursuant to Elections Code Section 9280; and
- (g) Direct the City Clerk to take all actions necessary to place this measure for a November 6, 2018 Special Municipal Election.

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. . (City Manager)

Attachments [Memorandum](#)
[Resolution](#)
[Memo from Liccardo](#)
[Memo from Jimenez](#)
[Memo from Rocha](#)
[Memo from Khamis](#)
[Letters from Public](#)
[Presentation](#)

3.5 [18-1030](#) **Charter Amendment on Salary Setting and Competing Ballot Measures.**

Recommendation:

(a) Council discussion of community survey results regarding a potential ballot measure amending the process in which Mayor and Council salaries are set under the City Charter and authorizing the Council to place competing ordinances on a citywide ballot at the same time the Council places a voter-sponsored initiative on the ballot;

(b) Adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on November 6, 2018, to submit to the electors of the City of San José a measure to amend the City Charter with the following statement of the measure to be printed in the ballot:

2018 Charter Amendments

Shall the City of San José Charter be amended to:

- Remove the Mayor and Council's ability to approve their salaries;
- Require the Salary Setting Commission to adjust the base salaries for the Mayor and City Council once every ten years;
- Limit base salary increases after each 10-year adjustment to annual adjustments for inflation; and

- Align the City Charter with State law to allow the City Council to place competing ordinances on the same ballot in Municipal Elections?
(YES/NO)

(c) Council discussion and consideration of whether the full text of the proposed City Charter amendment should be printed in the November 6, 2018 Voter's Sample Ballot, pursuant to Elections Code 12111, to be incorporated into the resolution calling for the election;

(d) Council discussion and consideration of whether to print rebuttal arguments in the November 6, 2018 Voter's Sample Ballot, pursuant to Elections Code 9285, to be incorporated into the resolution calling for the election;

(e) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the November 6, 2018 Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election;

(f) Council discussion and consideration of whether to direct the City Clerk to transmit a copy of the measure to the City Attorney to prepare an Impartial Analysis, pursuant to Elections Code Section 9280; and

(g) Direct the City Clerk to take all actions necessary to place this measure on the ballot for a November 6, 2018 Special Municipal Election.

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

Manager)

Attachments

[Memorandum](#)

[Resolution](#)

[Memorandum from Liccardo](#)

[Memorandum from Jimenez and Rocha](#)

[Memorandum from Peralez](#)

[Letters from the Public](#)

[Presentation](#)

[Memo from Arenas](#)

3.6 [18-1031](#) **Charter Amendment on Construction Contract Procurement Modernization.**

Recommendation:

- (a) Discussion and consideration of a Council-sponsored charter amendment for the November 6, 2018 statewide general election;
- (b) If Council wishes to proceed with a charter amendment, adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on November 6, 2018, to submit to the electors of the City of San José the following charter amendment measure:

2018 Charter Amendment - Construction Contract Procurement Modernization

Shall the City of San José Charter be amended to:

- Prioritize selecting contractors on cost, but enable consideration of factors like experience and work quality;
- Increase opportunities for small, local, and economically disadvantaged businesses to compete for contracts;
- Modify the bidding threshold from \$100,000 to \$600,000, adjusted annually for inflation;
- Lower the “design-build” contract threshold from \$5,000,000 to \$1,000,000; and
- Allow modernization of public noticing? (YES/NO)

(c) Council discussion and consideration of whether the full text of the proposed City measure should be printed in the November 6, 2018, Voter’s Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;

(d) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in favor of the City measure in the November 6, 2018, Voter’s Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;

(e) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the November 6, 2018, Voter’s Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election;

(f) Council discussion and consideration of whether to direct the City Clerk to transmit a copy of the measure to the City Attorney to prepare an Impartial Analysis, pursuant to Elections Code Section 9280; and

(g) Direct the City Clerk to take all actions necessary to place this measure for a November 6, 2018, Special Municipal Election.

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

environment. (City Manager)
TO BE HEARD IMMEDIATELY FOLLOWING ITEM 3.3 (18-1050)

Attachments [Memorandum](#)
[Resolution](#)
[Memo from Liccardo](#)
[Memo from Khamis](#)
[Presentation](#)

3.7 [18-1021](#) **Actions Related to the Fiscal Year 2018-2019 Property Tax Levy for General Obligation Bonds.**

Recommendation: Adopt a resolution establishing the FY 2018-19 property tax levy on all taxable property within the City of San José for the purpose of funding the City’s general obligation bonded indebtedness and pay the related administration fee to the County.
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)

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

3.8 [18-1024](#) **Public Hearing on the Fiscal Year 2018-2019 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments for the 2018-2019 Santa Clara County Secured Property Tax Roll.**

Recommendation: Conduct a Public Hearing on the Fiscal Year 2018-2019 annual report prepared by the Director of Finance detailing the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges filed with the City Clerk’s Office; and adopt a resolution to confirm the approval of the report and the placement of the charges as set forth therein on the 2018-2019 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Finance)

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

- 3.9 [18-1025](#) **Public Hearing on the Fiscal Year 2018-2019 Annual Residential Solid Waste Collection Service Charges for the 2018-2019 Santa Clara County Secured Property Tax Roll.**

Recommendation: Conduct a Public Hearing on the Fiscal Year 2018-2019 annual report prepared by the Director of Finance detailing the Residential Solid Waste Collection Service Charges filed with the City Clerk's Office; and adopt a resolution to confirm the approval of the report and the placement of charges as set forth therein on the 2018-2019 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Finance)

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

- 3.10 [18-1066](#) **Actions Related to a Cardroom Measure and Cardroom Regulations**

Recommendation: Status report, discussion and direction to the staff on possible cardroom tax measures and changes to cardroom regulations.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-1022](#) **Actions Related to the Issuance of Tax-Exempt Multifamily Housing Revenue Bonds and the Loan of the Bond Proceeds Thereof for the El Rancho Verde Apartments Project Located at 300 and 303 Checkers Drive.**

Recommendation:

Adopt a resolution:

- (a) Authorizing the issuance of a tax-exempt multifamily housing revenue notes designated as “City of San José Multifamily Housing Revenue Note (El Rancho Verde Apartments), Series 2018A” (the “Series 2018A Note”) and “City of San José Multifamily Housing Revenue Note (El Rancho Verde Apartments), Series 2018B” (the “Series 2018B Note” and with the “Series 2018A Note, the “Notes”) in an aggregate principal amount not to exceed \$318,000,000;
- (b) Approving the loan of the proceeds of the Notes to ERV Community Partners, LP, a California limited partnership created by Community Preservation Partners, LLC, a California limited liability corporation, to finance the acquisition and rehabilitation of the El Rancho Verde Apartments located at 300 and 303 Checkers Drive, in San José (the “Development”);
- (c) Approving in substantially final form the Funding Loan Agreements, Borrower Loan Agreements and Regulatory Agreement and Declaration of Restrictive Covenants (the “Series 2018 Note Documents”);
- (d) Authorizing and directing the City Manager, Director of Housing, Director of Finance or the Assistant Director of Finance, or their designees, to execute and, deliver the Series 2018 Note Documents together with any other documents required in connection with this transaction, including any documents ancillary to the 2018 Note Documents; and
- (e) Authorizing an increase in the issuance fee and a reduction in annual monitoring fees, notwithstanding the requirements of the City’s Policy for Issuance of Multifamily Housing Revenue Bonds, as provided in the memorandum to Council.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP18-069. Council District 3.

(Housing/Finance)

TO BE HEARD IMMEDIATELY FOLLOWING CONSENT

Attachments [Memorandum](#)
[Supplemental](#)
[Resolution](#)
[Loan Assignments](#)
[Agreement BLA Series A](#)
[Agreement BLA Series B](#)
[Agreement FLA Series A](#)
[Agreement FLA Series B](#)
[Regulatory Agreement](#)
[Assignment Deed of Trust](#)
[Multifamily Note Series A](#)
[Multifamily Note Series B](#)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

- Open Forum

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

- Adjournment

This meeting is adjourned in memory of Paul Mayer, who passed on May 24, 2018 at 93 years of age and is survived by 6 children, 12 grandchildren, and 9 great-grandchildren. Mr. Mayer heroically served his country as a Second Lieutenant in the United States Army Air Corps and as a B-17 pilot during World War II. A humble man dedicated to standing up for others, Paul Mayer was the inspiration behind San Jose's Just Cause ordinance which protects tens of thousands of renters today.

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

[18-1082](#)

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	District	Developer	
Lot/Units	Type	Decision		
10437	39 N. 5th St	3	SJSC	
1/630	MFA	Approve		
				Properties LLC

Residential

and 6 commercial

Condominiums

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			
10465	Raleigh Rd.	2	Pulte Group	20
lots/72 units	MFA			
	Great Oaks Blvd (north of HWY 85)			

This notice is to be posted with the City Council's regular agenda for 08/7/2018

**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.