



City Council Meeting Amended Agenda

Tuesday, September 18, 2018

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



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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

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

- Call to Order and Roll Call

9:30 a.m.- Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
See Separate Agenda

[18-1312](#) **Closed Session Agenda**

Attachments [Closed Session](#)

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

- Invocation (District 8)

The San José Youth Ballet

- Pledge of Allegiance

Adjournment

This meeting is adjourned in memory of Mertze Dahlin who passed away on July 4, 2018 at 87 years of age. He played an integral role in the founding of the South Bay Islamic Association, and was actively involved in purchasing the Downtown San José Islamic Center as a place of worship. Mertze was a pillar of support and leadership for San José's Islamic community and will be missed by many. (Mayor Liccardo)

- Orders of the Day

To be heard after Ceremonial Items

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

* SEE AMENDED ITEM 3.8, "Actions Related to Mayor and Councilmembers' Travel to Seattle, WA for the Silicon Valley Organization Annual Study Mission" TO BE ADDED UNDER ORDERS OF THE DAY, REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council's Rules of Conduct, Resolution No. 78063, Rule 3(d).

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 A presentation of a proclamation declaring September 19, 2018 as Shirley Lewis Day in the City of San José (Mayor Liccardo).

1.2 Presentation of a proclamation to recognize the month of September as Ovarian Cancer Awareness Month in the City of San José. (Perales)

1.3 Presentation of a proclamation declaring the month of September 2018 as "National Literacy Month" in the City of San José (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.

(a) [18-1293](#) Final Adoption of Ordinances.

Recommendation: (a) Ordinance 30155 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Harjeet Singh, an Individual DBA Bay Area Recycling and Dumpster Services.

2.3 Approval of Council Committee Minutes.

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 [18-1205](#) **City Manager's Travel to Seattle, Washington.****Recommendation:**

Authorize travel for City Manager David Sykes to Seattle, Washington on October 3 - 5, 2018 to participate in the Silicon Valley Organization 2018 Annual Study Mission. Source of Funds: City Manager's Non-Personal Appropriation.

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

Attachments [Memorandum](#)

2.8 [18-1206](#) **Stormwater Permit Annual Report 2017 - 2018.****Recommendation:**

Adopt a resolution authorizing certification and submittal of the FY 2017-2018 Stormwater Permit Annual Report to the San Francisco Bay Regional Water Quality Control Board by September 30, 2018, in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, pursuant to the Federal Clean Water Act.

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

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

2.9 [18-1207](#) **Actions Related to Purchase Orders for Hazardous Fluid Waste Recycling, Disposal, and Related Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Execute two Purchase Orders with Safety-Kleen Systems, Inc. (Norwell, MA) for hazardous fluid waste recycling, disposal, and related services, including all labor, material, and equipment necessary to perform such services, for the Departments of Public Works and Environmental Services for an initial twelve-month period beginning on or about September 19, 2018 and ending September 30, 2019 in a combined amount not to exceed of \$145,000;
- (b) Approve a contingency of \$30,000 to amend purchase orders as required during the initial term in the event actual service needs exceed estimates, subject to the appropriation of funds; and
- (c) Execute purchase orders for up to four additional one-year option terms to extend the services through September 30, 2023, subject to the appropriation of funds.

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

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

2.10 [18-1208](#) **Actions Related to the Purchase Order for Interior/Exterior Building Air Quality Testing Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with ATC Group Services, LLC (Portland, OR) for interior/exterior building air quality testing services for the Department of Public Works for an initial twelve-month period, starting on or about October 1, 2018 and ending on or about September 30, 2019, for an amount not to exceed \$100,000, subject to the 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 September 30, 2023, subject to the appropriation of funds.

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

Attachments [Memorandum](#)

2.11 [18-1209](#) **Continuation of Active Wellness Agreement.****Recommendation:**

Adopt a resolution authorizing the City Manager to execute a one year extension to the agreement with Active Wellness, LLC to continue providing a wellness program and services for the Fire Department in an amount not to exceed \$366,600.

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

Attachments [Memorandum Agreement](#)

2.12 [18-1210](#) **DROP - Amendments to the City Pay Plan for Various Classifications.****Recommendation:**

Adopt a resolution to amend the City of San José Pay Plan effective September 23, 2018, to create the classification of Mayor's Senior Policy Advisor U (8050) with a salary range of \$150,000.00 - \$195,000.00 annually.

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

2.13 [18-1211](#) **Master Parking Rate Schedule Amendment to Include South Hall Parking and Diridon Area Parking Lots.****Recommendation:**

Adopt a resolution amending the City's Master Parking Rate Schedule for Municipal On and Off-street Parking Facilities to add parking facilities acquired from the Successor Agency to the Redevelopment Agency of the City of San José.

CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates & Fares without changes to or expansion of services. Council District 3. (Transportation)

Attachments [Memorandum Resolution](#)

2.14 [18-1300](#) **Retroactive Approval of Community Events Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation:

As recommended by the Rules and Open Government Committee on September 12, 2018:

1. Retroactively approve the La Ragione and Tully Road Streetlight Ribbon Cutting Ceremony scheduled on Monday, September 10, 2018 at corner of Tully and La Ragione Road as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:
 - a. District 7 Townhall Meeting on Public Safety on Monday, September 24, 2018 at the Tully Branch Library and Community room;
 - b. 2nd Annual Anniversary Celebration of the Vietnamese American Cultural Center on Saturday, September 29, 2018 at the Vietnamese Cultural Center;
 - c. Mid-Autumn Festival on Saturday, September 29, 2018 at the Vietnamese American Cultural Center;
 - d. National Hispanic Celebration at SevenTrees on Saturday, October 6, 2018 at the SevenTrees Library and Community Center;
 - e. National Hispanic Celebration at Tully Library on Saturday, October 13, 2018 at the Tully Branch Library.
 3. Approve and accept donations from various individuals, businesses, or community groups to support the event.
- CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Nguyen)
[Rules Committee referral 09/12/18 - Item G.1.c]

Attachments [Memorandum](#)

2.15 [18-1301](#) **Approval of the Capitol Park Dumpster Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on September 12, 2018:

1. Approve the Capitol Park Dumpster Day scheduled on September 22, 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. (Vice Mayor Carrasco)

[Rules Committee referral 09/12/18 - Item G.1.e]

Attachments [Memorandum](#)

2.16 [18-1302](#) **Response to Federal Administration Actions on Immigration.**

Recommendation: As recommended by the Rules and Open Government Committee on September 12, 2018, adopt a resolution denouncing the U.S. Department of Justice's Zero Tolerance Policy that resulted in the inhumane separation of families and a call for the immediate reunification of existing separated families.

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

[Rules Committee referral 09/12/18 - Item G(3)]

Attachments [Memorandum](#)
[September 11, 2018 Memorandum from Kalra](#)
[Resolution](#)

2.17 [18-1311](#) **Proposition 6, Transportation Tax Repeal Initiative.**

Recommendation: As recommended by the Rules and Open Government Committee on September 12, 2018, adopt an oppose position for Proposition 6 on the November 6, 2018 statewide ballot.

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

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

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

3.3 [18-1212](#) Status of Open Audit Recommendations as of June 30, 2018.

Recommendation: Accept the Status of Open Audit recommendations as of June 30, 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 Auditor)

Attachments [Revised Staff Report](#)
[Memorandum from Arenas](#)

3.4 [18-1213](#) **Approval of Citywide Insurance Renewals.****Recommendation:**

Adopt a resolution authorizing the Director of Finance to select and purchase City property and liability insurance policies for the period October 1, 2018 to October 1, 2019, at a total cost not to exceed \$1,850,000, including a 15% contingency for additional property or assets scheduled, with the following insurance carriers:

- (a) Factory Mutual Insurance Company for Property Insurance, including Boiler & Machinery.
- (b) Old Republic Aerospace, Phoenix Aviation Managers, for Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (including Excess Automobile and Employers' Liability) and Police Aircraft Hull & Liability including War Risks & Extended Perils Coverage.
- (c) The Travelers Indemnity Company of Connecticut for Automobile Liability (Airport fleet vehicles including Shuttle Buses, Regional Wastewater Facility fleet vehicles, and Airport Shuttle Bus physical damage).
- (d) QBE Specialty Insurance Company for Secondary Employment Law Enforcement Professional Liability.
- (e) National Union Fire Insurance Company of Pittsburg, PA for Accidental Death, Accidental Dismemberment, and Paralysis Policy for the Police Air Support Unit.
- (f) Berkley Regional Insurance Company for Government Fidelity/Crime Coverage.

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

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

3.5 [18-1214](#) **Acceptance of Retirement Plans' Comprehensive Annual Investment Fee Report for Calendar Year 2017.**

Recommendation:

Accept the following reports:

(a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2017.

(b) Federated City Employees' Retirement System Comprehensive Annual Fee report for calendar year 2017.

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

Attachments

[Memorandum](#)

[Police and Fire Annual Fee Report - 2017](#)

[Federated Annual Fee Report - 2017](#)

[Police and Fire Annual Fee Report - 2016](#)

[Federated Annual Fee Report - 2016](#)

[Police and Fire Annual Fee Report - 2015](#)

[Federated Annual Fee Report - 2015](#)

[Presentation](#)

3.6 [18-1238](#) **Council Travel Policy: Official International Delegations.****Recommendation:**

As referred by the Community and Economic Development Committee on August 27, 2018 without recommendation, accept this report and adopt a resolution approving a revised City Council Policy No. 9-5, "Travel by Elected and Appointed City Officials".

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

[Community and Economic Development Committee referral 8/27/18 - Item d.2; Deferred from 9/11/18 Item 3.3 (18-1190)]

Attachments

[Memorandum](#)

[Supplemental Memorandum](#)

[Memorandum from Khamis](#)

[Memorandum from Peralez](#)

[Memorandum from Liccardo](#)

[Revised Council Travel Policy](#)

[Resolution](#)

[April 11, 2018 Memorandum from Mayor](#)

[April 17, 2018 Memorandum from Arenas](#)

[April 17, 2018 Memorandum from Diep](#)

[April 17, 2018 Memorandum from Jimenez](#)

[April 17, 2018 Memorandum from Rocha](#)

[April 17, 2018 Letters from the Public](#)

3.7 [18-1237](#) **Actions Related to Mayor and Councilmembers' Travel to Dublin, Ireland as part of the Sister City Delegation.**

Recommendation:

Approve travel to Dublin, Ireland and request excused absence for the following Councilmembers from the following meetings due to Authorized City Business: Dublin Sister City Delegation.

(a) Vice Mayor Carrasco (Source of Funds: District 5 Office Budget; Dates October 8-11, 2018; Meetings: October 10, 2018 Rules and Open Government Committee, October 11, 2018 VTA Policy Advisory Committee).

(b) Councilmember Diep (Source of Funds: District 4 Office Budget and Personal Funds; Dates October 6-14 2018; Meetings: October 11, 2018 Treatment Plant Advisory Committee).

(c) Approve Delegation Leader and related travel costs from the Mayor/Council Travel Budget.

(d) Approve the receipt of gifts received by the Sister City Delegation in an official capacity as a representative of the City in accordance with San José Municipal Code Section 12.08.120.B

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

[Deferred from 9/11/18 - Item 3.5 (18-1167)]

Attachments

[Memorandum](#)

[Memorandum from Carrasco](#)

[Memorandum from Diep](#)

[Memorandum from Liccardo](#)

3.8 [18-1284](#) **Actions Related to Mayor and Councilmembers' Travel to Seattle, WA for the Silicon Valley Organization Annual Study Mission.**

Recommendation:

Approve travel to Seattle, WA and request for an excused absence for the following Councilmembers from the following meetings due to Authorized City Business: Silicon Valley Organization Annual Study Mission:

- (a) Councilmember Davis (Source of Funds: District 6 Council Office Budget & Personal Funds; Dates: October 2-5, 2018; Meetings: October 3, 2018 Rules & Open Government, October 4, 2018 Smart Cities and Service Improvements, Caltrain Joint Powers Board Meeting, & VTA Board of Directors (Alternate))
 - (b) Councilmember Jimenez (Source of Funds: District 2 Council Office Budget; Dates: October 2-5, 2018; Meetings: none missed)
 - (c) Vice Mayor Carrasco (Source of Funds: District 5 Council Office Budget; Dates: October 2-5, 2018; Meetings: October 2, 2018 Council, October 3, 2018 Rules & Open Government)
 - (d) Councilmember Khamis (Source of Funds: District 10 Council Office Budget & Personal Funds; Dates: October 3-9, 2018; Meetings: October 4, 2018 Police and Fire Retirement Plan Board of Administration, October 4, 2018 Smart Cities and Service Improvements).
 - (e) Mayor Liccardo (Source of Funds: Mayor's Office Budget; Dates: October 2-5, 2018; Meetings: October 3, 2018 Rules & Open Government)*
- CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Clerk)
- [Deferred from 9/11/18 Item 3.4 (18.1168)]

Attachments [September 14, 2018 Replacement Memorandum](#)
[August 23, 2018 Memorandum from Jimenez](#)
[August 22, 2018 Memorandum from Carrasco](#)
[August 30, 2018 Memorandum from Liccardo](#)
[August 30, 2018 Memorandum from Khamis](#)
[September 10, 2018 Memorandum from Peralez](#)
[September 10, 2018 Memorandum from Davis](#)
[September 12, 2018 Memorandum from Mayor Liccardo](#)
[September 14, 2018 Memorandum from Mayor Liccardo](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 [18-1215](#) **Overview of Activities Associated with the 2019 College Football Playoff National Championship and City of San José Preparations for Events and Visitors January 3-7, 2019.**

Recommendation: Accept a report on City staff preparations for events and visitors in San José for the 2019 College Football Playoff National Championship January 3-7, 2019.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 3. (Economic Development)

Attachments [Memorandum](#)
[Memorandum from Liccardo, Davis, Peralez and Khamis](#)
[Memorandum from Peralez](#)
[Presentation](#)

- 4.2 [18-1216](#) **Establishing a Special Event Zone in Downtown San José from December 28, 2018 to January 8, 2019.**

Recommendation: (a) Approve an uncodified ordinance to establish a Special Event Zone in Downtown San José from December 28, 2018 to January 8, 2019 to prohibit certain activities on public property, temporarily suspend the issuance of permits for temporary outdoor use of private property and limit the installation of Supergraphics to five non-City-owned buildings in the Downtown Sign Zone.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute a property use agreement between the City of San José and Bay Area Host Committee for non-parking use of the Almaden Blvd./Woz Way Parking Lot, December 26, 2018 - January 8, 2019 for \$18,900.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. Council District 3. (Economic Development)

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

4.3 [18-1217](#) **Action Related to the Purchase and Sale of 1123 Coleman Avenue.****Recommendation:**

Adopt a resolution:

(a) Declaring the City property located at 1123 Coleman Avenue, APN 230-46-084 plus portions of AP 230-46-071 and APN 230-46-072, surplus to the needs of the City.

(b) Authorizing the City Manager to negotiate and execute a Purchase and Sale Agreement with Coleman Airport Partners for approximately 12.674- acres of land located at 1123 Coleman Avenue, APN 230-46-084 plus portions of AP 230-46-071 and APN 230-46-072, as well as any related documents necessary to effectuate the land transaction consistent with the attached Term Sheet. The sale price is \$24,843,575 or \$45 per square foot of land.

CEQA: Determination of Consistency with the FMC/Coleman Avenue Environmental Impact Report (SCH# 1999122059), the Airport West Stadium and Great oaks Place Project Environmental Impact Report (SCH# 2009052053), the Envision San José 2040 General Plan Final Environmental Impact Report (SCH# 2009072096), the Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (SCH# 2009072096), and addenda thereto (File No. PP18-083). Council District 3. (Economic Development)

Attachments

[Memorandum](#)

[Replacement Resolution](#)

[Letters from the Public](#)

[Letters from the Public 2](#)

4.4 [18-1218](#) **Funding Award for Homeless Outreach, Case Management and Prevention Service.**

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute contracts funded by Community Development Block Grant, Emergency Solutions Grant, and Housing Authority Litigation Award totaling \$1,657,255 for implementation of the City's Homeless Outreach, Case Management and Prevention Program from October 1, 2018 through June 30, 2019, to the following agencies and amounts:

- (a) \$829,494 to People Assisting the Homeless for homeless outreach services and mobile case management;
- (b) \$580,000 to HomeFirst Services of Santa Clara County for homeless outreach services; and
- (c) \$247,761 to Bill Wilson Center for homeless prevention services.

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

Attachments [Memorandum](#)

4.5 [18-1219](#) **Vacation of the 25-Foot and 12.5-Foot Setback Easements within Tract No. 65 (1982 McDaniel Avenue).**

Recommendation: Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of the 25-foot and 12.5-foot light and air easements (“setback easements”) located within Tract No. 65;
- (b) Vacating the 25-foot and 12.5-foot setback easements located within Tract No. 65; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Categorically Exempt, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation, File No. PP18-061. Council District 6. (Public Works)

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

4.6 [18-1220](#) **Vacation of the 20- to 25-Foot and 15-Foot, and 12.5-foot Setback Easements within Tract No. 470 (1322 Glen Eyrie Avenue).**

Recommendation:

Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of the 20- to 25-foot, 15-foot, and 12.5-foot light and air easements (“setback easements”) located within Tract No. 470;
 - (b) Vacating the 20- to 25-foot, 15-foot, and 12.5-foot setback easements located within Tract No. 470; and
 - (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.
- CEQA: Categorically Exempt, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation, File No. PP18-063. Council District 6. (Public Works)

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

4.7 [18-1296](#) **Actions Relating to the Santa Clara County Civil Grand Jury Report Entitled “Affordable Housing Crisis: Density Is Our Destiny” and to Potential Commercial Impact Fees.**

Recommendation:

- (a) Accept staff’s updated response to the June 21, 2018, Civil Grand Jury of Santa Clara County Report on “Affordable Housing Crisis: Density is our Destiny” with any modifications to reflect direction below.
 - (b) Discuss and provide direction regarding:
 - (1) Preparation a nexus study to support a city-wide commercial linkage fee for affordable housing and a feasibility study to assess market impacts of development with variations of fee levels, geographic location, land use, and building type.
 - (2) Exploration of feasibility studies for a Downtown Core Commercial (office and R & D) development impact fee, which would address affordable housing and infrastructure needs (i.e. transit and parks).
 - (3) A report back to the City Council in November including the following:
 - (a) Scope of work for a nexus study and feasibility study, including consultant selection, a funding strategy, and timeline for completion of the studies.
 - (b) Include a Regional Commercial Linkage Fee as a legislative priority of the City, as previously discussed by the City Council.
 - (c) Progress report on (a) the formation of the City Council-authorized RHNA subregion, sponsored by the Santa Clara County Cities Association, with specific "next steps" identified for Staff and Council, and (b) formation of a Bay Area wide commercial linkage fee, requiring state legislation, similarly based on relative jobs/housing ratios.
 - (d) Data regarding ongoing and one-time tax revenues generated from employers in the City of San José.
 - (4) Exploration of a funding partnership with the Silicon Valley Community Foundation, which has funded similar studies, consistent with its housing and transit strategic grant priority.
- 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/Economic Development)

Attachments [Memorandum](#)
[Supplemental Memorandum](#)
[Memorandum from Carrasco, Peralez, Rocha, and Jimenez](#)
[9/11/18 Council Memorandum from Carrasco, Peralez, Rocha, ar](#)
[9/11/18 Council Memorandum from Liccardo](#)
[Attachment A – Grand Jury Report](#)
[Attachment B – Responses to Grand Jury Report](#)
[Letter\(s\) from the Public 9/11/18](#)
[Letter\(s\) from the Public 9/18/18](#)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [18-1221](#) **Energy, Renewable, and Greenhouse Gas-Free Power Contracts for San José Clean Energy.**

Recommendation: Adopt a resolution authorizing the Director of Community Energy or her designee to negotiate and execute contracts for Calendar Year 2019 for Renewable Energy, and Renewable Energy Credits, to meet San José Clean Energy’s minimum compliance obligations pursuant to the California Renewable Portfolio Standard using the Edison Electric Institute Agreement or the Western Systems Power Pool Agreement in an amount not to exceed \$32,000,000 in aggregate. Such procurement shall be subject to the Risk Management Policy and Regulations approved by City Council on May 1, 2018
 CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
 (Community Energy)

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

7.2 [18-1222](#) **Actions Related to the Recycle Plus Residential Solid Waste Agreements and China’s Policy on Importing Recyclable Material.**

Recommendation: [Deferred from 6/5/18 Item 7.4 (18-771); 9/11/18 Item 7.1 (18-1178), et. al.]
 DEFERRED TO 10/16/18 PER RULES AND OPEN GOVERNMENT

7.3 [18-1223](#) **Actions Related to the Negotiations of Recycle Plus Residential Solid Waste Agreements.**

Recommendation: [Deferred from 6/5/18 Item 7.5 (18-774); 9/11/18 Item 7.2 (18-1179), et. al.]
DEFERRED TO 10/16/18 PER RULES AND OPEN GOVERNMENT

7.4 [18-1224](#) **Actions Related to the Living Wage Requirements for Recycle Plus Residential Garbage and Recycling Contracts.**

Recommendation: [Deferred from 6/5/18 Item 7.6 (18-773); 9/11/18 (18-1180), et. al.]
DEFERRED TO 10/16/18 PER RULES AND OPEN GOVERNMENT

8. PUBLIC SAFETY

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.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 [18-1226](#) **PDA07-007-02 and ABC18-003 - Planned Development Permit Amendment and Determination of Public Convenience or Necessity for Real Property Located at 1520 Southwest Expressway.**

Recommendation: Adopt a resolution approving a Planned Development Permit Amendment and Determination of Public Convenience or Necessity to allow the off-sale of a full range of alcoholic beverages as incidental to a new 6,600-square foot grocery store at a new grocery market (290 square feet dedicated to alcohol sales) in a vacant tenant space on a 2.25-gross acre site zoned A(PD), located at the southeast corner of Southwest Expressway and Fruitdale Avenue (1520 Southwest Expressway).
CEQA: Categorically Exempt, CEQA Guidelines Section 15301(a), Existing Facilities, PDA07-007-02 and ABC18-003. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)
PDA07-007-02 and ABC18-003 - Council District 6

Attachments [Replacement Memorandum](#)
[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**

This meeting is adjourned in memory of Mertze Dahlin who passed away on July 4, 2018 at 87 years of age. He played an integral role in the founding of the South Bay Islamic Association, and was actively involved in purchasing the Downtown San José Islamic Center as a place of worship. Mertze was a pillar of support and leadership for San José's Islamic community and will be missed by many. (Mayor Liccardo)

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

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.