



# **City Council Meeting Amended Agenda**

**Tuesday, September 25, 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](mailto: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

[18-1335](#) Closed Session Agenda

**Attachments** [Closed Session Agenda](#)

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

The previously scheduled evening session has been cancelled.

- Invocation (District 8)

The Villages Music Society

- Pledge of Allegiance

- 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.**

- Closed Session Report

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a commendation to Ankith Maremanda for his leadership and commitment to the youth in the City of San José. (Nguyen)

1.2 Proclaiming 100 Day countdown until the College Football Championship Playoff and celebrations in the City of San José. (Davis)

1.3 Presentation of a proclamation to recognize the month of September as Suicide Awareness Month in the City of San José. (Perez)

## **2. CONSENT CALENDAR**

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

### **2.1 Approval of City Council Minutes.**

[18-1279](#) Approval of City Council Minutes.

### **2.2 Final Adoption of Ordinances.**

### **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 [18-1254](#) Biennial Review of Conflict of Interest Code.**

**Recommendation:** Adopt a resolution amending the Conflict of Interest Code for the City of San José.

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

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

**2.8**     [18-1255](#)     **Agreement with Vitol, Inc. for California Carbon Allowances for the San José-Santa Clara Regional Wastewater Facility.**

**Recommendation:**     Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and Vitol, Inc., for the purchase of California Carbon Allowances for the San José-Santa Clara Regional Wastewater Facility to fulfill the compliance obligation under the California Cap-and-Trade Program, for an amount of \$295,728.

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

**Attachments**     [Memorandum](#)  
[Supplemental--TPAC](#)

**2.9**     [18-1256](#)     **Actions Related to the Purchase Order for Citywide Health and Safety Training Services.**

**Recommendation:**     Adopt a resolution to authorize the City Manager to:  
(a) Execute a Purchase Order with Safety Compliance Management, Inc. (San Ramon, CA) for Citywide health and safety training services 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 \$200,000, subject to the appropriation of funds.  
(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](#)

**2.10**    [18-1257](#)            **Actions Related to the Purchase Order for Turnout Gear Inspection, Cleaning, Repair, and Alteration Services.**

**Recommendation:**

Adopt a resolution to authorize the City Manager to:

(a) Execute a Purchase Order with ECMS (Oakland, CA) for turnout gear inspection, cleaning, repair, and alteration services for the San José Fire Department 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 \$220,000.

(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**    [18-1258](#)            **Amendment to the Master Agreement with Tax Credit Asset Management, LLC. for Consultant Services Pertaining to the Maintenance of the City's Multifamily Loan Portfolio.**

**Recommendation:**

Approve the Second Amendment to the Master Agreement with Tax Credit Asset Management, LLC. for consultant services pertaining to the maintenance of the City's multifamily loan portfolio, increasing the maximum total amount of compensation by \$175,000 from \$270,000 to \$445,000.

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

(Housing)

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

**2.12**    [18-1261](#)            **8719-Cast Iron Sewer Replacement FY 2018-2019 Package I.**

**Recommendation:**

Report on bids and award of contract for the 8719-Cast Iron Sewer Replacement FY 2018-2019 Package I project to the low bidder, Pacific Underground Construction Inc., in the amount of \$1,190,510, and approve a contingency in the amount of \$119,051.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP17-031. Council Districts 2 and 10.

(Public Works)

**Attachments**    [Memorandum](#)

**2.13**    [18-1286](#)            **Retroactive Approval of Ethiopian Flag Raising Ceremony as a City Council Sponsored Special Event, to Expend City Funds and Authorization to 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 Ethiopian Flag Raising Ceremony scheduled on September 10, 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. (Mayor Liccardo)  
[Rules Committee referral 09/12/18 - Item G.1.a]

**Attachments**    [Memorandum](#)

**2.14**    [18-1287](#)            **Retroactive Approval of September 12th Caltrans-City of San José Litter Day 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 CalTRANS - City of San José Litter Clean-up Day scheduled on September 12, 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. (Mayor Liccardo)  
[Rules Committee referral 09/12/18 - Item G.1.b]

**Attachments**    [Memorandum](#)



**2.15**    [18-1288](#)            **Approval of Keep Coyote Creek Beautiful Events as a City Council Sponsored Special Event Series, to Expend City Funds and Authorization to 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 Keep Coyote Creek Beautiful event series scheduled from September of 2018 to July of 2019 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. (Mayor Liccardo)  
[Rules Committee referral 09/12/18 - Item G.1.d]

**Attachments**    [Memorandum](#)

**2.16**    [18-1289](#)            **Approval of October 6, 2018 Mayor's Gang Prevention Task Force Crime and Gang Prevention Summit as a City Council Sponsored Special Event to Expend City Funds and Authorization to 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 Mayor's Gang Prevention Task Force Crime and Gang Prevention Summit to be held on October 6, 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. (Mayor Liccardo)  
[Rules Committee referral 09/12/18 - Item G.1.f]

**Attachments**    [Memorandum](#)

**2.17**    [18-1290](#)            **Retroactively Approval of September 12th Global Climate Action Summit Affiliate Event as a City Council Sponsored Special Event, to Expend City Funds and Authorization to 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 Global Climate Action Summit Affiliate Event held on September 12, 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. (Mayor Liccardo)  
[Rules Committee referral 09/12/18 - Item G.1.g]

**Attachments**    [Memorandum](#)

**2.18**    [18-1291](#)            **Approval of September 15th Ethiopian New Year Event as a City Council Sponsored Special Event, to Expend City Funds and Authorization to 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 Ethiopian New Year event scheduled on September 15, 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. (Mayor Liccardo)  
[Rules Committee referral 09/25/18 - Item G.1.h]

**Attachments**    [Memorandum](#)

**2.19** [18-1294](#) **Vice Mayor's Travel to Austin, TX****Recommendation:**

Authorize travel for Vice Mayor Magdalena Carrasco to Austin, Texas on November 12-15, 2018 for the Policy Link fall convening, and excuse absence from a Study Session on November 13, 2018, Rules and Open Government Committee on November 14, 2018, and the Public Safety, Finance & Strategic Support Committee on November 15, 2018.

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

**Attachments** [Memorandum](#)

**2.20** [18-1310](#) **Acting Independent Police Auditor's Travel to St. Petersburg, FL****Recommendation:**

Authorize travel for Shivaun Nurre, Acting Independent Police Auditor, to St. Petersburg, Florida on October 1-5, 2018 to attend the Annual National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference.

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

**Attachments** [Memorandum](#)

**2.21** [18-1323](#) **Approval of College Football Playoff Flag Raising Sponsored By Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.****Recommendation:**

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

1. Approve the College Football Playoff 100 days to playoff scheduled on September 28, 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. (Davis)

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

**Attachments** [Memorandum](#)

- 2.22 [18-1325](#) **Approval of the Friends of Five Wounds Trail Fall Cleanup Sponsored by the Mayor's Office as a City Council Sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event.**

**Recommendation:** As recommended by the Rules and Open Government Committee on September 19, 2018:

1. Approve the Friends of the Five Wounds Trail Fall Clean Up on October 13, 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. (Mayor Liccardo)  
[Rules Committee referral 09/19/18 - A.1.a]

**Attachments** [Memorandum](#)

### **3. STRATEGIC SUPPORT**

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

#### **3.2 Labor Negotiations Update.**

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

- 3.3 [18-1259](#) **Approval of the Terms of an Agreement with the International Union of Operating Engineers, Local Union No. 3 (OE#3) for the Term of October 1, 2018 through September 30, 2021.--DROP**

**Recommendation:** Adopt a resolution approving the terms of a collective bargaining agreement between the City and the International Union of Operating Engineers, Local Union No. 3 (OE#3) for the term of October 1, 2018 through September 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 changes to the physical environment. (City Manager)  
DROP

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

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

### **4.1 [18-1260](#) San José Stage Company Equipment Assistance Grant Agreement.**

**Recommendation:** Approve an Equipment Assistance Agreement with the San José Stage Company in an amount not to exceed \$1,000,000 for modern theater equipment and furniture to be installed in a new mixed-use renovated facility located at 490 South First Street.

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](#)  
[Contract](#)

### **4.2 [18-1262](#) 2017-2018 Consolidated Annual Performance Evaluation Report.**

**Recommendation:** Accept the report on the progress towards achieving the housing and community development goals identified in the City's five-year Consolidated Plan (2015-2020) and the FY 2017-2018 Annual Action Plan regarding the use of federal funds from the U.S. Department of Housing and Urban Development.

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](#)

## **5. NEIGHBORHOOD SERVICES**

## **6. TRANSPORTATION & AVIATION SERVICES**

**6.1**    [18-1263](#)    **Proposed Air Service Support Program Revisions.****Recommendation:**

Adopt a resolution revising the airline support program to update and increase the North American marketing funds, reduce fee waivers to reflect current constraints on airport facilities, and authorize the Director of Aviation to extend the program benefits and award marketing funds in cases where an airline introduces multiple low frequency services within a 12-month period, and repealing Resolution No. 77634. 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. (Airport)

**Attachments**[Memorandum](#)[Resolution](#)[Memorandum from Liccardo, Carrasco, Jones, Peralez & Khamis](#)

6.2 [18-1264](#) **Public Hearing for New Air Service Support Program.**

- 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 Delta, Volaris, and California Pacific 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 below:

Airline: Delta  
Market: Detroit  
Airport: DTW  
Frequency: 1 Daily  
Support Period: 18 Months  
Landing Fee Waivers: (\$174,521)  
Marketing Funds: (\$75,000)

Airline: Volaris  
Market: Morelia  
Airport: MLM  
Frequency: 2/Week  
Support Period: 18 Months  
Landing Fee Waivers: (\$49,592)  
Marketing Funds: (\$33,333)

Airline: Volaris  
Market: Zacatecas  
Airport: ZCL  
Frequency: 2/Week  
Support Period: 18 Months  
Landing Fee Waivers: (\$46,962)  
Marketing Funds: (\$33,333)

Airline: Volaris  
Market: Leon  
Airport: BJX  
Frequency: 2/Week  
Support Period: 18 Months  
Landing Fee Waivers: (\$49,592)  
Marketing Funds: (\$33,333)

Airline: CP Air



Market: Carlsbad  
Airport: CLD  
Frequency: 2 Daily  
Support Period: 12 Months  
Landing Fee Waivers: (\$56,204)  
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. PP17-004, 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. (Airport)

**Attachments** [Memorandum](#)

[Resolution](#)

[Memorandum from Liccardo, Carrasco, Jones, Peralez, Khamis, &](#)

### 6.3 [18-1273](#)

#### **Shared Micro-Mobility.**

#### **Recommendation:**

As recommended by the Transportation and Environmental Committee on August 13, 2018, accept the background information report from City Staff on shared micro - mobility - dockless bikes, electric-assist bikes, and electric scooters - in and around Downtown San José, and provide feedback to staff on a proposed regulatory framework.

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

[Transportation and Environmental Committee referral 8/13/18 - Item D.1]

DEFERRED TO 10/16/18 PER ADMINISTRATION

**Attachments** [Memorandum](#)

[8/13/18 T&E Presentation](#)

**6.4**    [18-1274](#)        **Vehicle Abatement Audit.****Recommendation:**

As recommended by Transportation and Environment Committee on September 10, 2018, accept the Vehicle Abatement Audit.  
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)  
[Transportation and Environment Committee referral 9/10/18 - Item D.1]  
DEFERRED TO 10/2/18 PER ADMINISTRATION

**Attachments**    [Memorandum](#)  
[9/10/18 T&E Presentation](#)

**7. ENVIRONMENTAL & UTILITY SERVICES****7.1**    [18-1265](#)        **Community Energy Revolving Credit Agreement.****Recommendation:**

Adopt a resolution authorizing the City Manager, the Director of Finance, the Assistant Director of Finance or their authorized designees to negotiate, execute, and deliver a revolving credit agreement with Barclays Bank PLC providing for a commitment to issue revolving loans and standby letters of credit in an aggregate principal amount not to exceed \$50,000,000 outstanding at any one time to finance start-up costs of the City of San José's Community Energy Program, purchase power, and in the case of standby letters of credit, secure payments under power purchase agreements, and other costs associated and consistent with the Community Energy Implementation Plan, and to take other related actions in connection therewith.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Finance/Community Energy)  
TO BE HEARD IMMEDIATELY AFTER CONSENT

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

7.2 [18-1266](#) **Actions Related to the Agreement with HydroScience Engineers, Inc. for Engineering Services at the San José/Santa Clara Regional Wastewater Facility.**

**Recommendation:** (a) Approve the Master Service Agreement with HydroScience Engineers, Inc. for engineering support and services for the San José/Santa Clara Regional Wastewater Facility for various operation and maintenance projects requiring engineering support and services on an as-needed basis for an initial term starting from the date of execution to June 30, 2019, for a maximum compensation of \$500,000 during the initial term, subject to the annual appropriation of funds.

(b) Adopt a resolution authorizing the City Manager to exercise up to three twelve-month options to extend the term through June 30, 2022, for an amount not to exceed \$500,000 for each option term; and to amend the Agreement to adjust the compensation to reflect changes in support service needs, provided the total aggregate amount does not exceed \$2,000,000 for the full term, 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.  
(Environmental Services)

**Attachments** [Memorandum](#)  
[Contract](#)  
[Supplemental--TPAC](#)

7.3 [18-1275](#) **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); 6/26/18 Item 7.2 (18-939); 8/21/18 Item 7.1 (18-1058); 9/11/18 Item 7.1 (18-1178); 9/18/18 Item 7.2 (18-1222)]

DEFERRED TO 10/16/18 PER ADMINISTRATION

7.4 [18-1276](#) **Actions Related to the Negotiations of Recycle Plus Residential Solid Waste Agreements.**

**Recommendation:** [Deferred from 6/5/18 Item 7.5 (18-774); 6/26/18 Item 7.3 (18-940); 8/21/18 Item 7.2 (18-1059); 9/11/18 Item 7.2 (18-1179); 9/18/18 Item 7.3 (18-1223)]

DEFERRED TO 10/16/18 PER ADMINISTRATION

7.5 [18-1277](#) **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); 6/26/18 Item 7.4 (18-941), 8/21/18 Item 7.3 (18-1060); 9/11/18 (18-1180); 9/18/18 Item 7.4 (18-1224)]  
DEFERRED TO 10/16/18 PER ADMINISTRATION

## **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**

- (a) [18-1267](#) **C17-014 - Conventional Rezoning for Real Property Located at 735 South Second Street.**

**Recommendation:**

(a) Adopt a resolution approving the 735 South Second Street Rezoning Project Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

(b) Consideration of an ordinance of the City of San José rezoning an approximately 0.15-gross acre site located at 735 South Second Street from the R-2 Two-Family Residence Zoning District to R-M Multiple Residence Zoning District. (Andranik Karam, Owner)

CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto, File No. C17-014. Planning Commission recommends approval (6-0-1, Vora absent). (Planning, Building and Code Enforcement)

C17-014 - Council District 3

TO BE HEARD DURING AFTERNOON SESSION

**Attachments** [Memorandum](#)  
[\(a\) Resolution](#)  
[\(b\) Ordinance](#)

- (b) [18-1268](#) **C18-015 - Conforming Rezoning for Real Property Located at 1298 Michigan Avenue.**

**Recommendation:**

Consideration of an ordinance of the City of San José rezoning an approximately 0.13-gross acre site, located on the northwest corner of Michigan Avenue and Archer Street at 1298 Michigan Avenue from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residence Zoning District (Theresa Fernandez & Jesus Montañez, Owner).

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Environmental Impact Report (Resolution No. 76041) and the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto, File No. C18-015. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

C18-015 - Council District 4

TO BE HEARD DURING AFTERNOON SESSION

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

- (c) [18-1269](#) **PDC17-050/PD17-024/PT17-054 - Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit for Real Property Located at 1508 Murphy Avenue.**

**Recommendation:**

- (a) Adopt a resolution adopting the Murphy Villas Subdivision Project Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance to the California Environmental Quality Act, as amended.
- (b) Consideration of an ordinance of the City of San José rezoning an approximately 0.45-gross acre site, located at the southeast corner of Murphy Avenue and Ringwood Avenue at 1508 Murphy Avenue from the A Agricultural Zoning District to the R-M(PD) Planned Development Zoning District to allow up to five single-family detached residences (Villa Developers and Investment LLC, Owner).
- (c) Adopt a resolution approving a Vesting Tentative Map, subject to conditions, to subdivide one parcel into five residential condominium parcels and one common area parcel.
- (d) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow the demolition of an existing single-family residence, removal of four ordinance size trees and allow the construction of up to five single-family detached residences.
- CEQA: Mitigated Negative Declaration for the Murphy Villas Subdivision Project, File Nos. PDC17-050, PD17-024, and PT17-054. Planning Commission recommends approval (6-0-1, Vora absent). (Planning, Building and Code Enforcement)
- PDC17-050/ PT17-054/PD17-024 - Council District 4.
- TO BE HEARD DURING AFTERNOON SESSION

- Attachments** [Memorandum](#)  
[\(a\) Resolution](#)  
[\(b\) Ordinance](#)  
[\(c\) Resolution](#)  
[\(d\) Resolution](#)

- (d) [18-1270](#) C16-012 - Conforming Rezoning for Real Property Located at 945 Lincoln Avenue.

**Recommendation:**

(a) Adopt a resolution adopting the 945 Lincoln Avenue Redevelopment Project Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance to the California Environmental Quality Act, as amended.

(b) Consideration of an ordinance of the City of San José rezoning a 1.1 -gross acre site located at 945 Lincoln Avenue from the CN Commercial Neighborhood Zoning District to the CIC Combined Industrial/Commercial Zoning District. (Croatian Franciscan Fathers, Owner).

CEQA: Mitigated Negative Declaration for the 945 Lincoln Avenue Redevelopment Project, File No. C16-012. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

C16-012 - Council District 6

TO BE HEARD DURING AFTERNOON SESSION

**Attachments** [Memorandum](#)  
[\(a\) Resolution](#)  
[\(b\) Ordinance](#)



- (e) [18-1271](#) C18-010 - Conventional Rezoning for Real Property Located at 231 West Capitol Expressway.

**Recommendation:**

(a) Adopt a resolution approving the 231 West Capitol Expressway and 3911 Snell Avenue Rezoning Project Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and the Envision San José 2040 General Plan Supplemental Environmental Impact Report, as addended, all in accordance with the California Environmental Quality Act, as amended,

(b) Consideration of an ordinance of the City of San José rezoning an approximately 6.4-gross acre site located at 231 West Capitol Expressway from the A(PD) Planned Development Zoning District (File No. PDC06-019) to LI Light Industrial Zoning District. (Storage Equities, Inc, Owner).

CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto, File No. C18-010. Planning Commission recommends approval (6-0-1, Vora absent). (Planning, Building and Code Enforcement)

C18-010 - Council District 10

TO BE HEARD DURING AFTERNOON SESSION

**Attachments** [Memorandum](#)  
[\(a\) Resolution](#)  
[\(b\) Ordinance](#)

**CONTINUE GENERAL PLAN AMENDMENT HEARING TO OCTOBER 23, 2018**

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

**10.2** [18-1272](#) **Amendment to the General Plan Land Use Policy CD-10.4, City Council Policy 6-4, and Title 23 of the San José Municipal Code (the Sign Code).**

**Recommendation:**

Consideration of signs on City-owned property, including Billboards, Programmable Electronic Signs, and Signs Displaying Off-site Commercial Speech, and:

(a) Adopt a resolution approving the “General Plan Text, Municipal Code, and Council Policy Amendments for Signs on City-owned Sites, including Billboards, Programmable Electronic Signs and Signs Displaying Off-site Commercial Speech Negative Declaration,” for which an Initial Study was prepared, all in accordance to the California Environmental Quality Act, as amended.

(b) Adopt a resolution amending General Plan Land Use Policy CD-10.4.

(c) Approve an ordinance amending Title 23 of the Municipal Code (the Sign Code), specifically Sections 23.02.870, 23.02.1310 and 23.04.500; and making other technical, formatting or non-substantive changes within the Sign Code.

(d) Adopt a resolution amending City Council Policy 6-4.

CEQA: Negative Declaration for General Plan Text, Municipal Code and Council Policy Amendments for Signs on City-owned Sites, including Billboards, Programmable Electronic Signs and Signs Displaying Off-site Commercial Speech, File No. PP18-058. Director of Planning, Building and Code Enforcement recommends approval.

(Planning, Building and Code Enforcement)

PP18-058 - Citywide

[(Deferred from 8/14/18 - Item 10.3 (18-1039); 9/11/2018 - Item 10.2 (18-1226)]

TO BE HEARD DURING AFTERNOON SESSION

**Attachments**

[Memorandum](#)

[\(a\) Resolution](#)

[\(b\) Resolution](#)

[\(c\) Ordinance](#)

[\(d\) Resolution](#)

[Memorandum from Liccardo, 9/21/18](#)

[Memorandum from Peralez, Arenas, Rocha, Jones, 9/21/18](#)

[Letter from the Public](#)

**10.3** [18-1292](#)**PDC14-051/PD16-019 - Planned Development Rezoning and Planned Development Permit for Real Property Located at 4200 Dove Hill Road.****Recommendation:**

(a) Adopt a resolution adopting the Dove Hill Medical Care Facility Project Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance to the California Environmental Quality Act, as amended.

(b) Consideration of an ordinance of the City of San José rezoning an approximately 21.0-gross acre site, located on the east side of Dove Hill Road, approximately 500 feet north of Hassler Parkway, from the A Agricultural Zoning District to the PQP(PD) Planned Development Zoning District to allow a Medical Care Facility with up to 248 beds on an approximately 3.0-acre portion of a 21-gross acre site, with the remaining 18.0 acres to be kept as open space (Kuehne Stanislaus and Eleanore Trustee & Et, Owner).

(c) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow the demolition of approximately 25 buildings/structures, the construction of a Medical Care Facility with up to 248 beds, and the removal of seven ordinance-size trees on an approximately 3.0-acre portion of a 21.0-gross acre site.

CEQA: Mitigated Negative Declaration for Dove Hill Medical Care Facility Project, File Nos. PDC14-051 and PD16-019. Planning Commission recommends approval (5-0-2, Vora and Griswold absent). (Planning, Building and Code Enforcement)

PDC14-051 & PD16-019 - Council District 8

[Continued from City Council Meeting of August 28, 2018-Item 10.2 (File No. 18-1133)]

TO BE HEARD IN THE AFTERNOON SESSION

NOT TO BE HEARD BEFORE 5:00 P.M.

**Attachments**   [Memorandum](#)  
[\(a\) Resolution](#)  
[Ordinance](#)  
[\(c\) Resolution](#)  
[Attachment A](#)  
[Attachment B](#)  
[Attachment C](#)  
[Attachment D](#)  
[Attachment E](#)  
[August 28, 2018 Memorandum from Arenas](#)  
[September 7, 2018 Memorandum from Arenas](#)  
[Letters from the Public](#)

- Open Forum

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

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

[18-575](#)**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: 10466

Location: Raleigh Rd/Great Oaks Blvd. (North of HWY 85)

District: 2

Lots/Units: 70/60

Type: SFD (apartments)

Proposed Decision: Approved

Developer: Pulte Group

Tract: 10462

Location: Raleigh Rd/Great Oaks Blvd. (North of HWY 85)

District: 2

Lots/Units: 22/97

Type: SFD (townhomes)

Proposed Decision: Approved

Developer: Pulte Group

This notice is to be posted with the City Council's regular agenda for 9/25/18.

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## 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.