



City Council Meeting Amended Agenda

Tuesday, June 18, 2019

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, 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. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. 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

[19-417](#) Closed Session Agenda - CANCELLED

Attachments [Closed Session Agenda](#)

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

- Invocation (District 6)

Rabbi Josh Berkenwald: Congregation Sinai

- 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.

- Closed Session Report

1. CEREMONIAL ITEMS

1.1 Presentation of a Commendation to the Lavelle Family for aiding a family affected by the devastating Paradise wildfire. (Peralez)

1.2 Presentation of a Commendation to Downtown Streets team for their commitment to assisting the homelessness crisis through beautify projects and transitional assistance. (Peralez)

1.3 Presentation of a Commendation to Victory Outreach Church of San José for 40 years of service caring for people who are addicted to drugs or involved in gangs, and for partnering with the Mayor's Gang Prevention Task Force to provide services to at-risk families. (Khamis)

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.

[19-480](#)

Approval of City Council Minutes.

Recommendation:

(a) Regular City Council Meeting Minutes of October 23, 2018.
(b) Special Council Meeting: Joint City/Santa Clara County Behavioral Health and Affordable Housing of October 23, 2018.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Clerk)

Attachments

[\(a\) 10-23-18 Regular Council Minutes](#)

[\(b\) 10-23-18 Special Council Minutes](#)

2.2 Final Adoption of Ordinances.

[19-507](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ord No. 30276 - An Ordinance of the City of San José Amending Section 3.49.030 of Chapter 3.49 of Title 3 of the San José Municipal Code to Amend the Definition of Compensation for the City of San José, California Defined Contribution Plan for Unit 99 Employees.

(b) Ord No. 30277 - An Ordinance of the City of San José Amending Chapter 4.80 of Title 4 of the San José Municipal Code to Add New Parts Related to the Establishment of the Inclusionary Fee Fund, the Rental Stabilization Program Fee Fund, the Public Safety and Infrastructure Bond Fund, the Neighborhood Security Act Bond Fund, the Parks and Recreation Bond Projects Fund, and the Branch Libraries Bond Projects Fund.

2.3 Approval of Council Committee Minutes.

[19-481](#) **Approval of Council Committee Minutes.**

Recommendation: (a) Rules and Open Government Committee Minutes of May 15, 2019.
 (b) Public Safety, Finance & Strategic Support Committee Minutes of May 16, 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. (City Clerk)

Attachments [\(a\) ROGC 5-15-19](#)
 [\(b\) PSFSS 5-16-19](#)

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 [19-482](#) **Amendment to the Agreement with ICF Jones & Stokes for On-Call Airport Services.**

Recommendation: Approve a First Amendment to the Master Consultant Agreement with ICF Jones & Stokes, Inc. for On-Call Airport strategic planning and financial analysis services, increasing maximum compensation from \$500,000 to \$1,500,000 with no change in the term of the Agreement.
 CEQA: Not a Project, File No. PP17-003, Agreements/Contracts resulting in no physical changes to the environment. (Airport)

Attachments [Memorandum](#)
 [Agreements](#)

- 2.8 [19-503](#) **Fourth Amendment to Agreement with Hanson Bridgett LLP for Legal Services Related to *Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al.***

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Fourth Amendment to the agreement with Hanson Bridgett LLP for legal services related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al, to increase the compensation by \$200,000, for a total amount not to exceed \$900,000, contingent upon approval of the associated Fiscal Year 2018-2019 budget clean-up action.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Attachments [Memorandum](#)

- 2.9 [19-483](#) **Amendment to the Agreement with Bartel Associates, LLC, for Actuarial Consulting Services Related to Labor Matters.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Fourth Amendment to the Agreement with Bartel Associates, LLC, for actuarial consulting services in connection with labor matters related to various retirement benefits, to extend the term to June 30, 2020, at no additional cost to the City.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts resulting in no physical changes to the environment. (City Manager)

Attachments [Memorandum](#)

2.10 [19-484](#) **Agreement with San José Downtown Association for Services Related to Downtown San José.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute a Services Agreement with the San José Downtown Association to provide marketing, business retention and expansion, event production and promotional services for the period of July 1, 2019 through June 30, 2020 for an amount not to exceed \$768,000;

(b) Negotiate and execute subsequent amendments to the Agreement to revise the scope of services, subject to the appropriation of funds; and

(c) Execute up to five additional one-year options to extend the Agreement through June 30, 2025 to provide ongoing services for an estimated annual cost of \$303,850 in Year 1, \$312,966 in Year 2, \$322,355 in Year 3, \$332,026 in Year 4, and \$341,987 in Year 5, 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. (Economic Development)

Attachments

[Memorandum](#)

[Supplemental Memorandum, 6/13/2019](#)

2.11 [19-486](#) **Non-Profit Charitable Reuse Agreements with Goodwill of Silicon Valley, Salvation Army and HOPE Services.**

Recommendation:

Approve charitable reuse agreements with Goodwill of Silicon Valley for \$249,323, the Salvation Army for \$88,109, and HOPE Services for \$4,340, each with a term from July 1, 2019 through June 30, 2020.

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](#)

[Agreements 1](#)

[Agreements 2](#)

[Agreements 3](#)

2.12 [19-487](#) **Agreement with SCS Engineers for Residential Solid Waste Characterization Services.**

Recommendation: Approve a Master Agreement with SCS Engineers for waste characterization services for a term from July 1, 2019 through June 30, 2022, in an amount not to exceed \$800,000.

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

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

2.13 [19-488](#) **Set a Public Hearing for the Fiscal Year 2019-2020 Annual Residential Solid Waste Collection Service Charges.**

Recommendation: Adopt a resolution:
(a) Setting a Public Hearing for Tuesday, August 6, 2019, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, to approve the placement of the 2019-2020 Annual Residential Solid Waste Collection Service Charges on the 2019-2020 Santa Clara County Secured Property Tax Roll based upon the annual Residential Solid Waste Collection Service Charge report of the Director of Finance; and

(b) Direct the City Clerk to publish notice of the filing of the Director's report, and the time and place of the Public Hearing.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

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

2.14 [19-489](#) **Set a Public Hearing for the 2019-2020 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.**

Recommendation:

Adopt a resolution:

- (a) Setting a Public Hearing for Tuesday, August 6, 2019, at 1:30 p.m., or as soon thereafter as the matter may be heard, to approve the placement of the 2019-2020 Annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2019-2020 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;
 - (b) Directing the Director of Finance to file the Fiscal Year 2019-2020 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 15, 2019 instead of July 5, 2019; and
 - (c) Directing the City Clerk to publish notice of the filing of the Director's reports, and the time and place of the Public Hearing.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

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

2.15 [19-490](#) **Amendment to the Agreement with Hargis and Associates for Police and Fire Classification Assessments.**

Recommendation:

Adopt a resolution authorizing the City Manager to negotiate and execute the Fourth Amendment to the Agreement with Hargis and Associates for Police and Fire sworn classifications promotional assessments through June 30, 2019 with no change in the total amount of compensation.

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

Attachments [Memorandum](#)

2.16 [19-491](#) **Initiate Proceedings for the Annexation of Snell No. 31.****Recommendation:**

Adopt a resolution initiating proceedings and setting Tuesday, June 25, 2019 at 1:30 p.m., or soon thereafter as the matter may be heard, for City Council consideration of the reorganization of territory designated as Snell No. 31, which involves the annexation to the City of San José of approximately 30.9 gross acres of land generally bordered by Martial Cottle Park to the north and west, Chynoweth Avenue to the south, and Snell Avenue to the east and the detachment of the same from the appropriate special districts including Central Fire Protection, and Area No. 01 (Library Services) County Service.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 10. (Planning, Building, and Code Enforcement)

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

2.17 [19-492](#) **Actions Related to the Agreement with Metropolitan Transportation Commission for Procedural Processing Grants.****Recommendation:**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute amendments or supplements to the Master Funding Agreement with the Metropolitan Transportation Commission to no more than \$1,000,000 total expenditure by the City of San José for each project, require that the City expenditures have been budgeted and appropriated for the project specified in the supplement and/or amendment, require review and approval with the Risk Manager and City Attorney if a change is made in the insurance or liability related provisions of the Master Funding Agreement, and authorize the City Manager or designee to act as the authorized agent to accept grant funds for City departments and divisions.

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

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

2.18 [19-493](#) **Agreement with Santa Clara Valley Water District for the Thompson Creek Outfall 258 Repair Project.**

Recommendation: Approve a Cost-Sharing Agreement with the Santa Clara Valley Water District to compensate Santa Clara Valley Water District for design and construction associated with the repair of a City outfall and an eroded bank along Thompson Creek in an amount not-to-exceed \$410,000. CEQA: Final Environmental Impact Report for the Multi-Year Stream Maintenance Program (August 2001), (Resolution No. 2001-56) adopted August 21, 2001 by the Santa Clara Valley Water District Board of Directors. Council District 8. (Public Works)

Attachments [Memorandum](#)
[Agreements](#)

2.19 [19-494](#) **Contract Change Orders for the 6095 - Alviso Storm Pump Station Project.**

Recommendation: Adopt a resolution authorizing the Director of Public Works to negotiate and execute any single and/or multiple change orders for the 6095 - Alviso Storm Pump Station Project in excess of \$100,000, up to the amount of the contingency of \$1,313,042. CEQA: Mitigated Negative Declaration for the Alviso Storm Pump Station Project, File No. PP15-062. Council District 4 (Public Works)

Attachments [Memorandum](#)

2.20 [19-508](#) **Retroactive Approval of the Meadowfair Dumpster Day Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on June 5, 2019:
(a) Retroactively approve the Meadowfair Dumpster Day scheduled on April 6, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)
[Rules Committee referral 6/5/19 - Item G.1.a]

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

2.21 [19-509](#) **Retroactive Approval of the Cadwallader Dumpster Day Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on June 5, 2019:
(a) Retroactively approve the Cadwallader Dumpster Day scheduled on March 30, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)
[Rules Committee referral 6/5/19 - Item G.1.b]

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

2.22 [19-565](#) **Approval of PTSD Awareness Month Presentation & Panel Discussion Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on June 12, 2019:
(a) Approve the PTSD Awareness Month Presentation & Panel Discussion scheduled on June 20, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) 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. (Khamis)
[Rules Committee referral 6/12/19 - Item G.1.b]

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

2.23 [19-471](#) **AB 1477 (Gloria): Unfair Practices Act.**

Recommendation: Adopt a support position on AB 1477 (Gloria) on the Unfair Practices Act.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Attorney)

Attachments [Memorandum](#)

2.24 [19-564](#) **Request for Travel for Mayor and Council.****Recommendation:**

(a) Authorize travel, accept travel payments to the City of San José, designate Mayor Sam Liccardo as the City representative to attend the Aspen Ideas Festival in Aspen, Colorado from June 26 - 27, 2019, approve use of the Mayor/Council Travel Budget, and excuse absence from the Rules and Open Government Committee Meeting on June 26, 2019. Source of Funds: Aspen Institute and Mayor/Council Travel Budget.

(b) Approve travel for Mayor Sam Liccardo to attend the United States Conference of Mayors' 87th Annual Meeting in Honolulu, Hawaii from June 27 -July 1, 2019, designate him as the City representative, and approve use of the Mayor/Council Travel Budget. Source of Funds: Mayor/Council Travel Budget.

(c) Authorize travel for Councilmember Sergio Jimenez to Newport Beach, CA on June 21-22, 2019 for the League of California Cities Board of Directors Meeting, and approve use of the Mayor/Council Travel Budget. Source of Funds: Mayor and Council Travel Budget and District 2 Funds.

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

Attachments [\(a\) Mayor Memorandum](#)
 [\(b\) Mayor Memorandum](#)
 [\(c\) Jimenez Memorandum](#)

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

3.3 [19-502](#) **Actions Related to Amendments to Agreements for Legal Services Relating to Implementation of the Alternative Pension Reform Settlement Framework. - DEFERRED**

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute amendments to agreements for legal services relating to implementation of Measure F, the Alternative Pension Reform Settlement Framework approved by the voters at election in November 2016, as follows:

(a) A seventh amendment to the continuation agreement with Renne Public Law Group, LLP (formerly Renne Sloan Holtzman & Sakai LLP) for legal services in connection with labor relations matters, extending the term through June 30, 2020 and increasing the amount of compensation by \$53,000 for a total amount not to exceed \$1,898,000, contingent upon approval of the associated Fiscal Year 2018-2019 budget clean-up action; and

(b) A tenth amendment to the agreement with Hanson Bridgett LLP for legal services in connection with the City's retirement plans and other benefit plans and programs, increasing the amount of compensation by \$90,000 for a total amount not to exceed \$555,000, and extending the term through June 30, 2020, contingent upon approval of the associated Fiscal Year 2018-2019 budget clean-up action; and

(c) A tenth amendment to the agreement with Ice Miller LLP for legal services in connection with retiree health and dental benefits and related tax issues, extending the term through June 30, 2020 with no increase in the amount of compensation.

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

DEFERRED TO 6/25/19 PER CITY ATTORNEY

3.4 [19-496](#) **Approval of Various Budget Actions for Fiscal Year 2018-2019.**

Recommendation: Adopt the 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund attachments to the memorandum to Council.

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)

TO BE HEARD BEFORE CONSENT CALENDAR

Attachments [Memorandum](#)

3.5 [19-497](#) **Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2019-2020 Budget, and Resolution Establishing the Fiscal Year 2019-2020 Appropriation Limit.**

Recommendation:

(a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2019-2020 and the Manager's Final Budget Addendum.

(b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2019-2020 and the Manager's Final Budget Addendum.

(c) Adopt a resolution taking the following actions with respect to the City's 2019-2020 "Gann Limit":

(1) Elect the per capita income index as the inflation factor for 2019-2020 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor;

(2) Elect the County of Santa Clara population growth index as the population factor for 2019-2020; and

(3) Establish the Fiscal Year 2019-2020 Appropriation Limit at \$1,200,841,972 in compliance with Article XIII B of the State Constitution.

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)

TO BE HEARD BEFORE CONSENT CALENDAR

Attachments [Memorandum 3.5 \(a\)\(b\)](#)

[Memorandum 3.5 \(c\)](#)

[TPAC Supplemental Memorandum, 6/18/2019](#)

[Resolution \(c\)](#)

3.6 [19-498](#) **Report on Request for Proposal for the Worker's Compensation Comprehensive Services.**

Recommendation:

- (a) Accept the Report on the Request for Proposal for the Worker's Compensation Comprehensive Services.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with Intercare Holdings Services, Inc. to provide comprehensive Workers' Compensation services including claims administration services, bill review/preferred provider organization networks, utilization review, medical case management, Medical Provider Network, pharmacy benefits management and Medicare Set-Aside/Secondary Payer Reporting, with a term beginning July 1, 2019 through June 30, 2022. The total compensation amount for the three-year agreement shall not exceed \$15,963,931 based on an estimated caseload of 2,330 - 2,850 claims, and subject to 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.
(Human Resources)

Attachments [Memorandum](#)

- 3.7 [19-495](#) **Amendment to Title 14 and Title 27 of the San José Municipal Code for Public Works Municipal Code Revisions. - DEFERRED**

Recommendation:

(a) Approve an ordinance amending the San José Municipal Code as follows:

(1) Add a new Title 27, titled “Procurement and Administration of Public Works,” that incorporates recent City Charter changes modernizing the construction contract procurement process, makes changes conforming the Code to current City practices, and otherwise updates, streamlines, clarifies and modernizes requirements for the procurement and administration of public works projects;

(2) Repeal Chapters 14.04, titled “Public Works,” 14.06, titled “Dispute Avoidance and Dispute Resolution Policy,” and 14.07, titled “Design-Build Contracts,” of Title 14, all of which are replaced by the new Title 27;

(3) Repeal Chapter 14.08 of Title 14, titled “Encumbrance of Funds for Construction Contracts,” which is outdated and no longer needed;

(4) Amend Sections 4.12.055, titled “Services,” of Chapter 4.12 of Title 4 to reflect recent City Charter changes clarifying that maintenance services can include repairs, construction, erection, improvement or demolition incidental to such maintenance;

(5) Amend Chapter 4.84, entitled “Insurance Requirements for Certain Public Works Contracts and Use or Occupancy of City-Owner Real Property,” of Title 4 to eliminate outdated insurance requirements and to allow the Risk Manager to set such requirements; and

(6) Amend Section 2.04.1420 of Chapter 2.04 of Title 2, Section 4.08.030 of Chapter 4.08 of Title 4, Section 5.06.390 of Chapter 5.06 of Title 5, Section 11.08.010 of Chapter 11.08 of Title 11, Section 15.26.120 of Chapter 15.26 of Title 15, and Section 19.32.120 of Chapter 19.32 of Title 19 to change references from Chapter 14.04 to Title 27.

(b) Adopt a resolution repealing the following resolutions, all of which address policies incorporated into the new Title 27:

(1) Resolution No. 71816, which sets forth the City’s prequalification policy;

(2) Resolution No. 71319, which sets forth the City’s contingency policy; and

(3) Resolution Nos. 72943, 75230 and 73532, which address the authority of the Director of Public Works to award and execute certain public works contracts for \$1,000,000 or less and establish the contingency for such contracts.

(c) Adopt a resolution amending Council Policy No. 1-18, entitled “Operating Budget and Capital Improvement Program Policy,” to change sections 1.i and 1.j under the Capital Improvement Program

portion of the Policy to refer to the appropriate new sections of Title 27.

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

DEFERRED TO 8/13/19 PER ADMINISTRATION

3.8 [19-557](#) **Community Oversight Committee for Measure T - Disaster Preparedness, Public Safety, and Infrastructure Bond Measure.**

Recommendation: Adopt a resolution establishing the size, composition, and specific responsibilities of the Community Oversight Committee for the Measure T Disaster Preparedness, Public Safety, and Infrastructure Bond Measure ballot measure approved by the voters on November 6, 2018. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Public Works)
[Deferred from 6/11/19 - Item 2.13 (19-438)]

Attachments [Memorandum](#)
 [Resolution](#)
 [Memorandum from Mayor, 6/14/2019](#)

3.9 [19-561](#) **City Attorney Salary Setting.**

Recommendation: As recommended by the Rules and Open Government Committee on June 12, 2019, adjust the salary for the City Attorney to better align with other jurisdictions' chief counsels, to a base pensionable salary of \$285,000, plus the existing non-pensionable 5%. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 6/12/19 - Item G.4]

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [19-499](#) **Actions Related to the Adobe Systems, Inc. Property Located on West San Fernando Street.**

Recommendation:

- (a) Adopt resolution:
- (1) Conditionally authorizing a permit for a major encroachment (Encroachment Permit) to Adobe Systems Incorporated (Adobe) to allow Adobe to construct, maintain, repair, reconstruct, occupy and use a pedestrian bridge within and above West San Fernando Street pursuant to San José Municipal Code Chapter 13.37;
 - (2) Directing the Director of Public Works to execute a form of encroachment agreement between the City of San José and Adobe, after satisfaction of the conditions, and record a certified copy of the Encroachment Permit on Adobe's property with the Office of the Recorder for the County of Santa Clara;
- (b) Adopt a resolution:
- (1) Declaring 5,200 square feet of property adjacent to West San Fernando Street, surplus to the needs of the City;
 - (2) Authorizing the City Manager or his designee to negotiate and execute the Purchase and Sale Agreement between the City of San José and Adobe in an amount not-to-exceed of \$100,000 for the purchase by Adobe of approximately 5,200 square feet of property adjacent to West San Fernando Street and all other documents necessary to complete the transaction;
 - (3) Authorizing the City Manager or his designee to negotiate and execute a Parking Agreement with Adobe Inc. for the public use of parking at the North Tower; and
 - (4) Authorizing the City Manager or his designee to negotiate and execute an amendment to the South Tower Parking Agreement.
- CEQA: Addendum to the Downtown Strategy 2000 Final Environmental Impact Report (EIR) (Resolution No. 72767) and addenda thereto, Downtown Strategy 2040 Final Environmental Impact Report (EIR) (Resolution No. 78942), and Envision San José 2040 General Plan Final Environmental Impact Report (EIR) (Resolution No. 76041), and Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617) and addenda thereto. Council District 3. (Economic Development/Public Works)

- Attachments**
- [Memorandum](#)
 - [Agreement \(a\) \(2\)](#)
 - [Agreement \(b\) \(2\)](#)
 - [Agreement \(b\) \(3\)](#)
 - [Resolution \(a\)](#)
 - [Resolution \(b\)](#)
 - [Memorandum from Peralez, 6/14/2019](#)
 - [Letters from the Public](#)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [19-500](#) **Actions Related to Current and Future Recycle Plus Residential Solid Waste Agreements.**

Recommendation:

(a) Approve the Second Amendment to the Agreement between the City of San José and California Waste Solutions for Recycle Plus Services to make program changes and to establish performance standards that:

(1) If fully satisfied, will require the City to enter into a new agreement with California Waste Solutions through June 30, 2036 for Recycle Plus Services for single-family recyclables collection & processing in Service Districts A & C; and

(2) If not fully satisfied, would cause staff to not extend California Waste Solutions' contract through 2036, and staff would initiate a Request for Proposals process to award a contract for single-family recyclables collection & processing in Service Districts A & C, with substantially the same framework as future services in Service District B.

(b) Approve the Second Amendment to the Agreement between the City of San José and GreenWaste Recovery for Recycle Plus Services to implement the Modified Living Wage effective July 1, 2019, in accordance with Council's direction on January 15, 2019.

(c) Adopt a resolution authorizing the City Manager to:

(1) Negotiate and execute an agreement through June 30, 2036 with California Waste Solutions, in accordance with the term sheets presented to Council, for single-family dwelling recycling collection and processing in Districts A and C if California Waste Solutions fully satisfies the performance standards as specified in the Second Amendment. If California Waste Solutions does not fully satisfy the performance standards as specified in the Second Amendment by June 30, 2020, the City Manager is authorized to:

(i) Initiate a Request for Proposals to award a contract through June 30, 2036 for single-family recyclables collection & processing in Service Districts A & C, with substantially the same framework as future services in Service District B; and

(ii) Exercise the Option Term in the Second Amendment to extend the California Waste Solutions contract to December 31, 2021, if necessary.

(2) Negotiate and execute an agreement through June 30, 2036 with Garden City Sanitation, Inc., in accordance with the term sheets presented to Council, for single-family dwelling garbage collection in Districts A and C.

(3) Negotiate and execute an agreement through June 30, 2036 with GreenTeam of San José, in accordance with the term sheets presented to Council, for collection of garbage and collection and processing of

recyclables for multi-family dwellings citywide, single-family dwellings in District B, and City Facilities.

(4) Negotiate and execute an agreement through June 30, 2036 with GreenWaste Recovery, in accordance with the term sheets presented to Council, for citywide residential yard trimmings and street sweeping collection and processing, and backend processing of municipal solid waste.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. File No. PP19-037. (Environmental Services)

Attachments [Memorandum](#)
[Agreements \(a\)](#)
[Agreements \(b\)](#)
[Resolution \(c\)](#)
[Attachment C](#)
[Attachment D](#)
[Attachment E](#)
[Attachment F](#)

7.2 [19-485](#) **Construction Contract Change Order with San José Water Company for the 8687 - Repairs of Water Services and Mains: 2017 Project.**

Recommendation: Approve the Construction Contract Change Order for the 8687 - Repairs of Water Services and Mains: 2017 project between the City of San José and San José Water Company to increase the amount of maximum compensation by \$1,200,000 for a total maximum contract amount of \$3,895,678, with no other changes to the contract.
CEQA: Categorically Exempt, File No. PP17-050, CEQA Guidelines Section 15301, Existing Facilities and Section 15302 Replacement or Reconstruction. (Environmental Services)

Attachments [Memorandum](#)
[Agreements](#)

8. PUBLIC SAFETY

8.1 [19-501](#) **Measure T - New Fire Station Placement Prioritization.****Recommendation:**

Accept the Fire Department's fire station relocation and new fire station placement prioritization list.

(a) Priority 1: City Area - Willow Glen (New). Proposed Station Number 37.

(b) Priority 2: City Area - Downtown East (Relocation). Proposed Station Number 8.

(c) Priority 3: City Area - Santee (New). Proposed Station Number 32.

(d) Priority 4: City Area - Vinci/Berryessa (Relocation). Proposed Station Number 23.

(e) Priority 5: City Area - Ramblewood/Sylvandale (New). Proposed Station 36.

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

Attachments

[Memorandum](#)

[Presentation](#)

[Memorandum from Mayor, Peralez, Carrasco, 6/14/2019](#)

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**• 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

**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. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- 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.