



City Council Meeting

Agenda

Tuesday, April 17, 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

- **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

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

- **Invocation (District 4)**

Arizona Representative Athena Salman

- **Pledge of Allegiance**

- **Orders of the Day**

To be heard after Ceremonial Items

ADJOURNMENT: This meeting is adjourned in memory of Finis Haruko Uyeda. Finis passed away peacefully on February 28th, 2018 at the age of 84. Finis and her husband Lester moved to San Jose, California in 1963, where they've called home for the next 55 years. Finis became a mother to her three children and worked in school administration at Franklin McKinley and Seven Trees Elementary until she retired. Upon retiring, Finis kept busy helping to take care of her 5 grandchildren and remained active in the community. Finis was a member of the Wesley United Methodist Church and a volunteer at the Yu-Ai Kai Senior Center. Before passing, she wanted it communicated that she loved everyone and to thank them for making her life so wonderful. She lived a selfless and caring life - A life truly worth living. Her personality was infectious and she enjoyed life to the fullest, making every day count.

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

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing April 22, 2018 as Earth Day in the City of San José. (Mayor)
- 1.2 Presentation of a proclamation recognizing April 2018 as Stress Awareness Month in the City of San José. (Arenas)
- 1.3 Presentation of a commendation to Black Cat Comics, for their service to not only comic book fans, but also for organizing several events that help support their community. (Diep)

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 18-519 Approval of City Council Minutes.

Recommendation: Regular City Council Meeting Minutes of October 31, 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.

2.2 Final Adoption of Ordinances.

2.3 18-513 Approval of Council Committee Minutes.

Recommendation: (a) Transportation and Environment Committee Minutes of February 5, 2018. (Carrasco)
(b) Transportation and Environment Committee Minutes of March 5, 2018. (Carrasco)
(c) Neighborhood Services and Education Committee Minutes of February 8, 2018. (Rocha)
(d) Rules and Open Government Committee Minutes of November 15, 2017. (Mayor)
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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 18-488 Retroactive Approval of Boggini Park Community Clean-Up Sponsored By Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on March 28, 2018:
(a) Retroactively approve the Boggini Park Community Clean-Up scheduled on February 10, 2018 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 3/28/18 - Item G.1.a]

2.8 18-500 Agreement with Knight Foundation for Grant Funds to Develop an Internet of Things Strategy.

Recommendation: Ratify and approve the City Manager's execution of an Agreement with the Knight Foundation for receipt of \$200,000 in grant funds to develop an Internet of Things (IoT) strategy to inform the City's decisions about where to invest, how to finance infrastructure, how to effectively govern assets, and how to partner effectively with the private sector for the period of July 1, 2017 to July 1, 2018.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

2.9 18-498 Report on Bids and Award of Contract for the 8568 - Gumdrop and Partridge Drive Main Replacement Project.

Recommendation: Report on bids and award of contract for the 8568 - Gumdrop and Partridge Drive Main Replacement (Rebid) project to the low bidder, Pacific Underground Construction, Inc. in the amount of \$1,589,499 and approval of a contingency in the amount of \$158,949.
CEQA: Exempt, File No. PP17-050, CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction. (Environmental Services)

2.10 18-480 Report on Bids and Award of Contract for 8643 - Cast Iron Replacement FY 17-18 Package III Project.

Recommendation: Report on bids and award of contract for the 8643 - Cast Iron Replacement FY 17-18 Package III project to the low bidder, Casey Construction, Inc., in the amount of \$1,334,280 and approve a contingency in the amount of \$133,428.
CEQA: Exempt, File No. PP17-031, CEQA Guidelines 15301 Existing Facilities, dated April 25, 2017; Expiration Date: April 20, 2022. Council Districts 2 & 10. (Public Works)

2.11 18-504 Approval of Pavement Maintenance Projects for Road Maintenance and Rehabilitation Account Funding (Senate Bill No. 1).

Recommendation: Adopt a resolution approving a list of pavement maintenance projects eligible for San José's 2018-2019 allocation of the Road Maintenance and Rehabilitation Account funding, which was made available by the approval of Senate Bill No. 1 (SB-1), otherwise known as the Road Repair and Accountability Act of 2017.
CEQA: Exempt, File No. PP17-004. (Transportation)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

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

3.3 18-496 Approval of the Terms of an Agreement with the Municipal Employees' Federation (MEF), AFSCME LOCAL 101, for the Term of July 1, 2018 through June 30, 2021.

Recommendation: Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Municipal Employees' Federation, AFSCME Local 101 (MEF) for the term of July 1, 2018 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
TO BE HEARD JOINTLY WITH ITEMS 3.4, 3.5, 3.6, AND 3.7

3.4 18-506 Approval of the Terms of Agreements with the Association of Engineers and Architects, IFPTE Local 21 (AEA), Units 41/42 and Association of Engineers and Architects, IFPTE Local 21 (AEA), Unit 43 for the Term of July 1, 2018 through June 30, 2021.

Recommendation: Adopt a resolution:
(a) Approving the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, IFPTE, Local 21 (AEA), Units 41/42 for the term of July 1, 2018 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms; and
(b) Approving the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, IFPTE, Local 21 (AEA), Unit 43 for the term of July 1, 2018 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
TO BE HEARD JOINTLY WITH ITEMS 3.3, 3.5, 3.6, AND 3.7

3.5 18-507 Approval of the Terms of an Agreement with the Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP) for the Term of July 1, 2018 through June 30, 2021.

Recommendation: Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP) for the term of July 1, 2018 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms.

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

TO BE HEARD JOINTLY WITH ITEMS 3.3, 3.4, 3.6, AND 3.7

3.6 18-508 Approval of the Terms of an Agreement with the City Association of Management Personnel, IFPTE Local 21 (CAMP) for the Term of July 1, 2018 through June 30, 2021.

Recommendation: Adopt a resolution approving the terms of a collective bargaining agreement between the City and the City Association of Management Personnel, IFPTE, Local 21 (CAMP) for the term of July 1, 2018, through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms.

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

TO BE HEARD JOINTLY WITH ITEMS 3.3, 3.4, 3.5, AND 3.7

3.7 18-514 Compensation and Benefit Changes for Executive Management and Professional Employees In Unit 99 and Other Unrepresented Employees (Units 81/82), for Fiscal Years 2018-2019, 2019-2020, and 2020-2021.

Recommendation: (a) Adopt a resolution approving compensation and benefit changes for executive management and professional employees in Unit 99 and other unrepresented employees (Units 81/82), for Fiscal Years 2018-2019, 2019-2020, and 2020-2021.

(b) Approve a 2.75% Crisis Intervention Training premium pay for the Chief of Police U (2227) and Assistant Police Chief U (2225), effective July 1, 2018.

(c) Approve a 1% increase to the Crisis Intervention Training premium pay for the Chief of Police U (2227), and Assistant Police Chief U (2225), effective June 30, 2019.

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

TO BE HEARD JOINTLY WITH ITEMS 3.3, 3.4, 3.5, AND 3.6

3.8 18-497 Amendment to the Agreement with Kaiser Foundation Health Plan, Inc. for Medical Insurance. DROP

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with Kaiser Foundation Health Plan, Inc., for medical insurance for City employees, retirees, and their dependents, increasing the not to exceed Agreement amount from \$255,343,698 to a revised not to exceed amount of \$466,446,407 and extending the term of the Agreement from December 31, 2018 to December 31, 2020.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Human Resources)
DROP

3.9 18-469 Actions Related to the 8727 - FEMA - Alum Rock Falls Road Landslide Repair Lop #19 (SCSJC90) Project.

Recommendation: Adopt a resolution authorizing the Director of Public Works to:
(a) Award and execute the 8727 - FEMA - Alum Rock Falls Road Landslide Repair LOP #19 (SCSJC90) construction contract to the lowest responsive bidder, and to approve a change order reserve/contingency of twenty-five percent (25%) of the contract award, in a total amount (contract plus reserve/contingency) not to exceed \$1,462,500; and
(b) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and rebid the project; and
(c) Negotiate and issue any change orders up to the amount of the reserve/contingency if the Director awards and executes a construction contract for the Project.
CEQA: Statutorily Exempt, File No. PP18-003, CEQA Guidelines Section 15269, Emergency Projects. (Public Works/Transportation)

3.10 18-470 Citywide Capital Improvement Program Semi-Annual Status Report.

Recommendation: Accept the Semi-Annual Status Report on the Citywide Capital Improvement Program.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

3.11 18-509 Review of the Retirement Plan's Pension and Post-Employment Healthcare Plan Actuarial Valuations as of June 30, 2017.

Recommendation: Review the following actuarial valuation reports:
(a) Police and Fire Department Retirement Plan Actuarial Valuation (Pension) as of June 30, 2017;
(b) Police and Fire Department Postemployment Healthcare Plan Actuarial Valuation (Pension) as of June 30, 2017;
(c) Federated City Employees' Retirement System Actuarial Valuation (Pension) as of June 30, 2017; and
(d) Federated City Employees' Retirement System Postemployment Healthcare Plan Actuarial Valuation as of June 30, 2017.

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 18-495 Downtown High-Rise Residential Incentive Subsidy for SJSC Towers (Miro)
Located at 33 N. Fifth Street.**

Recommendation: Conduct a Public Hearing regarding an economic development subsidy in connection with a reduction in construction taxes and parkland fees for twenty additional units in a Downtown residential high-rise at 33 N. Fifth Street in the amount of \$236,133, pursuant to California Government Code Section 53083.
CEQA: Addendum to the Downtown Strategy 2000 EIR, the Envision San Jose 2040 General Plan and the Envision San Jose 2040 General Plan Supplemental EIR, Planning File No. SP17-009. Council District 3. (Economic Development)

5. NEIGHBORHOOD SERVICES

- 5.1 18-428 Park Ranger Program Annual Report.**

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on March 15, 2018, accept the 2017 Annual Report on the Park Ranger Program.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City actions. (Parks, Recreation and Neighborhood Services)
[Public Safety, Finance and Strategic Support Committee - Item (d) 4]
**DEFERRED FROM 4/3/18 ITEM 5.1 TO 4/17/18 PER
ADMINISTRATION**

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

- 8.1 18-534 Status Update on Santa Clara County's Release for Proposal for Emergency Ambulance Services and Potential Impacts to the 911 Emergency Medical Services Provider Agreement with the County of Santa Clara.**

Recommendation: (a) Council by motion waive the 10-day noticing requirement for the following item, and consider the following recommendation;
(b) Accept the "updated" status update on Santa Clara County's release of Request for Proposal (RFP) for Emergency Ambulance Services and potential impacts to the 911 Emergency Medical Services Provider Agreement between the City of San José and the County of Santa Clara and direct the City Manager to:
(1) Work with other Santa Clara County First-Responder Agencies on ways to achieve cost-recovery, including a First Responder Advanced Life Support fee (FRALS) in the short-term, and public-private model in the long-term.
(2) Request the Santa Clara County amend the existing RFP to require inclusive of a FRALS to achieve cost-recovery for first-responder agencies.
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/City Manager)

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) 18-450 Conforming Rezoning (C17-053) for Real Property Located at 951 Saratoga Avenue.**

Recommendation: Consideration of an ordinance of the City of San José rezoning an approximately 0.84-gross acre site, located at the southwest corner of Saratoga Avenue and Borina Drive (951 Saratoga Avenue) from the A(PD) Planned Development Zoning District and the R-1-8 Residential Zoning District to the CP Commercial Pedestrian Zoning District (Morningstar Education Group LLC, Owner).
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
C17-053 - Council District 1

DEFERRED FROM 4/10/18 ITEM 10.1(a) TO 4/17/18 PER ADMINISTRATION

- (b) 18-449 **Planned Development Rezoning (PDC15-027) for Real Property Located at 1705 Berryessa Road.**

Recommendation:

(a) Adopt a resolution adopting the 1705 Berryessa Gas Station Project Mitigated Negative Declaration, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program.

(b) Consideration of an ordinance of the City of San José rezoning a 1.04-gross acre site, located at the northwest corner of Berryessa Road and Lundy Avenue (1705 Berryessa Road) from the A(PD) Planned Development Zoning District to the CP(PD) Commercial Neighborhood Planned Development Zoning District to facilitate a future permit for the demolition of the existing kiosk, carwash building and the construction of an approximately 3,212-square foot new convenience store, 2,490-square foot retail/deli building, and 1,086 carwash tunnel (AU Energy, LLC Nick Goyal, Owner). CEQA: Mitigated Negative Declaration for the 1705 Berryessa Gas Station Project. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement) PDC15-027 - Council District 4

DEFERRED FROM 4/10/18 ITEM 10.1(b) TO 4/17/18 PER ADMINISTRATION

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

This meeting is adjourned in memory of Finis Haruko Uyeda. Finis passed away peacefully on February 28th, 2018 at the age of 84. Finis and her husband Lester moved to San Jose, California in 1963, where they've called home for the next 55 years. Finis became a mother to her three children and worked in school administration at Franklin McKinley and Seven Trees Elementary until she retired. Upon retiring, Finis kept busy helping to take care of her 5 grandchildren and remained active in the community. Finis was a member of the Wesley United Methodist Church and a volunteer at the Yu-Ai Kai Senior Center. Before passing, she wanted it communicated that she loved everyone and to thank them for making her life so wonderful. She lived a selfless and caring life - A life truly worth living. Her personality was infectious and she enjoyed life to the fullest, making every day count.

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