



City Council Meeting Agenda

Tuesday, June 5, 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

6:00 p.m.- Public Hearings, Council Chambers, City Hall

- Invocation (District 6)

To be determined.

- Pledge of Allegiance

- Orders of the Day

To be heard after Ceremonial Items

ADJOURNMENT: This meeting is adjourned in the memory of Ernest Guzman, a retired City of San Jose employee and longtime neighborhoods activist who dedicated his life to service in the community.

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 to the Department of Public Works in recognition of National Public Works Week. (Jones)

1.2 Presentation of a proclamation recognizing June 2018 as National Home Ownership Month in the City of San José. (Arenas)

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

2.4 18-769 Mayor and Council Excused Absence Requests.

Recommendation: Request for a retroactive excused absence for Councilmember Raul Peralez from the Regular City Council Meeting on May 15, 2018 due to illness.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Peralez)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 18-769 Actions Related to the Agreement with Santa Clara County for AB939 Implementation Fee and Participation in the Household Hazardous Waste Collection Program.

Recommendation: Approve the following Agreements with the County of Santa Clara:
(a) Agreement for Household Hazardous Waste Collection Program for Fiscal Year 2018-2019 through 2020-2021, for \$200,000 each year, subject to the appropriation of funds; and
(b) Agreement for Countywide Assembly Bill 939 Implementation Fee for FY 2018-2019 through 2020-2021.
CEQA: Negative Declaration for the Environmental Innovation Center, File No. PP09-138. (Environmental Services)

2.8 18-770 Amendment to the Agreement with County of Santa Clara for Household Hazardous Waste Collection Program.

Recommendation: Approve the Third Amendment to the Sublease Agreement between the City of San José and the County of Santa Clara for the use of City-leased Property for the Household Hazardous Waste Collection Program.
CEQA: Negative Declaration for the Environmental Innovation Center, File No. PP09-138. (Environmental Services)

2.9 18-765 Third Quarter Financial Reports for Fiscal Year 2017-2018.**Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on May 17, 2018:

(a) Accept the third quarter (period ending March 31, 2018) Financial Reports for Fiscal Year 2017-2018 for the following programs:

- (1) Debt Management;
- (2) Investment Management; and
- (3) Revenue Collection; and

(b) Adopt a resolution authorizing the Director of Finance to write-off uncollectible debts in an amount up to \$496,681.64.

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

[Public Safety, Finance and Strategic Support referral 5/17/18 - Item C.1]

2.10 18-714 Amendment to the Agreement with Axon Enterprise, Inc. for Police Body Worn Camera and Evidence Management System.**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Execute the First Amendment to the Agreement with Axon Enterprise, Inc. for a Body Worn Camera and Evidence Management System to increase the compensation by \$387,871 for a maximum compensation of \$5,205,555 to purchase 143 additional body worn cameras and related services, subject to the appropriation of funds; and

(b) Execute additional change orders to the Agreement to purchase additional cameras and services as required, subject to the same unit pricing, terms, and conditions and 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)

DEFERRED FROM 5/8/18 ITEM 2.7 TO 6/19/18 PER ADMINISTRATION

2.11 18-662 Report on Bids and Award of Contract for the 8709 - Sanitary Sewer Repairs 2017-18 Package III.**Recommendation:**

Report on bids and award of contract for the 8709 - Sanitary Sewer Repairs 2017-18 Package III to the low bidder, Southwest Pipeline & Trenchless Corporation in the amount of \$2,174,891 and approve a contingency in the amount of \$217,489.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction, File No. PP17-029. Council District: 1, 3, 5, 6, & 9. (Public Works)

2.12 18-722 Actions Related to the 7274 - Willow Glen Community Center Improvements Project.

Recommendation: Approve an increase to the contingency for the 7274 - Willow Glen Community Center Improvements project in the amount of \$40,000 for a total contingency amount of \$118,400 thereby increasing the contingency from 10% to 15%.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP15-112. (Public Works)

2.13 18-723 Report on Bids and Award of Contract for Construction of the 8765 - FEMA - Kelley Park Japanese Friendship Garden Restrooms and Maintenance Shop Facility.

Recommendation: Report on bids and award of the construction contract for the 8765 – FEMA – Kelley Park Japanese Friendship Garden Restrooms and Maintenance Shop Facility (SCSJE89/PW891) to the low bidder, Tucker Construction, Inc., for the total bid in the amount of \$244,443 and approval of a 15% percent Change Order Reserve in the amount of \$36,666.
CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Project, File No. PP18-003. Council District 7. (Public Works)

2.14 18-724 Report on Bids and Award of Contract for Construction of the 8821 - FEMA - Happy Hollow Lower Zoo.

Recommendation: Report on bids and award of the construction contract for the 882 – FEMA – Happy Hollow Lower Zoo - Offices, Night Houses, Employee Breakroom, Storage Sheds (SCSJE88/PW983) to the low bidder, Tucker Construction, Inc., for the total bid in the amount of \$168,187 and approval of a 15% Change Order Reserve in the amount of \$25,228.
CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Projects, File No. PP18-003. Council District 7. (Public Works)

2.15 18-760 Agreement with Toole Design Group, LLC for San Jose Bike Plan 2025 Development and Outreach.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a consulting services agreement with Toole Design Group, LLC for San Jose Bike Plan 2025 development and outreach during the period commencing on or about June 5, 2018 and ending on or about June 30, 2020, for an amount not to exceed \$675,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Transportation)

2.16 18-776 Naming of Esther Medina Park.**Recommendation:**

As recommended by Parks, Recreation and Neighborhood Services and the Parks and Recreation Commission, approve the name "Esther Medina Park" for the new City park on South 31st Street and Shortridge Avenue.

CEQA: Not a Project, File No. PP10- 068(c), Code or policy change that involves no changes in the physical environment. (City Clerk)

2.17 18-763 Agreement with Bateman Community Living for Senior Nutrition Program Services.**Recommendation:**

(a) Accept the report on the Request for Proposal for the Senior Nutrition Program; and

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

(1) Negotiate and execute an Agreement with Bateman Community Living, a division of Compass Group, to provide Citywide Senior Nutrition Service for an initial one-year term commencing on July 1, 2018 through June 30, 2019, with a maximum compensation amount not to exceed \$2,516,000 during the first twelve months of the initial term; and

(2) Execute five one-year options to renew the agreement, subject to annual appropriation of funds by City Council.

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

2.18 18-761 Actions Related to the Agreement with CalTrans for the Large Trash Capture Project.**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute a Cooperative Implementation Agreement with the State of California by and through the Department of Transportation (Caltrans) to accept reimbursement for the construction of large trash capture devices capturing drainage from Caltrans jurisdiction and minimizing trash from discharging to local watersheds and into the San Francisco Bay, in the approximate amount of \$1.6 million, or to the fullest extent allowed with funding authorized by Caltrans; and

(b) Negotiate and execute options, amendments, or other agreements with Caltrans, in excess of the City Manager's authority, accepting future Caltrans reimbursements for large trash capture devices serving Caltrans right-of-way.

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

2.19 18-778 Approval of the Terms of an Agreement with The International Brotherhood of Electrical Workers (IBEW), Local 332 for the term of July 1, 2017 through June 30, 2021.

Recommendation: (a) Adopt a resolution approving the terms of a collective bargaining agreement between the City and the International Brotherhood of Electrical Workers (IBEW), Local 332 for the term of July 1, 2017 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms.
(b) Adopt the following Appropriation Ordinance amendments in the General Fund:
(1) Increase the Personal Services appropriation to the Public Works Department by \$123,360; and
(2) Decrease the Salaries and Benefits Reserve by \$123,360.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

2.20 18-777 Approval of the Terms of an Agreement with The Association of Legal Professionals (ALP) 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 Legal Professionals (ALP) 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)

2.21 18-780 Actions Related to Councilmember Tam Nguyen's Travel to San Diego, CA.

Recommendation: Authorize travel for Councilmember Tam Nguyen to San Diego, CA from June 29 - June 30, 2018 to visit and tour Dreams for Change, Father Joe's Villages, Veterans Village of San Diego and The Alpha Project.
Source of Funds: District 7 Funds.
CEQA: Not a Project, File No, PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Nguyen)

2.20 18-781 Actions Related to Nicholas Almeida Travel to Boston, MA.

Recommendation: Authorize travel, accept travel payments to the City of San Jose, and designate Mayor's staff, Nicholas Almeida, as a City representative, to attend the US Conference of Mayors' Workforce Development Council from June 6-8, 2018 in Boston, MA.
Source of Funds: FUSE Corps.
CEQA: Not a Project, File No, PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Liccardo)

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 18-669 Statement of Policy and City Council Questions for the Prospective Fire Chief.

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Fire Chief as described in the memorandum to Council, in compliance with City Charter Section 411.1.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

3.4 18-756 Actions Related to the Recording Liens on Properties for the Reimbursement of the Cost of Sidewalk Repairs.

Recommendation: (a) Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs;
(b) Adopt a resolution confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report; and
(c) Direct the recording of liens and the placement of charges as set forth therein on the 2018-2019 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs.
CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance)

3.5 18-762 Amendment to the Agreement with Kaiser Foundation Health Plan, Inc. for Medical Insurance.

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 \$457,069,000; 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)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-757 Public Hearing on the Downtown High-Rise Residential Incentive for the Aviato at North San Pedro Located at 199 Bassett Street.

Recommendation: Conduct a Public Hearing regarding an economic development subsidy given in connection with a reduction in construction and conveyance taxes and park impact in-lieu fees for a Downtown residential high-rise at 199 Bassett Street in the amount of \$4,391,240, pursuant to California Government Code Section 53083 and Open Government Resolution Section 2.3.2.6 C.
CEQA: Addendum to the Brandenburg Mixed Use Project/North San Pedro Housing Sites Environmental Impact Report (EIR) (Resolution No. 72170); the Downtown Strategy 2000 Final EIR, and Addenda thereto (Resolution No. 72767); Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), and Addenda thereto; Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto, File Nos. SP17-023 and T17-026. Council District 3. (Economic Development)

4.2 18-758 Public Hearings on Business Improvement District Reports for Fiscal Year 2018-2019.

Recommendation: (a) Conduct a Public Hearing and adopt a resolution approving the Downtown Business Improvement District budget report for fiscal year 2018-2019, as filed or modified by Council, to levy the Downtown BID assessments for 2018-2019, and to suspend collection of the Downtown BID assessments for the businesses that qualify for the business tax financial hardship exemptions under the City's general business tax ordinance.
(b) Conduct a Public Hearing and adopt a resolution approving the Japantown Business Improvement District budget report for fiscal year 2018-2019, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2018-2019.
CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. Council District 3. (Economic Development)

4.3 18-754 Public Hearing on the U.S. Department of Housing and Urban Development FY 2018-2019 Annual Action Plan.

Recommendation: (a) Conduct a Public Hearing on the Draft FY 2018-2019 Annual Action Plan, as required by the U.S. Department of Housing and Urban Development; and (b) Provide Housing Department staff with input on the draft FY 2018-2019 Annual Action Plan and funding priorities.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Specific development projects that are funded as a result of the Consolidated Annual Action Plan are subject to project-specific CEQA clearance. (Housing)

5. NEIGHBORHOOD SERVICES

5.1 18-764 Mayor's Gang Prevention Task Force Strategic Work Plan 2018-2020.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on May 17, 2018, accept the Mayor's Gang Prevention Task Force Strategic Work Plan 2018-2020.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services)
[Public Safety, Finance and Strategic Support Committee referral 5/17/18 - Item (d)5]

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 18-755 Recycle Plus Rates for Single-Family and Multi-Family Services

Recommendation: Adopt a resolution to amend the current Recycle Plus rate resolution effective July 1, 2018, as follows:
(a) Increase rates for single-family households by 3 percent; and
(b) Increase rates for multi-family households by 2 percent.
CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Environmental Services)

7.3 18-767**Actions Related to the 2018-2019 Sewer Service and Use Charge Rates.****Recommendation:**

- (a) Conduct a Public Hearing on proposed 2018-2019 Sewer Service and Use Charge rates and proposed maximums for rate increases in 2019-2020 and 2020-2021; and direct staff to return during the 2019-2020 and 2020-2021 budget cycles with recommendations regarding rate increases consistent with staff recommended maximum rate increases noticed for those years.
 - (b) Adopt a resolution setting the following Sewer Service and Use Charge monthly rates for 2018-2019:
 - (1) Single-Family Residential - \$38.90
 - (2) Multi-Family Residential - \$26.10 per unit
 - (3) Mobile Home - \$29.40 per unit
 - (4) Non-Monitored Commercial and Industrial - See Attachment A of the staff memorandum
 - (5) Monitored Industrial - See Attachment A of the staff memorandum
 - (c) Adopt a resolution setting the following Storm Sewer Service Charge monthly rates for 2018-2019:
 - (1) Single-Family Residential and Duplex - \$7.87
 - (2) Mobile Home - \$3.94 per unit
 - (3) Residential Condominium - \$4.30 per unit
 - (4) Large Multi-Family Residential (5 or more units) - \$4.30 per unit
 - (5) Small Multi-Family Residential (3-4 units) - \$14.95
 - (6) Commercial, Institutional and Industrial - See Attachment B of the staff memorandum
- CEQA: Not a Project, File No. PP17-005, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Environmental Services)

7.4 18-768**San José Municipal Water System 2018-2019 Water Rates and Charges.****Recommendation:**

- (a) Hold a Public Hearing on proposed San José Municipal Water System 2018-2019 water rates and charges.
 - (b) Adopt a resolution updating San José Municipal Water System potable and recycled water rates and charges, effective July 1, 2018.
- CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates & Fares without changes to or expansion of services. Council Districts 2, 4, 7 and 8. (Environmental Services)

7.5 18-771**Actions Related to the Negotiations of the Recycle Plus Residential Solid Waste Agreements and China's Policy On Importing Recyclable Material.****Recommendation:**

- (a) Accept staff's report discussing the negotiations with the current Recycle Plus haulers and providing information on staff's evaluation that the negotiations were unsuccessful;
- (b) Direct staff to end negotiations with the current Recycle Plus haulers;
- (c) Adopt a resolution authorizing the City Manager to waive the contractor disincentives for not meeting the required diversion rates for calendar year 2018, if by December 31, 2018 the City Manager determines that the Recycle Plus haulers are unable to meet their required diversion rates because of China's "National Sword" policy on the import of recyclable materials;
- (d) Direct staff to return with recommendations on future waivers as part of the budget process for 2019-2020 if necessary because of the continuing impacts of China's "National Sword" policy.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment, and Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Environmental Services)

7.6 18-774 Actions Related to the Parameters for Request for Proposals for Residential Solid Waste Services.

Recommendation:

Direct staff to:

- (a) Initiate development of a Request for Proposals (RFP) to solicit and award agreements for residential solid waste services that would begin July 1, 2021; services will include collection and processing of solid waste, recyclables, and organic materials for each of the two service districts for single-family residences and a citywide district for multi-family residences, and City Facilities;
- (b) Establish term of 15 years for the new agreements;
- (c) Include the following in the Request for Proposals:
 - (1) Living wage and employee retention requirements consistent with Council's Living Wage Policy;
 - (2) Solicit ideas for the new system to be flexible to address evolving recycling markets; while continuing to meet zero waste goals;
 - (3) Solicit ideas for the new system to support Climate Smart San José and reduce greenhouse gas emissions;
 - (4) Include optional services for emergency response support;
 - (5) Solicit ideas for providing larger garbage carts to single-family residents and exploring updated customer rate structures;
 - (6) Performance standards that would address leveraging technology and providing ease of use for enhanced customer service, material recovery and marketing, service delivery, environmental compliance, and vehicle standards;
- (d) Complete waste characterization studies to inform the RFP;
- (e) Explore using City staff for Junk Pick-Up services and customer outreach; and
- (f) Procure residential street sweeping and Public Litter Cans services separately from residential waste services.

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

7.7 18-773 Actions Related to the Living Wage Requirements for Recycle Plus Residential Garbage and Recycling Contracts.

Recommendation:

- (a) Accept the staff report on:
 - (1) The proposed methodology to implement a Modified Living Wage for Recycle Plus Customer Service Representatives, Mechanics, and Materials Recovery Facility workers (“Facility Workers”); and
 - (2) Updated labor peace plans from the Recycle Plus contractors.
 - (b) Adopt a resolution authorizing the City Manager to negotiate and execute contract amendments with GreenTeam of San Jose and GreenWaste Recovery Inc. to implement a Modified Living Wage Requirement for Recycle Plus Facility Workers effective September 1, 2018.
 - (c) Direct staff to include a Living Wage requirement for the Recycle Plus program in future residential garbage and recycling agreements.
- CEQA: Not a Project, File PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Environmental Services/Public Works)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

- 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.

- Council will recess until 6:00 p.m.

10. LAND USE

- Open Forum

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

ADJOURNMENT: This meeting is adjourned in the memory of Ernest Guzman, a retired City of San Jose employee and longtime neighborhoods activist who dedicated his life to service in the community.

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