

City Council Meeting Draft Amended Agenda

Tuesday, June 12, 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 6 SYLVIA ARENAS, 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 5) The Church of Jesus Christ of Latter-Day Saints
 - 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

<u>1. CEREMONIAL ITEMS</u>

- 1.1 Presentation of a proclamation for Elder Abuse Awareness Day. (Carrasco)
- 1.2 Presentation of a commendation to Vivace Youth Chorus of San Jose. (Mayor)

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 Mayor and Council Excused Absence Requests.

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2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 18-807 Amendment to the Lease of Airport Premises Agreement with Swissport Fueling, Inc. <u>Recommendation:</u> Approve the First Amendment to the Lease of Airport Premises between the City of San José and Swissport Fueling, Inc. to extend its

between the City of San José and Swissport Fueling, Inc. to extend its agreement for an additional five years to March 31, 2023.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

2.8 18-812 Purchase Orders with Tucker Construction, Inc. for Metal and Steel Fence Repair and Replacement Services.

<u>Recommendation:</u> Adopt a resolution to authorize the City Manager to:

a. Execute two Purchase Orders with Tucker Construction, Inc. (San José, CA), one for Public Works and another for Parks, Recreation and Neighborhood Services, for metal and steel fence repair and replacement services for an initial twelve-month period, starting on or about June 20, 2018 and ending on or about June 19, 2019, for a total aggregate amount not-to-exceed \$407,000, subject to the appropriation of funds.

b. Exercise a one-year option to extend the term of both Purchase Orders with the term ending on or about June 19, 2020, 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. (Finance)

2.9 18-803 Actions Related to the Plaza De César Chávez Interim Improvements Project.

Recommendation: Adopt the following 2017-2018 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

a. Establish the César Chávez Interim Improvements appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$500,000; and

b. Decrease the Future PDO/PIO Projects Reserve by \$500,000.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP18-051.

(Parks, Recreation and Neighborhood Services/City Manager)

2.10	18-814	Actions Related to the Department of Parks, Recreation and Neighborhood
		Services Agreements.
	nmendation:	
		 require approval for budgetary adjustments and appropriation actions necessary for such programs; and c. Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2018-2019 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment B of the memorandum to Council) consistent with Adopted Budget amounts for the following City programs or services: 1. After School Education and Safety; 2. BeautifySJ Grant Program; 3. Bringing Everyone's Strengths Together Grants;
		 4. Citywide Aquatics Program; 5. Community Center Reuse Program; 6. County of Santa Clara Therapeutic Program; 7. Family Camp Facility Use Agreements; 8. Friends of PRNS Non-Profit Organizations; 9. Grant Revenue Agreements; 10. Happy Hollow Park and Zoo: a. Education Programs; b. Private Events; 11. Homeless Response Team; 12. Leisure and Recreation Fee Class Vendor Agreements; 13. Leisure and Recreation Program Facility Use Agreements; 14. Little League Agreement(s);

15.	Martial	Cottle	Community	Garden;
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- 16. Mayor's Gang Prevention Task Force:
 - a. Grant Revenue;
 - b. Related Sub-Contractor Agreements, where applicable;
 - c. Facility Use;
 - d. Memoranda of Understanding;
 - e. Evaluation Consultant Agreements;
- 17. Park Concessionaires Agreements;
- 18. Recreation of City Kids Program;
- 19. Safe Summer Initiative Grants;
- 20. Senior Health and Wellness Grants;
- 21. St. James / Urban Park Activation Grants; and
- 22. Summer Food Service Program.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP17-039; Categorically Exempt, CEQA Guidelines Section 15304, Minor Alterations to Land, File No. PP14-050; and Not a Project, File PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. All agreements cited in this memorandum, except for the BeautifySJ Grant Program and Martial Cottle Community Garden, have services that involve no change to the environment. (Parks, Recreation, and Neighborhood Services)

2.11 18-809 Actions Related to the Agreement with Kimley-Horn and Associates, Inc. for the East San José Multimodal Transportation Improvement Plan.

Recommendation:Adopt a resolution authorizing the City Manager or designee to negotiate
and execute a contract with Kimley-Horn and Associates, Inc. for
planning and design consulting services to develop the East San José
Multimodal Transportation Improvement Plan in an amount not to
exceed \$450,000.
CEQA: Not a Project, File No. PP17-002, Consultant services for

design, study, inspection, or other professional services with no commitment to future action. Council Districts 3, 4, & 5. (Transportation)

2.12 18-806 Disestablish the Hotel Business Improvement District.

Recommendation:Approve an ordinance to disestablish the Hotel Business Improvement
District, originally established under the Parking and Business
Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq.
CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b),
Review for Exemption, File No. PP08-048. (Economic Development)

2.13 1	8-813	Agreement with Magical Bridge Foundation for Emma Prusch Farm Park
		Project.
Recomm	nendation:	Adopt a resolution authorizing the City Manager to:

a. Negotiate and execute an agreement with Magical Bridge Foundation to provide consulting design services and fundraising for a new all-inclusive play area at Emma Prusch Farm Park. The park's improvements will include new universally-accessible play equipment to replace existing equipment, new restrooms, and related improvements; and b. Submit a grant application and, if awarded, negotiate and execute a grant agreement with the Santa Clara County Open Space Authority for an amount up to \$600,000 in funding to plan, design, and construct a new all-inclusive play area at Emma Prusch Farm Park.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP18-022.
(Parks, Recreation and Neighborhood Services)
DEFERRED FROM 5/15/18 ITEM 2.8 (18-631) TO 6/12/18 PER ADMINISTRATION

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	18-815	Mayor's June Budget Message for Fiscal Year 2018-2019.
Reco	mmendation:	a. Review, discuss and approve the Mayor's June Budget Message for
		Fiscal Year 2018-2019.
		b. Adopt a resolution authorizing the City Manager to negotiate and
		execute agreements addressed in the Mayor's Budget Message which
		are for amounts that exceed the City Manager's contract authority,
		provided that any required environmental review has been completed.
		CEQA: Not a Project, File No. PP17-010, City Organizational &
		Administrative Activities resulting in no changes to the physical environment.
		(Mayor)

3.4	18-816	Approve the 2018-2019 Operating and Capital Budgets for the City of San
		José and Schedule of Fees and Charges.
	18-816 mmendation:	
		repayment of the loan until it is fully repaid; 5. In the event that a shortfall arises in the Council District 5 Construction and Conveyance Tax Fund, another eligible source of revenue shall
		 fully repay the loan; 6. The loan shall be immediately due and payable if needed by the Construction and Conveyance Tax Fund: City-wide Parks Purposes to fund any eligible project; and 7. A final balloon payment shall be required if the loan has not been fully repaid from the grant reimbursements by June 30, 2022. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

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3.5	18-817	Status of Open Audit Recommendations as of December 31, 2017.
<u>Reco</u>	<u>mmendation:</u>	 a. Accept the Status of Open Audit Recommendations as of December 31, 2017. b. Approve the 2018-2019 Open Audit Recommendations Priorities with direction to the City Manager to prioritize work on these outstanding audit recommendations while continuing to make progress on addressing and working with the City Auditor to close out other open audit recommendations. 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/City Manager)
3.6	18-808	Library Parcel Tax Rates for Fiscal Year 2018-2019.
<u>Reco</u>	<u>mmendation:</u>	Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2018-2019 by 3.00% over the fiscal year 2017-2018 rates and approving the placement of the Library Parcel Tax on the fiscal year 2018-2019 Santa Clara County Property Tax Roll. CEQA: Not a Project, File No. PP17-005, Adjustments to Fees, Rates & Fares without changes to or expansion of services. (Finance/Library)
3.7	18-820	Amendment to Title 1 for Electronic Signatures.
<u>Reco</u>	<u>mmendation:</u>	Approve an ordinance amending Title 1 of the San José Municipal Code by adding Chapter 1.21 to authorize electronic signatures on documents used and accepted by 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. (Information Technology/City Manager)
3.8	18-726	Actions Related to the Intention to Form Community Facilities District No. 17.
<u>Reco</u>	<u>mmendation:</u>	 a. Accept the landowner petitions requesting the institution of proceedings for the establishment of a community facilities district. b. Approve an agreement with Civic South Bay, LLC and Arcadia Development Co. to fund the City's costs in investigating the feasibility of a community facilities district for the maintenance of landscape and hardscape improvements within the Evergreen area and conducting formation proceedings. c. Adopt a resolution of intention to: 1. Form Community Facilities District No. 17 (Capitol Expressway - Evergreen Place); 2. Levy a special tax on land within Community Facilities District No. 17; 3. Set a Public Hearing for August 14, 2018 at 1:30 p.m. regarding the district formation; and 4. Hold an election immediately following the close of public hearing.

d. Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments to establish the Community Facilities District No. 17 (Capitol Expressway - Evergreen Place) Fund pursuant to Chapter 14.27 of the San José Municipal Code:
1. Establish an appropriation for the Community Facilities District No. 17 Feasibility Project to the Department of Public Works in the amount of \$37,629; and
2. Establish estimated revenue from Developer Contributions in the amount of \$37,629.
CEQA: Addendum to the Evergreen East Hills Vision Strategy Environmental Impact Report (EIR) and Supplemental EIR (Resolution No. 74742); and Addenda thereto, File No. PDC10-022. Council District 8. (Public Works/City Manager)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-804 Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for 2018-2019.

Recommendation:

Adopt an annual resolution authorizing the City Manager or his designee to negotiate and execute the following agreements relating to the Workforce Innovation and Opportunity Act Program and projects: a. All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors, and partners providing services to the Workforce Innovation and Opportunity Act (formerly Workforce Investment Act Program, including, but not limited to novations or assignments, case management contracts, and consultant contracts, for the period July 1, 2018 to June 30, 2020 in accordance with procurement procedures and requirements mandated by the State and Federal governments for Workforce Innovation and Opportunity Act grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Workforce Development Board (work2future Board), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement. b. All memorandums of understanding with Required and Additional One-Stop Partners for the period July 1, 2018 to June 30, 2021 in accordance with Section 121 of the Workforce Innovation and Opportunity Act, including, but not limited to memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost-sharing

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agreements, regional consultant agreements, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from the work2future One Stops, a partner of the America's Job Center of CaliforniaSM, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement.

c. All amendments to City Council approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

d. All grant applications, grant agreements, sub grant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year periods so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

e. All Eligible Training Provider List, Youth Career Technical Training, Youth Workshops, Adult Workshops, and Adult Cohort agreements, and multiple-scope agreements that combine two or more of the above agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2018 to June 30, 2020, subject to annual appropriation of funds by the Workforce Development Board. f. All agreements specified in section (a) above with a term end date beyond the fiscal year in which the contract begins (an end date beyond June 30, 2019), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement. g. All agreements specified in section (a) above that do not involve a

g. All agreements specified in section (a) above that do not involve a disbursement of funds (no-fund agreement) with an end term beyond the fiscal year in which the agreement begins (beyond June 30, 2019). 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 impact on the environment. (Economic Development)

4.2 18-823 Actions Related to the HOME Funding for the Second Street Studio Apartments Project.

<u>Recommendation:</u> Adopt a resolution approving an increase to the existing City Council-approved construction-permanent loan commitment to First

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	Community Housing for the Second Street Studios project by \$1,500,000 in HOME Investment Partnership Funds from \$16,915,713 to a maximum of \$18,415,713. CEQA: Mitigated Negative Declaration, File No. PDC07-086, adopted 8/26/2008. Council District 3. (Housing)
4.3 18-824	FY 2017/18 - FY 2021/22 Affordable Housing Investment Plan.
<u>Recommendation:</u>	Accept the staff report on the FY 2017/18 - FY 2021/22 Affordable Housing Investment Plan. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Housing)
4.4 18-819	Housing Crisis Workplan.
Recommendation .	Accept the staff report on the Housing Crisis Workplan

Recommendation:Accept the staff report on the Housing Crisis Workplan.
CEQA: Not a Project, File No PP17-009, Staff Reports, Assessments,
Annual Reports, and Informational Memos that involve no approvals of any City
action. (Economic Development/Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 18-818 Actions Related to the Master Parking Rate Schedule.

<u>Recommendation:</u>

 a. Adopt a resolution to repeal Resolution No. 78157 and set forth the Master Parking Rate Schedule to establish a citywide \$2 per hour rate in parking meter districts where Smart Meters have been installed, effective July 1, 2018.
 b. Establish the Parking Meter District Area Reserve.

c. Approve an ordinance amending San Jose Municipal Code Part 36 of Chapter 2.08 to alter membership criteria for the Downtown Parking Board. CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates, & Fares without changes to or expansion of services; Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. Council District 3. (Transportation)

6.2 18-821 Amendment to the Agreement with HMH Engineers for the US 101/Blossom Hill Road Interchange Improvement Project.

Recommendation: a. Approve the First Amendment to the agreement between the City of San José and HMH Engineers for consultant services for the US

101/Blossom Hill Road Interchange Improvement project to increase maximum total amount of compensation in the amount of \$3,778,600 from \$1,585,100 to \$5,363,700, expand the scope of services related to final design, bid, award, and construction support, and extend the term of the agreement from June 30, 2018 to December 31, 2021.
b. Adopt the following 2017-2018 Funding Source Resolution and Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:
1. Establish an estimate for Other Revenue in the amount of \$4,061,334; and
2. Increase the Route 101/Blossom Hill Road Interchange appropriation in the amount of \$4,061,334.
CEQA: Categorically Exempt, CEQA Guidelines 15301, Existing Facilities, File No. PP18-053. Council District 2. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1	18-825	Actions Related to the Phase 1 Rates and Energy Supply Contracts for San
		José Clean Energy.
<u>Recommendation:</u>		 a. Adopt a resolution authorizing the Director of Community Energy to negotiate and execute energy supply contracts using the Western Systems Power Pool ("WSPP") Agreement in an amount not to exceed \$3,000,000 in aggregate and other related action; b. Approve the initial electric generation rates for Phase I (City Accounts) as s hown in Attachment 2; c. Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance and Funding Sources Resolutions amendments in the San Jose Clean Energy Fund: Increase the estimate for Financing Proceeds in the amount of \$724,000; Decrease the Non-Personal/Equipment appropriation to the Community Energy Department in the amount of \$1,232,000; Decrease the Personal Services appropriation to the City Attorney's Office in the amount of \$344,000; Decrease Pacific Gas & Electric (PG&E) Security Deposit appropriation to to
		 the Community Energy Department in the amount of \$51,000; and, 6. Establish the Cost of Energy appropriation to the Community Energy Department in the amount of \$3,000,000. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Community Energy/City Manager)
7.2	18-805	Actions Related to the Agreement with D&L Hauling & Demolition Services for the Collection, Transport, and Disposal of Residential Clean-Out Material and Construction and Demolition Debris.
Recon	nmendation:	a. Conduct a Public Hearing on the application of D&L Hauling &

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	 Demolition Services for a Non-Exclusive Franchise for the non-exclusive collection, transport, and disposal of residential cl material and construction and demolition debris. b. Approve an ordinance granting the franchise. c. Approve the Non-Exclusive Franchise Agreement for the colt transport, and disposal of residential clean-out material and constant demolition debris for a term from July 19, 2018 through Jun 2019 with the option of two one-year extensions. CEQA: Categorically Exempt, CEQA Guidelines Section 15308 No. PP08-228. Commercial Solid Waste and Recyclables Collect Franchise agreements between the City of San José and private For commercial solid waste and mixed recyclables collection in the of San José. (Environmental Services) 	llection, struction le 30, 8, File ction naulers
7.3 18-826	Actions Related to the 7382-Digester and Thickener Facilitie	s Upgrade
	Project at the San Jose-Santa Clara Regional Wastewater Fa	acility.
Recommendation:	 a. Approve a \$25,000,000 increase to the construction contingent amount of \$28,490,625 for a revised total contingency amount of \$53,490,625 and increasing the contract not-to-exceed amount fit \$136,415,625 to a total revised contract amount not-to-exceed \$161,415,625 for the 7382 - Digester and Thickener Facilities U b. Adopt the following 2017-2018 Appropriation Ordinance Amendments in the San José- Santa Clara Treatment Plant Capite 1. Decrease the Aeration Tanks and Blower Rehabilitation Appr \$18,000,000; 2. Decrease the Urgent and Unscheduled Treatment Plant Rehabilitation by \$4,500,000; 3. Decrease the Advance Facility Control and Meter Replacement by \$4,000,000; and 4. Increase the Digester and Thickener Facilities Upgrade Approximonmental Services Department by \$26,500,000. CEQA: San José-Santa Clara Regional Wastewater Facility Dige Thickener Facilities Upgrade Project Mitigated Negative Declara File No. PP15-055. (Public Works/City Manager) 	f rom pgrade Project. tal Fund: opriation by oilitation nt Appropriation opriation ester and

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

CONVENE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

9.1	18-810	Approval of Write-Off of Uncollectable Small Business Accounts.
Recommendation:		Successor Agency Board adopt a resolution authorizing the Chief Financial Officer to the Successor Agency to write-off uncollectible small business loans in an amount not to exceed \$119,919.90. CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Finance)
9.2	18-811	Successor Agency Board Approval of the July 1, 2018 - June 30, 2019 Administrative Budget and Annual Recognized Obligation Payment Schedule 18-19.
<u>Reco</u>	<u>mmendation:</u>	 Successor Agency Board adopt resolutions approving: a. The Administrative Budget for July 1, 2018 through June 30, 2019; and b. The Recognized Obligation Payment Schedule 18-19 and authorizing payment of expenditures for items on the Recognized Obligation Payment Schedule 18-19, which details the obligations of the Successor Agency for the period of July 1, 2018 through June 30, 2019. 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/Successor Agency)

ADJOURN SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

10. LAND USE

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