



City Council Meeting Agenda

Tuesday, June 19, 2018

SAM LICCARDO, MAYOR
CHAPPIE JONES, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5
DEV DAVIS, DISTRICT 6
TAM NGUYEN, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
DONALD ROCHA, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

Strategic Support - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.

Community & Economic Development - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

Neighborhood Services - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.

Transportation & Aviation Services - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.

Environmental and Utility Services - Manage environmental services and utility systems to ensure a sustainable environment for the community.

Public Safety - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speakers 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 Clerks table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov 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

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

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

- Invocation (District 6)

Baha'i Faith

- Pledge of Allegiance

- Orders of the Day

To be heard after Ceremonial Items

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation for the organizers of Make Music Day San Jose for bringing communities together to celebrate through music. (Arenas/Peralez)
- 1.2 Presentation of a commendation recognizing Carolyn Clark Elementary School teacher Margaret Hoang for instilling her students with a passion of community service and fighting hunger in San Jose. (Arenas)- **To be heard in the Evening**
- 1.3 Presentation of a commendation to Eddie Gale, San José's Official Ambassador of Jazz, for 50 years as a world-renowned recording artist. (Jones)

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.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 18-864 Amendment to the Agreement with Macias, Gini & O'Connell to Provide Annual Financial and Compliance Audits.

Recommendation: Approve the First Amendment to the Agreement with Macias, Gini & O'Connell LLP to add audit services related to the financial statements of the Executive Management and Professional Employees Tier 3 Defined Contribution Plan, and the City of San José Voluntary Employee Beneficiary Association (VEBA) plans, increasing total compensation under the term of the agreement by an amount not to exceed \$63,652, with revised maximum total compensation of \$4,016,441.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Auditor)

2.8 18-890 Boards and Commissions Appointments.

Recommendation: Approve the following Boards and Commissions appointments:

- (a) Arts Commission
 - (1) District 2 Seat: Appoint Charlie McCollum for a term of July 1, 2018 to June 30, 2022;
 - (2) District 4 Seat: Appoint Mazyar Loftalian for a term of July 1, 2018 to June 30, 2022;
 - (3) District 6 Seat: Appoint John Callison for a term of July 1, 2018 to June 30, 2022;
 - (4) District 8 Seat: Appoint Richard James for a term of July 1, 2018 to June 30, 2022;
 - (5) District 10 Seat: Appoint Lynne Brown for a term of July 1, 2018 to June 30, 2022;
- (b) Council Appointment Advisory Commission
 - (1) Citywide Seat: Appoint Malik Brown for a term ending December 31, 2018;
- (c) Historic Landmarks Commission
 - (1) Appoint Harriett Arnold for a term of July 1, 2018 to June 30, 2022;
 - (2) Appoint Paul Boehman for a term of July 1, 2018 to June 30, 2022;
- (d) Human Services Commission
 - (1) Domestic Violence Service Provider/Survivor Seat: Appoint Christopher Demers for a term ending December 31, 2020;
- (e) Library and Early Education Commission
 - (1) Early Child Care/Education Seat: Appoint Thaddeus Aid for a term of July 1, 2018 to June 30, 2022;
 - (2) Early Child Care/Education Seat: Appoint Michael Mellio for a term

of July 1, 2018 to June 30, 2022;

(f) Neighborhoods Commission

(1) District 4 Seat: Appoint Cassandra Langer for a term ending June 30, 2020;

(g) Senior Citizens Commission

(1) District 7 Seat: Appoint Marisol Caballero for a term ending June 30, 2021;

(h) Youth Commission

(1) District 2 Seat: Appoint Nathan Arumgham for a term ending May 31, 2020;

(2) District 4 Seat: Appoint Kaitlyn Tran for a term ending May 31, 2020;

(3) District 6 Seat: Appoint Chris Zazueta for a term ending May 31, 2020;

(4) District 7 Seat: Appoint Jenifer Herrera-Damian for a term ending May 31, 2019;

(5) District 8 Seat: Appoint Rushil Srivastava for a term ending May 31, 2020;

(6) District 9 Seat: Appoint Clarabelle Walkup for a term ending May 31, 2019;

(7) District 10 Seat: Appoint Dheerj Jasuja for a term ending May 31, 2020; and

(8) Citywide Seat: Appoint Jacqueline Paredes-Kao for a term ending May 31, 2019.

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

2.9 18-876

Agreement with Squire Patton Boggs LLP for Federal Legislative Advocacy Services.

Recommendation:

Adopt a resolution authorizing the City Manager to:

a. Negotiate and execute a third amendment to the current Agreement with Squire Patton Boggs LLP for legislative representation services in Washington, D.C. to extend the term for one year for the period July 1, 2018 to June 30, 2019, in an amount not to exceed \$178,000, subject to the appropriations of funds; and

b. Exercise an Option to Extend the Agreement for an additional one-year term from July 1, 2019 to June 30, 2020, in an amount not to exceed \$178,000, for a total contract amount of \$815,600, subject to the appropriation of funds.

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

2.10 18-877 Amendment to the Agreement with Quintana Cruz, LLC for State Legislative Advocacy Services.

Recommendation: Adopt a resolution authorizing the City Manager or designee to execute an amendment to the Agreement for Consultant Services to include additional services and increase the total compensation paid to Quintana Cruz, LLC (Quintana) for State Legislative Advocacy Services from \$120,000 to \$245,000 for the period of June 19, 2018 to June 30, 2019, for a total contract amount of \$485,000 subject to the appropriation of funds.

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

2.11 18-833 Report on Bids and Award of Contract for the 8684 - Pond A18 South Gate Levee Repair Project.

Recommendation: Report on bids and award of a construction contract for 8684 Pond A18 South Gate Levee Repair to the apparent low bidder Sweetwater Construction, Inc. for the base bid in the amount of \$217,493 and approval of a construction contingency of 15 percent in the amount of \$32,624.

CEQA: Mitigated Negative Declaration for the San José-Santa Clara Regional Wastewater Facility Pond A18 South Gate Levee Repair Project, File No. PP17-047. (Environmental Services)

2.12 18-893 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 (18-617), 6/5/18 ITEM 2.10 (18-714) TO 6/19/18 PER ADMINISTRATION

Attachments [Agreement](#)

2.13 18-843 Amendment to the Agreement with enfoTech & Consulting, Inc. for Environmental Enforcement Data Management System.

Recommendation: Adopt a resolution authorizing the City Manager to execute the Eighth Amendment to the Agreement with enfoTech & Consulting, Inc. for an Environmental Enforcement Data Management System, to add up to three additional one-year options to extend the term through June 30, 2021, at a fixed cost of \$53,460 per year, 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)

2.14 18-844 Report on Request for Proposal for the Homeless Encampment Clean-Ups.

Recommendation: Adopt a resolution authorizing the City Manager to:

- a. Execute an agreement with Tucker Construction, Inc. (San José, CA) for the clean-up of homeless encampments for an initial one-year term ending on June 30, 2019 with a maximum compensation not-to-exceed \$315,000.
- b. Execute amendments and change orders to increase the maximum compensation as required in the event that clean-up requirements exceed staff estimates, subject to the appropriation of funds.
- c. Exercise up to four one-year options to extend the term of the agreement through June 30, 2023, subject to the appropriation of funds.

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

2.15 18-851 Report on Request for Proposal for Parking Garage and Surface Lot Management Services.

Recommendation: Accept the report on the Request for Proposal for Parking Garage and Surface Lot Management Services and adopt a resolution authorizing the City Manager to:

- a. Negotiate and execute an Agreement with SP Plus Corporation (Chicago, IL) for an initial five-year term ending June 30, 2023, for an estimated annual cost of \$4,115,916 to manage the City's parking garages and surface lots, including maintenance, operation, janitorial services, and supplemental services, subject to the annual appropriation of funds;
- b. Negotiate and execute amendments to the Agreement to allow for changes to the list of parking garages and surface lots, levels of service or increase to supplemental services, subject to the annual appropriation of funds; and

c. Exercise up to seven, one-year options to extend the term of the Agreement through June 30, 2030, 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)

2.16 18-850

Request for Proposal for Citywide Elevator Maintenance Services.

Recommendation:

Accept the report on the Request for Proposal, and adopt a resolution authorizing the City Manager to:

a. Execute an agreement with A Lewis Enterprises, Inc, doing business as A Step Above to provide elevator maintenance and repair services for an initial one-year term from July 1, 2018 through June 30, 2019, for a total maximum compensation not to exceed \$178,400, subject to the appropriation of funds.

b. Execute amendments to the agreement to add or delete elevators as required, subject to the appropriation of funds.

c. Exercise up to nine one-year options to extend the term of the agreement through June 30, 2028, with annual adjustment not to exceed 3%, 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)

2.17 18-852

Request for Proposal for Elevator and Escalator Maintenance Services at the Mineta San José International Airport.

Recommendation:

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

a. Negotiate and execute an agreement with Schindler Elevator Corporation to provide elevator maintenance and repair services at the Norman Y. Mineta San José International Airport (Airport or SJC) for an initial one-year term from July 1, 2018 through June 30, 2019, with a total maximum compensation not to exceed \$461,420, subject to the appropriation of funds.

b. Execute change orders and/or amendments to the agreement to add or delete elevators and/or add a second full-time technician as required, subject to the appropriation of funds.

c. Exercise up to nine one-year options to extend the term of the agreement through June 30, 2028, with annual adjustment not to exceed 3% except where the annual Prevailing Wage increase is greater, 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)

2.18 18-878 Agreement with Conduent Transport Solutions, Inc. for the Mineta San José International Airport Parking Revenue Control Systems Maintenance.

Recommendation: Adopt a resolution authorizing the City Manager to execute the Second Amendment to the Parking Revenue Control System Maintenance Agreement with Conduent Transport Solutions, Inc. to add up to three one-year options to extend the term through July 31, 2021, at a maximum compensation of \$701,682 for August 1, 2018 to July 31, 2019, subject to the annual appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreement/Contracts (New or Amended) resulting in no physical changes to the environment.
(Finance)

2.19 18-879 Agreement with Trillium USA Company LLC for Compressed Natural Gas Fueling Operation and Maintenance Services at the Mineta San José International Airport.

Recommendation: Adopt a resolution authorizing the City Manager to execute an amendment to the Agreement with Trillium USA Company LLC (Oklahoma City, OK) for Compressed Natural Gas Fueling Operations and Maintenance Services at the Airport to add up to two one-year options, for a total of seven one-year options under the Agreement, to extend the term through June 30, 2020 under the same terms and conditions, at a maximum compensation of \$489,439 for July 1, 2018 to June 30, 2019, 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)

2.20 18-881 Agreement with Turbo Data Systems, Inc. for Parking Citation Processing/Collection System and Customer Service Center.

Recommendation: Adopt a resolution authorizing the City Manager to:

- a. Execute the Fourth Amendment to the Agreement with Turbo Data Systems, Inc. for Parking Citation Processing/Collection System and Customer Service Center to amend the term by adding two one-year options to extend the term through June 30, 2020, at a maximum compensation of \$871,200 for July 1, 2018 to June 30, 2019, subject to the annual appropriation of funds.
- b. Exercise up to two one-year options to extend the term through June 30, 2020, with price adjustment capped at 7%, 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)

2.21 18-882 Agreement with Periscope Holdings for Online Bid Notification and Vendor Management System.

Recommendation: Adopt a resolution authorizing the City Manager to execute the Third Amendment to the Agreement for the Purchase of Online Bid Notification and Vendor Management System with Periscope Holdings (Austin, TX), formerly RFP Depot LLC dba BidSync, to add an additional one-year option for a total of ten options to extend the term through June 30, 2019 and to increase compensation by \$40,000 for FY 18-19 for a total maximum contract compensation of \$490,000, 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)

2.22 18-883 Actions Related to Purchase Order 54627 for Professional Development Training Services for the San José Fire Department.

Recommendation: Adopt a resolution authorizing the City Manager to:
a. Amend Purchase Order 54627 with South Bay Regional Public Safety Training Consortium (San José, CA) for professional development training services for the San José Fire Department to add up to four, one-year options to extend the term through June 30, 2022, subject to the annual appropriation of funds.
b. Exercise option one of four to extend the term through June 30, 2019, 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)

2.23 18-884 Set a Public Hearing for the Fiscal Year 2018-2019 Annual Residential Solid Waste Collection Service Charges.

Recommendation: Adopt a resolution to:
a. Set a Public Hearing for Tuesday, August 7, 2018, 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 2018-2019 annual Residential Solid Waste Collection Service Charges on the 2018-2019 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 &

Administrative Activities resulting in no changes to the physical environment. (Finance)

2.24 18-885

Set a Public Hearing for the Fiscal Year 2018-2019 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.

Recommendation:

Adopt a resolution to:

- a. Set a Public Hearing for Tuesday, August 7, 2018, at 1:30 p.m., or as soon thereafter as the matter may be heard, to approve the placement of the 2018-2019 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2018-2019 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. Direct the Director of Finance to file the Fiscal Year 2018-2019 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 16, 2018 instead of July 5, 2018; and
- c. Direct 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 & Administrative Activities resulting in no changes to the physical environment. (Finance)

2.25 18-888

Agreement with Arthur J. Gallagher and Co. Insurance Brokers of California, Inc. for Brokerage Services.

Recommendation:

Adopt a resolution authorizing the City Manager to negotiate and execute the Sixth Amendment to the Agreement with Arthur J. Gallagher and Co. Insurance Brokers of California, Inc. for ongoing insurance brokerage and property loss and loss control services to amend the term by adding one twelve-month option to extend the term for July 1, 2018 through June 30, 2019, for a not to exceed amount of \$88,500, and one twelve-month option to extend the term for July 1, 2019 through June 30, 2020, at an amount to be negotiated, subject to 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)

2.26 18-905

Independent Police Auditor Travel to Seattle, WA

Recommendation:

Approve travel for Aaron Zisser, Independent Police Auditor, to Seattle, WA on June 28, 2018 for regional training from National Association for Civilian Oversight of Law Enforcement (NACOLE). (Independent Police Auditor)

2.27 18-738 Report on Bids and Award of Contract for the 8679 - Downer-Canoas Collector System Cleaning Re-Bid Project.

Recommendation: Report on bids and award of contract for the 8679 - Downer-Canoas Collector System Cleaning Re-Bid project to the low bidder, Pipe and Plant Solutions, Inc., in the amount of \$1,494,284 and approve a contingency in the amount of \$149,428.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File Nos. PP17-059 and PP18-054. Council Districts 3 & 10. (Public Works)

2.28 18-772 Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2017-2018.

Recommendation: Adopt a resolution:
a. Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2018-2019 as filed or modified by Council;
b. Confirming the individual assessments as proposed, or modified by Council; and
c. Directing the Director of Public Works to deliver the assessment roll to the County for collection with the property taxes.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP13-057. Council District 6. (Public Works)

2.29 18-788 Maintenance District Budget Reports for Fiscal Year 2018-2019.

Recommendation: Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2018-2019 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP13-057. Council Districts 2, 3, 4 & 8. (Public Works)

2.30 18-848 Report on Bids and Award of Contract for the 6724 - Rincon Avenue - Virginia Avenue Sanitary Sewer Improvement Project.

Recommendation: Report on bids and award of contract for the 6724 - Rincon Avenue - Virginia Avenue Sanitary Sewer Improvement to the low bidder, Cratus, Inc. in the amount of \$4,357,130 and approve a contingency in the amount of \$435,713.
CEQA: Categorically Exempt, CEQA Guidelines Sections 15301, Existing Facilities and 15302, Replacement or Reconstruction, File No. PP17-029. (Public Works)

2.31 18-801

Actions Related to the Downtown San José Property-Based Improvement District Annual Report for Fiscal Year 2018-2019.

Recommendation:

- a. Adopt a resolution:
 1. Approving the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners' Association for Fiscal Year 2018-2019 as filed or modified by Council;
 2. Confirming the individual assessments as proposed by the Downtown San José Property Owners Association, or as modified by Council;
 3. Directing a modified City baseline services contribution in the amount of \$395,000 be provided in Fiscal Year 2018-2019; and
 4. Directing the Director of Public Works to deliver the assessment roll to the County for collection with the property taxes.
- b. Approve an amendment to the Downtown San José Property Owners' agreement, increasing the baseline funding amount from \$365,000 to \$395,000 for the remainder of the agreement.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District: 3. (Public Works/Transportation)

2.32 18-836

Actions Related to the Resolution Establishing Speed Limits.

Recommendation:

- Adopt a resolution to repeal Resolution No. 78532 and set forth speed limits in the City of San José in compliance with State law to:
- a. Re-establish speed limits with changes to three roadways; including portions of Chynoweth Avenue, Jackson Avenue and Montgomery Street;
 - b. Establish speed limit on Lincoln Avenue between Park Avenue and San Carlos Street; and
 - c. Make an administrative correction as described in the memorandum to Council.
- CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP14-017. Council Districts 4, 5, 6, & 10. (Transportation)

2.33 18-839

Amendment to the Agreement with High Speed Rail Authority.

Recommendation:

- a. Approve the Second Amendment to the Standard Agreement with High Speed Rail Authority to extend the term of the agreement to June 30, 2019.
- b. Adopt a resolution authorizing the City Manager to negotiate and

execute any future amendments deemed necessary by the City Manager to extend the term of the Standard Agreement, with no change to the contract amount.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 2, 3, 6, 7, & 10. (Transportation)

2.34 18-842

Actions Related to the One Bay Area Better BikewaySJ Grant.

Recommendation:

Adopt a resolution to:

- a. Authorize the City Manager or designee to accept grant funding and negotiate and execute all documents necessary to fund the Better BikewaySJ Project in an amount not to exceed \$1,150,000.
- b. Make the certifications and assurances required under the grant program.

CEQA: Categorically Exempt, CEQA Guidelines, Section 15301 (c), Existing Facilities, File No. PP18-029. Council Districts 3 & 5. (Transportation)

2.35 18-835

Outdoor Special Events on Private Property.

Recommendation:

As recommended by the Rules and Open Government Committee on May 30, 2018, direct the City Manager to allow an alternate security ratio for outdoor public events on private property with music, such as the Taylor Street Night Market, that would be lower than the current ratio prescribed in the Public Entertainment Permit. An alternate private security ratio of 1:200 or 1:250 patrons should be considered. Events able to utilize an alternate security ratio would be ones that meet the following criteria:

- a. Event producer is not an existing Entertainment Permit holder;
- b. Event to be held on private property is permitted with a Conditional Use Permit;
- c. Event is a public event, open to all ages,
- d. Event is exclusively held outdoors;
- e. Event is to end by 10:00 p.m.;
- f. Event only serves beer and wine; and
- g. Event serves or makes food available for sale and food comprises majority of on-site sales.

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

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 18-775 Amendment to Title 4 of the San José Municipal Code Related to San José Clean Energy.

Recommendation: Approve an ordinance adding a new Chapter 4.40 to Title 4 of the San José Municipal Code to establish procedures for securing credit facilities for San José Clean Energy.
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Attorney)

3.4 18-889 Planning Commission Appointments.

Recommendation:

- a. Interview applicants for appointment to the Planning Commission;
- b. Appoint up to three (3) applicants to the Planning Commission for the term of July 1, 2018 to June 30, 2022; and
- c. If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

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

3.5 18-897 Actions Related to Amendments to Agreements for Legal Services Relating to Implementation of the Alternate Pension Reform Settlement Framework.

Recommendation:

- a. Adopt a resolution authorizing the City Attorney to negotiate and execute amendments to agreements for legal services relating to implementation of the Alternate Pension Reform Settlement Framework approved by the voters at election in November 2016, as follows:
 - 1. A sixth 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, increasing the amount of compensation by \$50,000 for a total amount not to exceed \$1,845,000, and extending the term through June 30, 2019; and
 - 2. A ninth 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 \$15,000 for a total amount not to exceed \$465,000, and extending the term through June 30, 2019; and

3. A ninth 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, 2019 with no increase in the amount of compensation.

b. Adopt the following 2017-2018 Appropriation Ordinance amendments in the General Fund:

1. Increase the City-Wide appropriation to the City Attorney's Office for Fiscal Reform Plan Outside Legal Counsel by \$65,000; and

2. Decrease the Fiscal Reform Plan Implementation Reserve by \$65,000.

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

3.6 18-822

Council Initiated Prioritization Process.

Recommendation:

a. Approve the revised Council Initiated Prioritization Process.

b. Accept update on the Council Priority List and approve the removal of 4 completed priorities from the Council Priority list.

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

3.7 18-845

Approval of Various Budget Actions for Fiscal Year 2017-2018.

Recommendation:

Adopt 2017-2018 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

3.8 18-846

Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2018-2019 Budget, and Resolution Establishing the Fiscal Year 2018-2019 Appropriation Limit.

Recommendation:

a. Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2018-2019 and the Manager's Final Budget Addendum.

b. Adopt the Annual Funding Sources Resolution for Fiscal Year 2018-

2019 and the Manager's Final Budget Addendum.

c. Adopt a resolution taking the following actions with respect to the City's 2018-2019 "Gann Limit":

1. Elect the per capita income index as the inflation factor for 2018-2019 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 City of San José population growth index as the population factor for 2018-2019; and

3. Establish the Fiscal Year 2018-2019 Appropriation Limit at \$1,152,520,200 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

3.9 18-894

Actions Related to the Workers' Compensation Program - Service Delivery Evaluation.

Recommendation:

- a. Accept the staff report on the service delivery evaluation for administering the City's Workers' Compensation Program.
- b. Approve staff's recommendation to provide all Workers' Compensation Program services for all City employees through a Third-Party Administrator (or "TPA"), with the transition beginning effective July 1, 2018.
- c. Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement with Intercare Holdings Insurance Services to continue as the Third-Party Administrator for the City's Workers' Compensation Program and to administer the City's entire Workers' Compensation Program, including all workers' compensation claims and related services for all City employees, July 1, 2018, through June 30, 2019, for a total cost not to exceed \$8,470,145.
- d. Eliminate the following positions in the Human Resources Department effective September 8, 2018:
 1. 1.0 Senior Analyst
 2. 2.0 Senior Office Specialist
 3. 4.0 Workers Compensation Claims Adjuster II
- e. Adopt the following 2018-2019 Appropriation Ordinance amendments in the General Fund:
 1. Decrease the Personal Services appropriation to the Human Resources Department by \$690,000; and
 2. Increase the Non-Personal/Equipment appropriation to the Human Resources Department by \$690,000.

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

3.10 18-847

Actions Related to the 2018 Tax and Revenue Anticipation Note.

Recommendation:

- a. Adopt a resolution:
 1. Authorizing the issuance and sale of the City of San José 2018 Tax and Revenue Anticipation Note (the “2018 Note”) in the not to exceed principal amount of \$150,000,000 to be sold through a private placement; and
 2. Approving, in substantially final form, the Note Purchase Agreement and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreement and other related documents, as necessary, in connection with the issuance of the 2018 Note and authorizing other related actions in connection therewith.
- b. Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for Fiscal Year 2018-2019:
 1. Increase the estimate for Other Revenue in the amount of \$150,000,000; and
 2. Increase the Citywide TRANs Debt Service appropriation to the Finance Department in the amount of \$150,000,000.

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

3.11 18-886

Amendment to the General Banking Services Agreement with Wells Fargo Bank.

Recommendation:

- Adopt a resolution authorizing the Director of Finance to:
- a. Negotiate and execute the Fourth Amendment to the General Banking Services, Merchant Card Processing Services, and Lockbox Services agreements with Wells Fargo Bank, N.A. ("Wells") to extend the term of the agreement for one year from July 1, 2018 through June 30, 2019, in an amount not to exceed \$2,143,000.
 - b. Negotiate and execute the Second Amendment to the Securities Custodial Services agreement with Wells to extend the term of the agreements for one year from July 1, 2018 through June 30, 2019, in an amount not to exceed \$19,000.

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

3.12 18-887

Agreement with Amadeus Airport IT Americas, Inc. for Airport Network and Integrated Systems at the Mineta San José International Airport.

Recommendation: Adopt a resolution authorizing the City Manager to:

- a. Negotiate and execute an agreement with Amadeus Airport IT Americas, Inc. (Orlando, FL) for a network upgrade and ongoing support and maintenance for the network and integrated systems at the Norman Y. Mineta San José International Airport, including hardware, software, and related professional services, for an initial four-year term ending on June 30, 2022, with a maximum compensation not to exceed \$4,557,995 for the initial twelve-month period and \$18,348,389 for the full four-year term, subject to the annual appropriation of funds.
- b. Negotiate and execute amendments and change orders to the agreement to cover any unanticipated changes in requirements or specifications not to exceed \$3,600,000 during the initial four-year term, subject to the appropriation of funds.
- c. Execute up to three one-year options to extend the term of the agreement after the initial term through June 30, 2025 for ongoing support, maintenance, and supplemental in-scope work as required, including equipment, parts, and services, 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)

3.13 18-739 Actions Related to the Summary Vacation of a 5-Foot Wide Sidewalk Easement Located at 1800 Saratoga Avenue.

Recommendation: Conduct a Public Hearing and adopt a resolution:

- a. Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a 5-foot wide sidewalk easement (“SWE”) at 1800 Saratoga Avenue;
- b. Summarily vacating the SWE which has been determined to be excess; and
- c. Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Determination of Consistency with the Mitigated Negative Declaration for the CVS/Pharmacy Store #9498, Saratoga Avenue and Quito Road, San José, California (Resolution No. 77850) Fil Nos. C15-008 and CP15-014. Council District: 1. (Public Works)

3.14 18-787 Public Hearing on the Vacation of the 25-Foot and 12.5-Foot Setback Easements at 4940 Gattuccio Drive.

Recommendation: Conduct a Public Hearing and adopt a resolution:

- a. Approving the report of the Director of Public Works setting forth the facts justifying the vacation of the 25-foot and 12.5-foot light and

air easements (“setback easements”) at 4940 Gattuccio Drive;
b. Vacating the setback easements located at 4940 Gattuccio Drive; and
c. Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.
CEQA: Categorically Exempt, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations, File No. PP18-039. Council District 9. (Public Works)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-904

State of California Soft Story Hazard Mitigation Program Grant Application and Local Funding Match.

Recommendation:

Adopt a resolution:

a. Authorizing the City Manager or his designee to submit an application to the California Office of Emergency Services Hazard Mitigation Program Grant (HMPG or Grant) for a grant award in an amount not to exceed \$5,000,000 with the following scope as determined by the Notice of Intent submitted by staff on January 30, 2018:

1. Create an inventory of potentially vulnerable soft story buildings in San José;

Explore strategies and a possible ordinance to facilitate seismic retrofits for soft story buildings in San José;

2. Identify best practices for soft story retrofits for multiple standards of performance, including life safety and limited downtime;

3. Identify potential incentives and funding mechanisms for San José building owners to retrofit soft story buildings; and,

4. Develop and implement a pilot program to partially or fully fund the seismic retrofitting of selected soft story multifamily buildings in San José.

b. Authorizing the City Manager to allocate an amount not to exceed \$1,250,000 from the City’s federal Community Development Block Grant funding as the local matching funds required for HMPG.

c. Authorizing the City Manager or his designee to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement) in a total amount not to exceed \$6,250,000, as well as any and all other documents required or deemed necessary or appropriate to secure an HMPG award.

d. Authorizing the City Manager or his designee to execute the HMPG program application package and the HMPG program documents as required by the State of California.

CEQA: Not a project PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Housing)
[Rules Committee referral 5/30/18 - Item G.5]

Attachments

[Memorandum](#)

4.2 18-849

Final Public Hearing and Approval of the FY 2018-2019 Annual Action Plan and Award of the CDBG-Funded Legal Services Proposal.

Recommendation:

- a. Hold a final Public Hearing regarding the approval of the City's FY 2018-2019 Annual Action Plan and take public comment;
 - b. Adopt the FY 2018-2019 Annual Action Plan, including the FY 2018-2019 funding recommendations for the four federal formula grants received by the City each year including the:
 1. Community Development Block Grant (CDBG) Program;
 2. HOME Investment Partnership Program (HOME);
 3. Housing Opportunities for Persons with HIV/AIDS (HOPWA) Program; and
 4. Emergency Solutions Grant (ESG) Program;
 - c. Approve staff recommendation to award \$500,000 in CDBG funds to the Silicon Valley Housing Legal Services Consortium, which consists of five agencies, including Law Foundation of Silicon Valley, Senior Adults Legal Assistance, Asian Law Alliance, Bay Area Legal Aid, and Project Sentinel, selected under the Legal Services for Low-Income Tenants and Landlords Request for Proposal (RFP);
 - d. Authorize the Housing Department to submit the FY 2018-2019 Annual Action Plan to the U.S. Department of Housing and Urban Development; and
 - e. Adopt a resolution authorizing the Director of Housing to negotiate and execute all non-capital project agreements to implement the projects and services identified in this memorandum not requiring CEQA review, including new agreements awarded through the federal services RFP, and to negotiate all capital project agreements and contracts including any amendments or modifications for the expenditure of CDBG, ESG, HOME, and HOPWA funds on behalf of the City.
- 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)

4.3 18-802

Amendment to the Master Agreement with the City of San José and AECOM Technical Services, Inc., for Various City Projects.

Recommendation:

Approve the Third Amendment to the Master Agreement with AECOM Technical Services, Inc., to extend the term of the Agreement from June 30, 2018 to June 30, 2019, at no additional cost, for the purpose of completing work on the Spreckles Sanitary Sewer Force Main Supplement - Phase II Project.

5. NEIGHBORHOOD SERVICES

5.1 18-880 Actions Related to the Alviso Park Master Plan Update.

Recommendation:

- a. Adopt a resolution approving the Mitigated Negative Declaration for the Alviso Park Master Plan Update (File No. PP16-132), for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopt a related Mitigation Monitoring and Reporting Program; and
- b. Approve the Alviso Park Master Plan Update regarding 23.55 acres of City of San José lands adjacent to Wilson Way in Alviso (APN 15-43-002, 15-43-020, and 15-44-013).

CEQA: Mitigated Negative Declaration for the Alviso Park Master Plan Update, File No. PP16-132. Council District 4. (Parks, Recreation and Neighborhood Services)

6. TRANSPORTATION & AVIATION SERVICES

6.1 18-840 Amendment to the Airport Advertising Concession Agreement with Clear Channel Outdoor, Inc.

Recommendation:

- Adopt a resolution authorizing the City Manager to negotiate and execute a Sixth Amendment to the Airport Advertising Concession Agreement between the City of San José (“City”) and Clear Channel Outdoor, Inc. (“Clear Channel”) to:
- a. Extend the term of the Agreement for an additional seven years from June 30, 2020 through June 30, 2027;
 - b. Effective July 1, 2020, adjust the Minimum Annual Guarantee (“MAG”) to increase annually by 2.5%, for a total MAG of \$15,472,232 to the City over the additional seven-year term;
 - c. Require a minimum capital investment of \$6.5 million by Clear Channel for its advertising facilities at the Airport, which converts currently approved static advertising sites to digital where practicable;
 - d. Effective upon the completion of construction, modify the percentage fees payable by Clear Channel for Options I (Fixed Display In-Terminal Advertising), II (Outdoor Advertising), and III (Transit/Bus Shelter Advertising) from 65% of Gross Revenues for Options I and II and 50% of Gross Revenues for Option III to 55% of Gross Revenues for each Option;
 - e. Add an additional advertising package “Foundation Brand

Partnerships” at a percentage fee of 55% of Gross Revenues; and
f. Delegate authority to the Director to revise the media types and exhibit locations of all advertising packages.

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

6.2 18-841

Actions Related to the Agreements for On-Call Architectural and Engineering Services for the Mineta San José International Airport.

Recommendation:

Adopt a resolution authorizing the City Manager to:

- a. Negotiate and execute two Master Consultant Agreements with 1) Kimley-Horn and Associates, Inc. and 2) Aviation for On-Call Architectural and Engineering Services at Norman Y. Mineta San José International Airport, for a period of five years from execution, in a total amount not to exceed \$6,000,000 for each Agreement; and
- b. Negotiate and execute amendments to the Master Agreement to adjust the Consultant’s rates and charges in an amount not to exceed three percent annually, beginning July 2019, at no increase in total compensation.

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

6.3 18-875

Actions Related to the Amendment to the Agreement with Signature Flight Support Corporation.

Recommendation:

- a. Adopt a resolution adopting an Addendum to the Final Environmental Impact Report for the Norman Y. Mineta San José International Airport Master Plan Update, as supplemented and Addenda thereto, all in accordance with the California Environmental Quality Act, as amended.
- b. Adopt a resolution authorizing the City Manager to execute:
 1. A First Amendment to Ground Lease and Operating Agreement between the City of San José and Signature Flight Support Corporation to expand leased premises by 3.72 acres, for a revised total leased premises of approximately 33.34 acres to accommodate the construction of a new “Hangar A,” for an initial additional annual ground rent of \$184,754.69, and add a ten year option to extend the term to December 11, 2073, to be exercised by Signature prior to its expiration; and
 2. An amended and restated Non-Disturbance, Consent, Estoppel and Subordination Agreement with the City of San José, BCH San José

LLC, Gilead Sciences, Inc and Signature Flight Corporation for the continued use of approximately 31 acres of the leasehold by BCH, San José LLC pursuant to the terms of a new ground lease and operating agreement between the City and BCH San José LLC on the same terms and conditions as the ground lease and operating agreement with Signature Flight Support Corporation, in the event that the lease with Signature is rejected in bankruptcy, terminated or otherwise cancelled at any time prior to the end of its 50 year term or option to extend.

3. A Non-Disturbance, Consent, Estoppel and Subordination Agreement with the City of San José, Hangar A, LLC and Signature Flight Corporation for the continued use of approximately 1.88 acres of leasehold by Hangar A LLC pursuant to the terms of a new ground lease and operating agreement between the City and Hangar A LLC on the same terms and conditions as the ground lease and operating agreement with Signature Flight Support Corporation, in the event that the lease with Signature is rejected in bankruptcy, terminated or otherwise cancelled at any time prior to the end of its 50 year term or option to extend.

CEQA: Addendum to the Final Environmental Impact Report for the San José International Airport Master Plan Update, as Supplemented, and Addenda thereto, File No. PP18-059. (Airport)

6.4 18-789

Actions Related to the 8815 - MSJIA - Terminal B South Ramp Reconstruction - Phases 2 & 3 Project.

Recommendation:

Adopt a resolution authorizing the Director of Public Works to:

- a. Award and execute the 8815 - Mineta San José International Airport - Terminal B South Ramp Reconstruction - Phases 2 & 3 project to the low bidder, Granite Rock Company for the base bid and Add Alternate No. 1 in an amount of \$10,863,767.20, contingent upon the award and execution of an Airport Improvement Program grant from the Federal Aviation Administration in a minimum amount of \$10,262,000;
- b. Establish a construction contingency of ten percent of the amount of the construction contract for the Project; and
- c. Issue any change orders up to the amount of the contingency.

CEQA: Determination of Consistency with the Norman Y. Mineta San José International Airport Master Plan Update Project Final Environmental Impact Report as supplemented, and Addenda thereto (Resolution Nos. 67380 and 71451), File No. PP16-113. (Public Works/Airport)

6.5 18-837

Amendment to the Agreement with BKF Engineers for I-880/Charcot Avenue Extension Project.

Recommendation:

Approve the First Amendment to the Agreement between the City of

San José and BKF Engineers for consultant services for the I-880/Charcot Avenue Extension Project to increase the maximum total amount of compensation by \$2,680,569 from \$991,367 to \$3,671,936, 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, 2023.

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 District 4. (Transportation)

6.6 18-838

Actions Related to the 8702 - 2018 San Jose Pavement Project.

Recommendation:

Adopt a resolution authorizing the Director of Public Works to:

- a. Award and execute the 8702 - 2018 San Jose Pavement Project, Federal Project No. STPL 5005 (152) construction contract to the lowest responsive bidder, in a total amount not to exceed \$6,500,000.
- b. If the Director awards a construction contract for the Project, establish a construction contingency of five percent (5%) of the amount of the construction contract, not to exceed \$325,000.
- c. 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.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP14-069. Council Districts 2, 6, 9 & 10. (Transportation/Public Works)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 18-660

Master Agreements for Special Inspection and Materials Testing Services for the Regional Wastewater Facility Capital Improvement Program.

Recommendation:

Approve Master Consultant Agreements with Construction Testing Services, Inc., Signet Testing Labs, Inc., and Consolidated Engineering Labs for special inspection and materials testing services for various capital improvement projects at the San José-Santa Clara Regional Wastewater Facility, from the date of execution through December 31, 2023, in a total amount not to exceed \$3,000,000 for each agreement, 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. (Environmental Services/Public Works)

7.2 18-895

Actions Related to the Design-Build Contract with CH2M Hill Engineers, Inc. for the Headworks Project at the Regional Wastewater Facility.

Recommendation:

- a. Adopt a resolution approving the Addendum to the Environmental Impact Report for the San José-Santa Clara Regional Wastewater Facility in accordance with the California Environmental Quality Act (CEQA), as amended, and adopting a related Mitigation Monitoring and Reporting Program.
- b. Approve the design-build contract with CH2M Hill Engineers, Inc. for the Headworks Project at the San José-Santa Clara Regional Wastewater Facility in an amount not to exceed \$5,666,354 for the performance of preliminary services under the contract.
- c. Approve a design contingency in the amount of \$566,635 for City-approved changes to the scope of preliminary services.
- d. Adopt a resolution authorizing the City Manager or his designee to:
 1. Negotiate and execute a separate amendment to the contract to allow CH2M Hill Engineers, Inc. to proceed with subsurface investigations prior to the City's execution of the definitive contract amendment in an amount not to exceed \$1,000,000;
 2. Approve a construction contingency in the amount of \$1,000,000 for City-approved changes to the scope of the subsurface investigations.
 3. Execute change orders in excess of \$100,000 up to the amount of the approved contingency for changes to the scope of the preliminary services work or subsurface investigations.

CEQA: Addendum to the Environmental Impact Report for the San José - Santa Clara Water Pollution Control Plant Master Plan, File No. PP17-046. (Environmental Services/Public Works)

8. PUBLIC SAFETY

8.1 18-853

Actions Related to the EMS Trust Fund Agreement with the County of Santa Clara for Reimbursement of First Responder Category C - Benefit to EMS System Users Funds.

Recommendation:

- a. Adopt a resolution authorizing the City Manager to execute an Agreement between the County of Santa Clara (County) and the City of San José (City) to accept an amount not to exceed \$472,706.06 to fund the purchase of products or services that benefit the Santa Clara County Emergency Medical Services (EMS) system (EMS Trust Fund, Category C - Benefit to EMS System User Funds).
- b. Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

1. Increase the Earned Revenue Estimate from Local Agencies by \$472,706; and
 2. Increase the Fire Department appropriation for Non-Personal/Equipment by \$472,706.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Fire/City Manager)

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

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) **18-865 C16-041 & H16-032 - Conforming Rezoning and Site Development Permit for Real Property Located at 1090 South De Anza Boulevard.**

Recommendation:

- a. Adopt a resolution approving the 1090 South De Anza Boulevard Hotel Project Mitigated Negative Declaration, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, as amended (CEQA), and adopting a related Mitigation Monitoring and Reporting Plan.
- b. Consideration of an ordinance of the City of San José rezoning located on a 0.61 gross acre site, in the CP(PD) Planned Development Zoning District, located on the northeasterly corner of Via Vico and South De Anza Boulevard (1090 South De Anza Boulevard) from a CP (PD) Commercial Pedestrian Planned Development Zoning District to CP Commercial Pedestrian Zoning District for commercial uses (Cupertino De Anza Hospitality, Owner).
- c. Adopt a resolution approving a Site Development Permit, subject to conditions, to allow the demolition of a gas station and accessory

structures, the removal of six ordinance-size trees and to allow the construction of a four-story, 90-room hotel with one level of underground parking in an alternative parking design.

CEQA: Mitigated Negative Declaration for 1090 South De Anza Boulevard Hotel Project, File Nos. C16-041 & H16-032. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)
C16-041 & H16-032 - Council District 3

(b) 18-866 **C18-012 - Conforming Rezoning for Real Property Located at 1214 Wabash Street.**

Recommendation: Consideration of an ordinance of the City of San José rezoning a 0.26-gross acre site, in the CN Commercial Neighborhood Zoning District, located on the northside of Wabash Street, approximately 640 feet westerly of Archer Street (1214 Wabash Street) from CN Commercial Neighborhood Zoning District to R-1-8 Single-Family Residential Zoning District (Rene and Fahira Orellana, Owner).
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041) and the Supplemental Envision San Jose 2040 General Plan EIR (Resolution 77617), and Addenda thereto. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)
C18-012 - Council District 4

(c) 18-872 **C18-003 - Conforming Rezoning for Real Property Located at 14380 Story Road.**

Recommendation: Consideration of an ordinance of the City of San José rezoning a 0.93-gross acre site, located at 14380 Story Road from A Agricultural Zoning District to R-1-8 Single Family Residence Zoning District (Narinder and Sushama Pal Trustee, Owner).
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041) and the Supplement Envision San José 2040 General Plan EIR (Resolution No. 77617), and Addenda thereto. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)
C18-003 - Council District 5

(d) 18-870 **C17-033 - Conforming Rezoning for Real Property Located at 820 Willow Street.**

Recommendation: Consideration of an ordinance of the City of San José rezoning a 1.74-gross acre site, located at the southwest corner of Bird Avenue and

Willow Street (820 Willow Street) from A(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District on (Willow Glen Real Estate LLC, Owner).

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041) to the Supplemental Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)
C17-033 - Council District 6

- (e) **18-871 C18-007 - Conforming Rezoning for Real Property Located at 840 The Alameda and 10 Sunol Street.**

Recommendation: Consideration of an ordinance of the City of San José rezoning two parcels totaling 0.14-gross acres, located 50 feet east from the southeast corner of The Alameda and Sunol Street (840 The Alameda and 10 Sunol Street) from the LI Light Industrial Zoning District to the CP Commercial Pedestrian Zoning District (Mary F Mundy Trustee, Owner).
CEQA: Determination of Consistency to the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), and Supplemental Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)
C18-007 - Council District 6

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- 10.2 18-892 PP18-046 - Amendment to Title 20 of the San José Municipal Code for Residential Zoning Districts.**

Recommendation: Consideration of an ordinance of the City of San José amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to amend sections 20.30.150 and 20.30.440 of Chapter 20.30 to modify development standards and requirements for Secondary Dwelling Units (also known as Accessory Dwelling Units), including lot size, unit area, unit type, setbacks and height; to amend sections 20.90.120 and 20.90.220 of Chapter 20.90 to modify parking requirements and development standards for Secondary Dwelling Units; to amend sections 20.100.300 and 20.100.1040 to make minor modifications to

single family permitting and recordation provisions; and to make other technical, non-substantive, or formatting changes within those sections of Title 20.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), and Supplemental Envision San José 2040 General Plan EIR (Resolution No. 77617) and Addenda thereto; Downtown Strategy 2000 Final EIR (Resolution No. 72767) and Addenda thereto; North San José Development Policies Final EIR (Resolution No. 72768) and Addenda thereto; and Diridon Station Area Plan Final EIR (Resolution No. 77096) and Addenda thereto. The project does not involve new significant impacts beyond those analyzed in the above EIRs. (Planning, Building and Code Enforcement)
PP18-046 - Citywide
DEFERRED FROM 5/22/18 ITEM 10.3 (18-656) TO 6/19/18 PER ADMINISTRATION

10.3 18-873 C17-009, SP17-016 & T17-015 - Conforming Rezoning, Special Use Permit and Vesting Tentative Map for Real Property Located at 425 & 433 Auzerais Avenue.

- Recommendation:**
- a. Adopt a resolution approving an Addendum to the Diridon Station Area Plan Environmental Impact Report certified by the City Council on June 15, 2014 by Resolution No. 77096, San José Downtown Strategy 2000 Environmental Impact Report certified by the City Council on June 21, 2005 by Resolution No. 72767, Envision San José 2040 General Plan Final Environmental Impact Report certified by the City Council on November 2, 2011 by Resolution No. 76041, Supplemental Environmental Impact Report certified by the City Council on December 15, 2015 by Resolution No. 77617, and Addenda thereto, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance to the California Environmental Quality Act (CEQA), as amended.
 - b. Consideration of an ordinance of the City of San José rezoning an approximately 1.02 gross acre site, located on the North side of Auzerais Avenue (425 & 433 Auzerais Avenue) and west side of Delmas Avenue (383 Delmas Avenue) from the LI Light Industrial and R 2 Two Family Residence Zoning Districts to the DC Downtown Zoning District (Auzerais Sj LLC Etal, Owner).
 - c. Adopt a resolution approving a Vesting Tentative Map, subject to conditions, to combine three lots into one lot and to subdivide into 130 residential condominium units and common area.

d. Adopt a resolution approving a Special Use Permit, subject to conditions, to allow demolition of seven existing structures totaling approximately 8,193 square feet, the removal of two ordinance sized trees, the construction of a six story podium building with 130 residential units, totaling approximately 135,599 square feet, the utilization of Transportation Demand Management (TDM) measures to reduce the parking requirements by 50%, and an alternative parking design (carlifts).

CEQA: Addendum to the Diridon Station Area Plan Environmental Impact Report (EIR) (Resolution No. 77096) and Addenda thereto; Downtown Strategy 2000 Final EIR (Resolution No. 72767) and Addenda thereto; and Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), and Supplemental Envision San José 2040 General Plan EIR (Resolution No. 77617) and Addenda thereto. Planning Commission recommends approval (4-0-3, Abelite, Bit-Badal, and Pham absent). (Planning, Building and Code Enforcement)
C17-009, SP17-016 & T17-015 - Council District 3

10.4 18-874

PDA74-094 & ABC18-001 - Planned Development Permit Amendment and Determination of Public Convenience or Necessity for Real Property Located at 1771 East Capitol Expressway.

Recommendation:

Adopt a resolution approving a Planned Development Permit Amendment and a Determination of Public Convenience or Necessity, subject to conditions, to allow the off-sale of alcohol (beer and wine) and exterior modifications (outdoor seating) at an existing 30,130-square foot tenant space for Sprouts Farmers Market on an approximately 17.4-gross acre site, located on the north side of East Capitol Expressway, approximately 280 feet easterly of Silver Creek Road (1771 East Capitol Expressway) (WRI Southern Industrial Pool LLC, Owner).

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File Nos. PDA74-094-02 & ABC18-001. Planning Commission recommends approval (4-0-3, Abelite, Bit-Badal, and Pham absent). (Planning, Building and Code Enforcement)
PDA74-094-02 & ABC18-001 - Council District 8

- Open Forum

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

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

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.