



# **City Council Meeting Amended Agenda**

**Tuesday, September 11, 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 Mayors 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](mailto: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 8)

Overfelt High School Drama Club

- 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 to Talon Marks, Storyteller, and Saldy Suriben, producer of The Drag Queen, Over the Rainbow Storytime. (Perez)

1.2 Presentation of a proclamation recognizing September as Pain Awareness Month and, on September 9, 2018, illuminate the Tower and Rotunda in blue to show solidarity with residents who are suffering from chronic pain. (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.**

**18-1055 Approval of City Council Minutes.**

**Recommendation:** (a) Education & Digital Literacy City Council Study Session Meeting Minutes of May 7, 2018  
(b) Regular City Council Meeting Minutes of May 1, 2018  
(c) Regular City Council Meeting Minutes of May 15, 2018  
(d) Regular City Council Meeting Minutes of May 22, 2018  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

## 2.2 Final Adoption of Ordinances.

### 18-1183 Final Adoption of Ordinances.

**Recommendation:** (a) **Ord. No. 30139** - An Ordinance of the City of San Jose Amending Sections 3.49.030 of Chapter 3.49 of Title 3 of the San José Municipal Code to Amend the Definition of Compensation.

(b) **Ord. No. 30140** - An Ordinance of the City Council of the City of San Jose Levying Special Taxes Within Community Facilities District No. 17 (Capitol Expy - Evergreen Place).

**This ordinance is to be effective as of September 11, 2018.**

(c) **Ord. No. 30141** - An Ordinance of the City of San Jose Rezoning Certain Real Property of Approximately 2.66 Acres Situated on the Southwest Corner of Oakland Road and Horning Street from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District.

(d) **Ord. No. 30142** - An Ordinance of the City of San Jose Rezoning Certain Real Property of Approximately 0.61-Gross Acre Situated at the Northeast Corner of South De Anza Boulevard and Via Vico (1090 South De Anza Boulevard) from the CP(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District.

(e) **Ord. No. 30145** - An Ordinance of the City of San Jose Amending Various Sections of Chapters 3.28 And 3.36 Of Title 3 Of The San Jose Municipal Code to Implement the Terms of the Alternative Pension Reform Settlement Framework Agreement with City Employee Bargaining Groups.

(f) **Ord. No. 30146** - An Ordinance of the City of San Jose Rezoning Certain Real Property of Approximately 0.20 Gross Acre Situated On the Northwest Corner of South Second Street and Martha Street (895 South Second Street) From The CN Commercial Neighborhood Zoning District to The R-M(PD) Planned Development Zoning District

## 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 18-1169 Appropriation Ordinance and Funding Sources Resolution Amendments in Various Funds to Rebudget Funds to the 2018-2019 for Completion of Projects.**

- Recommendation:** (a) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes:
- (1) Increase the Beginning Fund Balance by \$41,035; and
  - (2) Increase the Turnout Cleaning appropriation to the Fire Department by \$41,035.
- (b) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Subdivision Park Trust Fund:
- (1) Increase the Beginning Fund Balance by \$403,000;
  - (2) Increase the North San Pedro Area Parks Master Plans appropriation to the Parks, Recreation and Neighborhood Services Department by \$390,000; and
  - (3) Increase the Communications Hill Turnkey Park Design Review and Inspection appropriation to the Parks, Recreation and Neighborhood Services Department by \$13,000.
- (c) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Parks and Recreation Bond Projects Fund:
- (1) Increase the Beginning Fund Balance by \$22,000; and
  - (2) Increase the Arcadia Softball Facility appropriation to the Parks, Recreation and Neighborhood Services Department by \$22,000.
- (d) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:
- (1) Increase the Beginning Fund Balance by \$188,000; and
  - (2) Increase the Arcadia Softball Facility appropriation to the Parks, Recreation and Neighborhood Services Department by \$188,000.
- (e) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: City-wide Parks Purposes:
- (1) Increase the Beginning Fund Balance by \$39,000; and
  - (2) Increase the Arcadia Softball Facility appropriation to the Parks, Recreation and Neighborhood Services Department by \$39,000.
- (f) Adopt the following 2018-2019 Appropriation Ordinance and

Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #5:

- (1) Increase the Beginning Fund Balance by \$95,000; and
- (2) Increase the Alum Rock Avenue and 31st Street Park Phase 2 appropriation to the Parks, Recreation and Neighborhood Services in the amount of \$95,000.

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)

**2.8 18-1189 Mayor's Staff Travel to Philadelphia, PA and Washington, D.C.**

**Recommendation:** Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Shireen Santosham, as a City representative to attend the Knight Foundation's Smart Cities Summit in Philadelphia, PA and continue on to Washington, D.C. to participate in a PoliticoLive event "The New Age of Innovation: The state of play in 5G in the U.S." CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

**2.9 18-1163 Actions Related to the Agreement with California Department of Transportation for Public Art Murals on Caltrans Property.**

**Recommendation:** Adopt resolutions authorizing the City Manager or his designees to negotiate and execute maintenance agreements with the California Department of Transportation (Caltrans), and accept maintenance responsibility for a public art mural to be created by the City at the following locations:

- (a) On the columns under Caltrans Interstate 680 located at the intersection of Capitol Expressway.
- (b) On the columns under Caltrans Interstate 680 located at the intersection of Jackson Ave.
- (c) On the retaining walls under Caltrans Interstate 680 located at the intersection of King Road.
- (d) On the residential side of a Caltrans Highway 101 soundwall located at the intersection of Havana Drive and Midfield Avenue.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 5 & 7. (Economic Development)

**2.10 18-1164 Agreement with Concourse Business Center, LLC.**

**Recommendation:** Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute a new lease agreement with Concourse Business Center, LLC commencing October 1, 2018, for the use of approximately 14,976 square feet of office space located in District 4 of the City of San José. The initial term of the lease is five years with one five-year renewal option. The City shall pay an initial annual base rent payment (including the common area charge) of \$301,920. The annual rent increase for cost of living adjustment is 3%, following the completion of the initial 12 month lease term, ending on September 30, 2019. The total rental cost for the five-year term of this lease is \$1,603,000 subject to annual budget appropriation by the City. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 4. (Economic Development)

**2.11 18-1088 Agreements with Signet Inc., Construction Testing Services Inc., and Intertek/PSI Inc. for Special Inspection Services.**

**Recommendation:** Approve the master agreements with Signet Inc., Construction Testing Services Inc., and Intertek/PSI Inc. for Special Inspection services from the date of execution through December 31, 2020, in an amount not to exceed \$750,000 for each agreement. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)  
[Deferred from 8/21/2018 Item 2.11 (18-1088)]

**2.12 18-1177 Actions Related to the PG&E On-Bill Financing Program Loan for LED Streetlight Conversion.**

**Recommendation:** (a) Approve an On-Bill Financing Program Loan Agreement with PG&E in the amount of \$441,000, to support the conversion of additional non-LED streetlights to LED streetlights.  
(b) Adopt a resolution to authorize the City Manager or designee to negotiate and execute an On-Bill Financing Program Loan Modification Agreement with PG&E upon verification of final project costs and energy savings, if necessary.  
(c) Adopt the following 2018-2019 Funding Source Resolution and Appropriation Ordinance amendments in the General Fund:  
(1) Increase Other Revenue in the amount of \$441,000; and  
(2) Increase the Non-Personal/Equipment - Department of



Transportation appropriation in the amount of \$441,000.

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

(Transportation/City Manager)

**2.13 18-1166 Amendment to the Agreement with HDR Engineering for the California High Speed Rail Authority High Speed Train System.**

**Recommendation:** Approve the Second Amendment to the Master Consultant Agreement with HDR Engineering to increase the compensation by \$150,000, from \$250,000 to \$400,000, and extend the term of the Agreement to December 31, 2019.

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)

### **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 18-1190 Council Travel Policy: Official International Delegations.**

**Recommendation:** As referred by the Community and Economic Development Committee on August 27, 2018 without recommendation, accept this report and adopt a resolution approving a revised City Council Policy No. 9-5, "Travel by Elected and Appointed City Officials".

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Economic Development/City Clerk)

[Community and Economic Development Committee referral 8/27/18 - Item d.2]

**3.4 18-1168 Actions Related to Mayor and Councilmembers' Travel to Seattle, WA for the Silicon Valley Organization Annual Study Mission.**

**Recommendation:** Approve travel to Seattle, WA and request for an excused absence for the following Councilmembers from the following meetings due to Authorized City Business: Silicon Valley Organization Annual Study Mission:

- (a) Councilmember Davis (Source of Funds: District 6 Council Office Budget & Personal Funds; Dates: October 3-5, 2018; Meetings: October 3, 2018 Rules & Open Government, October 4, 2018 Smart Cities and Service Improvements, Caltrain Joint Powers Board Meeting, & VTA Board of Directors (Alternate))
- (b) Councilmember Jimenez (Source of Funds: District 2 Council Office Budget; Dates: October 2-5, 2018; Meetings: none missed)
- (c) Vice Mayor Carrasco (Source of Funds: District 5 Council Office Budget; Dates: October 2-5, 2018; Meetings: October 2, 2018 Council, October 3, 2018 Rules & Open Government)
- (d) Mayor Liccardo (Source of Funds: Mayor's Office Budget; Dates: October 3-5, 2018; Meetings: October 3, 2018 Rules and Open Government Committee)
- (e) Councilmember Khamis (Source of Funds: District 10 Council Office Budget & Personal Funds; Dates: October 3-9, 2018; Meetings: October 4, 2018 Police and Fire Retirement Plan Board of Administration, October 4, 2018 Smart Cities and Service Improvements).
- (d) Approve the receipt of gifts received by the Sister City Delegation in an official capacity as a representative of the City in accordance with San José Municipal Code Section 12.08.120.B  
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

**3.5 18-1167 Actions Related to Mayor and Councilmembers' Travel to Dublin, Ireland as part of the Sister City Delegation.**

**Recommendation:** Approve travel to Dublin, Ireland and request excused absence for the following Councilmembers from the following meetings due to Authorized City Business: Dublin Sister City Delegation.

- (a) Vice Mayor Carrasco (Source of Funds: District 5 Office Budget; Dates October 8-11, 2018; Meetings: October 10, 2018 Rules and Open Government Committee, October 11 VTA Policy Advisory Committee).
- (b) Councilmember Diep (Source of Funds: District 4 Office Budget and Personal Funds; Dates October 6-14 2018; Meetings: October 11, 2018 Treatment Plant Advisory Committee).
- (c) Approve Delegation Leader and related travel costs from the Mayor/Council Travel Budget.
- (d) Approve the receipt of gifts received by the Sister City Delegation in an official capacity as a representative of the City in accordance with

San José Municipal Code Section 12.08.120.B  
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

**3.6 18-1171 Fourth Quarter Financial Reports for Fiscal Year 2017-2018.**

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on August 16, 2018, accept the following Fourth Quarter (period ending June 30, 2018) Financial Reports for Fiscal Year 2017-2018 for the following programs:  
(a) Debt Management;  
(b) Investment Management; and  
(c) Revenue Collection.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)  
[Public Safety, Finance and Strategic Support Committee referral 8/16/18 - Item (d)(1)]

**3.7 18-1172 Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond Ballot Measure: Projects Proposed Categorization.**

**Recommendation:** Approve the proposed project categories for the November 2018 General Obligation Bond Measure for the acquisition, construction and completion of certain municipal improvements related to Disaster Preparedness, Public Safety, and Infrastructure.  
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. (Public Works)

**3.8 18-1173 Bond Allocation Plan for General Obligation Bond Allocation for Affordable Housing.**

**Recommendation:** Accept the staff report on the bond allocation plan for the proposed \$450 million general obligation bond for affordable housing.  
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. (Housing)

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

### **4.1 18-1174 Response to Santa Clara County Civil Grand Jury Report Entitled “Affordable Housing Crisis: Density Is Our Destiny.”**

**Recommendation:** Accept staff’s response to the June 21, 2018 Civil Grand Jury of Santa Clara County Report on “Affordable Housing Crisis: Density is our Destiny.”  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

### **4.2 18-1175 Actions Related to the Summary Vacation of the Westerly Half Street of Terraine Street Northerly Terminus.**

**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 the westerly half street of Terraine Street northerly terminus;  
(b) Summarily vacating the westerly half street of Terraine Street northerly terminus which has been determined to be excess right-of-way not required for street purposes; 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: North San Pedro Apartments Project Initial Study / Addendum to the Final Environmental Impact Report and Environmental Impact Report for the Brandenburg Mixed Use Project / North San Pedro Housing Sites, Resolution No. 72170 (CP11-034 / GPT03-03-01).  
Council District 3. (Public Works)

## **5. NEIGHBORHOOD SERVICES**

### **5.1 18-1176 Actions Related to the Interior Safety Barriers at Dr. Martin Luther King, Jr. Library.**

**Recommendation:** (a) Accept the staff report regarding recent renovations to the interior atrium at the Dr. Martin Luther King, Jr. Library.  
(b) Adopt the following 2018-2019 Appropriation Ordinance amendments in the Library Construction and Conveyance Tax Fund:  
(1) Decrease the Dr. Martin Luther King, Jr. Library Escalator Replacements appropriation by \$469,000;  
(2) Decrease the Dr. Martin Luther King, Jr. Library Major Maintenance appropriation by \$750,000;

- (3) Decrease the Dr. Martin Luther King, Jr. Library Sprinkler Replacements appropriation by \$399,000;
  - (4) Decrease the Acquisition of Materials appropriation by \$500,000;
  - (5) Establish an appropriation to the Library Department for the Dr. Martin Luther King, Jr. Library Atrium Project in the amount of \$1,243,000; and
  - (6) Establish a Dr. Martin Luther King, Jr. Library Improvements Reserve of \$875,000.
- (c) Approve the \$1,242,824 expenditure for the installation of interior safety barriers at the Dr. Martin Luther King Jr. Library.  
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. (Library/City Manager)

## **6. TRANSPORTATION & AVIATION SERVICES**

### **6.1 18-1165 Agreement with Metropolitan Transportation Commission for Automated Traffic Signal Performance Measures.**

**Recommendation:** Approve two Grant Funding Agreements between the City of San José and the Metropolitan Transportation Commission, in an amount not to exceed \$1,872,556, to implement Automated Traffic Signal Performance Measures technology at 100 signalized intersections.  
CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP14-017. Council Districts 1, 2, 3, 5, 6, 7 & 8. (Transportation)

## **7. ENVIRONMENTAL & UTILITY SERVICES**

### **7.1 18-1178 Actions Related to the Recycle Plus Residential Solid Waste Agreements and China's Policy on Importing Recyclable Material.**

**Recommendation:** [Deferred from 6/5/18 Item 7.4 (18-771); 6/26/18 Item 7.2 (18-939); 8/21/18 Item 7.1 (18-1058)]  
DEFERRED TO 9/18/18 PER ADMINISTRATION

### **7.2 18-1179 Actions Related to the Negotiations of Recycle Plus Residential Solid Waste Agreements.**

**Recommendation:** [Deferred from 6/5/18 Item 7.5 (18-774); 6/26/18 Item 7.3 (18-940); 8/21/18 Item 7.2 (18-1059)]  
DEFERRED TO 9/18/18 PER ADMINISTRATION

**7.3 18-1180 Actions Related to the Living Wage Requirements for Recycle Plus Residential Garbage and Recycling Contracts.**

**Recommendation:** [Deferred from 6/5/18 Item 7.6 (18-773); 6/26/18 Item 7.4 (18-941), 8/21/18 Item 7.3 (18-1060)]  
DEFERRED TO 9/18/18 PER ADMINISTRATION

**7.4 18-1181 Actions Related to the Issuance of Non-Exclusive Franchise Agreement to Bay Area Recycling and Dumpster Services for Collection, Transport, and Disposal of Residential Clean-out Material and Construction and Demolition Debris.**

**Recommendation:** (a) Conduct a Public Hearing on the application of Bay Area Recycling and Dumpster Services for a Non-Exclusive Franchise for the collection, transport, and disposal of residential clean-out material and construction and demolition debris.  
(b) Approve an ordinance granting the franchise.  
(c) Approve the Non-Exclusive Franchise Agreement for the collection, transport, and disposal of residential clean-out material and construction and demolition debris for a term from October 18, 2018 through June 30, 2019 with the option of two one-year extensions.  
CEQA: Categorically Exempt; File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

## **8. PUBLIC SAFETY**

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

- Open Forum
- 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**

No Land Use items on Consent Calendar.

## **10 Land Use - Regular Agenda**

### **10.2 18-1187 PDC14-051/PD16-019 - Planned Development Rezoning and Planned Development Permit for Real Property Located at 4200 Dove Hill Road.**

**Recommendation:** (a) Adopt a resolution adopting the Dove Hill Medical Care Facility Project Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance to the California Environmental Quality Act, as amended.

(b) Consideration of an ordinance of the City of San José rezoning an approximately 21.0-gross acre site, located on the east side of Dove Hill Road, approximately 500 feet north of Hassler Parkway, from the A Agricultural Zoning District to the PQP(PD) Planned Development Zoning District to allow a Medical Care Facility with up to 248 beds on an approximately 3.0-acre portion of a 21-gross acre site, with the remaining 18.0 acres to be kept as open space (Kuehne Stanislaus and Eleanore Trustee & Et, Owner).

(c) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow the demolition of approximately 25 buildings/structures, the construction of a Medical Care Facility with up to 248 beds, and the removal of seven ordinance-size trees on an approximately 3.0-acre portion of a 21.0-gross acre site.

CEQA: Mitigated Negative Declaration for Dove Hill Medical Care Facility Project, File Nos. PDC14-051 and PD16-019. Planning Commission recommends approval (5-0-2, Vora and Griswold absent). (Planning, Building and Code Enforcement)

PDC14-051 & PD16-019 - Council District 8

[Continued from City Council Meeting of August 28, 2018-Item 10.2 (File No. 18-1133)]

## **• 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.