



City Council Meeting Amended Agenda

Tuesday, October 30, 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

- Invocation (District 9)

San José Public Library
Jill Bourne, Library Director
Charmaine Caward, Cambrian Branch Library
Lucia Farnham-Hudson, Pearl Avenue Library

- Pledge of Allegiance

- Orders of the Day

ADJOURNMENT: Drina Collins, wife, mother, and grandmother who worked in every way to make our community a stronger, more democratic one. (Perez)

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

- Closed Session Report

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation for National Arts and Humanities Month. (Vice Mayor Carrasco)

1.2 Presentation of a proclamation for Filipino American History Month for preserving, documenting, and highlighting the contributions of Filipino Americans in San José and beyond. (Jimenez)

1.3 Presentation of commendation to March For Our Lives San José Leadership Team for their dedication to getting the San José Youth involved in voting and bringing over 32,000 people together in San José for common sense gun regulation awareness. (Rocha)

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 18-1434 Actions Related to Citywide Purchase Orders for Computer Parts, Peripherals, and PC Software.**

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Amend Citywide Purchase Orders OP 55573 with B&H Photo & Electronics (New York, NY), OP 55526 with ComputerLand of Silicon Valley (San José, CA), OP 55518 with SHI International Corp. (Somerset, NJ), and OP 56306 with CDW Government, Inc. (Vernon Hills, IL) for the purchase of computer parts, peripherals, and PC software to increase the aggregate compensation by \$920,000 for the term beginning July 1, 2018 and ending June 30, 2019 for a total aggregate compensation not to exceed \$2,000,000, subject to the appropriation of funds; and
- (b) Approve a contingency of \$500,000 to further amend the purchase orders as may be required to meet any additional unanticipated increases in City demand 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)

3. STRATEGIC SUPPORT**3.1 Report of the City Manager, David Sykes (Verbal Report)****3.2 Labor Negotiations Update.**

3.3 18-1435 Appointments to the Civil Service Commission.

Recommendation: (a) Interview applicant(s) who satisfy the Attorney-at-Law Seat qualifications for appointment on the Civil Service Commission;
(b) Appoint one (1) candidate to the Attorney-at-Law Seat to a term ending November 30, 2022;
(c) Interview applicant(s) for appointment to the Public Member Seat on the Civil Service Commission; and
(d) Appoint one (1) candidate to the Public Member Seat to a term ending November 30, 2022.

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

NOT TO BE HEARD BEFORE 3:00 P.M.

3.4 18-1436 Public Member Appointments to the Board of Administration for Federated City Employees' Retirement System and Police and Fire Retirement Plan.

Recommendation: 1. Board of Administration for the Federated City Employees' Retirement System
a. Interview applicant(s) for appointed to the Public Member Seats on the Federated City Employees' Retirement Board;
b. Appoint up to two (2) applicants to the Public Member Seats on the Federated City Employees' Retirement Board to a term ending November 30, 2022; and
c. If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.
2. Board of Administration for Police and Fire Retirement Plan
a. Interview applicant(s) for appointed to the Public Member Seats on the Police and Fire Retirement Board;
b. Appoint up to three (3) applicants to the Public Member Seats on the Police and Fire Retirement Board to a term ending November 30, 2022; and
c. If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.

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

NOT TO BE HEARD BEFORE 3:00 P.M.

3.5 18-1437 Emergency Services Council Membership.

Recommendation: Accept the proposed initial Emergency Services Council Membership to allow for a meeting to be scheduled in December 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. (City Manager)

3.6 18-1438 Actions Related to the Request for Proposal for Parking Access and Revenue Control System and Automated License Plate Recognition Policy.

Recommendation: (a) Accept the report on the Request for Proposal for a Parking Access and Revenue Control System and adopt a resolution authorizing the City Manager to:

(1) Execute an Agreement with Sentry Control Systems, LLC (Van Nuys, CA) for the purchase of a Parking Access and Revenue Control System on behalf of the Department of Transportation, including all hardware, equipment, software, implementation and configuration, training, support, maintenance, and related professional services for an initial one-year term ending on October 31, 2019, with maximum compensation amount not-to-exceed \$6,326,346.

(2) Negotiate and execute amendments and/or change orders not to exceed \$300,000 for contingencies related to implementation and system requirements, subject to the appropriation of funds.

(3) Execute up to ten one-year options to extend the term of the Agreement for ongoing support, maintenance, and related professional services through October 31, 2029, subject to the appropriation of funds.

(4) Negotiate and execute an agreement with Sentry Control Systems for the purchase of a parking access and revenue control system for the Airport, subject to substantially the same terms and conditions as the Agreement for the Department of Transportation, for an initial one-year term with maximum compensation amount not-to-exceed \$7,000,000, and up to ten additional one-year options to extend the term of the agreement for ongoing support, maintenance, and related professional services, subject to the appropriation of funds.

(b) Adopt a resolution approving a Parking Operations-Specific Automated License Plate Recognition Policy.

(c) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Airport Renewal and Replacement Fund:

- (1) Increase the Parking Revenue Control System Upgrade appropriation to the Airport Department by \$3,500,000;
 - (2) Increase the estimate for Transfers and Reimbursements by \$3,500,000.
 - (d) Adopt the following 2018-2019 Appropriation Ordinance amendments in the Airport Revenue Fund:
 - (1) Decrease the Future Budgets/Capital Reserve by \$3,500,000;
 - (2) Increase the Transfer to the Airport Surplus Revenue Fund by \$3,500,000.
 - (e) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Airport Surplus Revenue Fund:
 - (1) Increase the Transfer to the Airport Renewal and Replacement Fund by \$3,500,000;
 - (2) Increase the estimate for Transfers and Reimbursements by \$3,500,000.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Finance/Transportation/Airport/City Manager)

3.7 18-1439 Second Amendment to the Agreement with Intercare Holdings Insurance Services for City's Workers' Compensation Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to the Agreement with the City's Third Party Administrator for Workers' Compensation, Intercare Holdings Insurance Services, to increase compensation by \$1,934,897 for the current contract term of July 1, 2018 through June 30, 2019, for a total contract amount not to exceed \$10,405,042.

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

5. NEIGHBORHOOD SERVICES

5.1 18-1443 Anti-Graffiti and Anti-Litter Programs Annual Report.

Recommendation: As recommended by the Neighborhood Services and Education Committee on October 11, 2018, accept the Anti-Graffiti and Anti-Litter Programs Annual Report.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services)
[Neighborhood Services and Education Committee referral 10/11/18 - Item D.6]
RECOMMEND DEFERRAL TO 11/6/18 PER ADMINISTRATION

6. TRANSPORTATION & AVIATION SERVICES

6.1 18-1442 Master Agreements for On-Call Transportation Consultant Services.

Recommendation: Approve Master Agreements with the following nine firms to provide on-call consultant services in four technical service areas: Traffic Operations, Intelligent Transportation Systems, Traffic Engineering, and Traffic Data Collection for a five-year term ending August 30, 2023; for a maximum aggregate compensation not to exceed \$6,250,000, subject to the appropriation of funds:

- (a) CHS Consulting, Inc.
- (b) Kimley-Horn and Associates, Inc.
- (c) Iteris, Inc.
- (d) Parsons Transportation Group Inc.
- (e) Fehr & Peers
- (f) Hexagon Transportation Consultants, Inc.
- (g) All Traffic Data Services, Inc.
- (h) Innovative Data Acquisitions, LLC
- (i) Traffic Data Service, LLC

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

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 18-1444 Update on Climate Smart San José Activities.

Recommendation: As recommended by the Transportation and Environment Committee on October 1, 2018, accept the update on the Climate Smart San José activities.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Environmental Services)
[Transportation and Environment Committee referral 10/1/18 - Item D.1]

7.2 18-1445 Actions Related to the New Markets Tax Credit Transactions for the Construction of the Environmental Innovation Center.

Recommendation: (a) Approve the unwinding of the New Markets Tax Credit transactions by: adopting a resolution to authorize the City Manager to (i) acquire the respective membership interests of Chase Community Equity, LLC, a Delaware limited liability company and Community Development Properties New Markets MM, INC., a Delaware corporation and, collectively with Chase Community Equity, LLC, the (“Fund Investors”) in Chase New Markets Tax Credit SJEIC Investment Fund, LLC (“Investment Fund”) for a purchase price of \$1,010 and, in connection therewith, to negotiate and execute the New Markets Tax Credit Exit Agreement and the Fund Purchase Agreement with Fund Investors; (ii) accept the Assignment of QLICI Notes and Leasehold Deed of Trust from the Investment Fund in satisfaction of the leverage loan; and (iii) negotiate and execute other related documents as necessary in connection with the unwinding of the New Markets Tax Credit transactions.

(b) Adopt a resolution consenting to the redemption of Investment Fund’s membership interests in the (i) NDC New Markets Investments LXV, LLC (holder of QLICI Notes A and B), (ii) Northern California Community Loan Fund New Markets Tax Credit Sub-CDE III, LLC (holder of QLICI Notes C and D), and (iii) Brownfield Revitalization XV, LLC (holder of QLICI Notes E and F) in exchange for assignments of QLICI Notes (A-F) (collectively, the “QLICI Notes”) and the QLICI Loan Documents securing the QLICI Notes to the Investment Fund; and authorizing the City Manager to execute the Consent to the Redemption and Assignment.

(c) Adopt a resolution to authorize the City Manager to negotiate and execute all necessary documents to (i) cause Investment Fund to forgive the QLICI Loan and reconvey the QLICI Deed of Trust; (ii) dissolve the Investment Fund; (iii) terminate the Ground Lease and the Master Lease between the City and the EIC QALICB, Inc.; and (iv) enable the EIC QALICB, Inc. to dissolve as a California nonprofit public benefit corporation and transfer all of its assets to the City.

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. Council District 3. (Environmental Services)

7.3 18-1496 Report on Bids and Award of a Contract for the 8073 - Blower Improvements Project at the Regional Wastewater Facility.

Recommendation: (a) Report on bids and award of a construction contract for the 8073 - Blower Improvements Project to the low bidder, Monterey Mechanical Company, for the base bid and Add Alternate No. 1, in the amount of \$29,498,000, and approval of a contingency in the amount of \$4,425,000.
(b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute any single and/or multiple change orders in excess of \$100,000, up to the amount of the contingency of \$4,425,000.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP16-124. (Environmental Services/Public Works)
[Deferred from City Council Meeting of October 23, 2018-Item 7.1 (File No. 18-1413)]

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

- Open Forum

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

- Adjournment

ADJOURNMENT: Drina Collins, wife, mother, and grandmother who worked in every way to make our community a stronger, more democratic one. (Perez)

**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.