



City Council Meeting Agenda

Tuesday, December 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 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

18-1342 Closed Session Agenda

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

- Invocation

INSERT INVOCATION NAME

- 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 Fight for \$15. (Rocha)

1.2 Ruth Silver Taube. (Rocha)

1.3 Assistance League San José. (Vice Mayor)

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

(a) 18-1650 Approval of City Council Minutes.

Recommendation: (a) Regular Rules and Open Government Committee Meeting Minutes of April 18, 2018.
(b) Regular Rules and Open Government Committee Meeting Minutes of April 25, 2018.
(c) Regular Rules and Open Government Committee Meeting Minutes of May 2, 2018.
(d) Regular Rules and Open Government Committee Meeting Minutes of May 9, 2018.
(e) Regular Rules and Open Government Committee Meeting Minutes of May 16, 2018.
(f) Regular Rules and Open Government Committee Meeting Minutes of May 23, 2018.
(g) Regular Rules and Open Government Committee Meeting Minutes of May 30, 2018.
(h) Regular Rules and Open Government Committee Meeting Minutes of June 6, 2018.
(i) Regular Rules and Open Government Committee Meeting Minutes of June 13, 2018.
(j) Regular Transportation and Environment Committee Meeting Minutes of May 7, 2018.
(k) Regular Transportation and Environment Committee Meeting Minutes of June 4, 2018.
(l) Regular Smart Cities and Service Improvements Committee Meeting Minutes of February 1, 2018.
(m) Regular Smart Cities and Service Improvements Committee Meeting Minutes of March 1, 2018.
(n) Regular Smart Cities and Service Improvements Committee Meeting Minutes of April 5, 2018.
(o) Regular Smart Cities and Service Improvements Committee Meeting Minutes of May 3, 2018.
(p) Regular Smart Cities and Service Improvements Committee Meeting Minutes of June 7, 2018.
(q) Regular Neighborhood Services and Education Committee Meeting Minutes of March 8, 2018.
(r) Regular Neighborhood Services and Education Committee Meeting Minutes of June 14, 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.

2.4 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 18-1631 Boards and Commissions Appointments.**

Recommendation: Approve the following Boards and Commissions appointments:

(a) Arts Commission:

(1) District 3 Seat: Appoint Stephanie Southwick for a term ending June 30, 2020;

(b) Clean Energy Community Advisory Commission

(1) Appoint Gerald Gottheil for a term ending December 31, 2021;

(c) Council Appointment Advisory Commission:

(1) District 2 Seat: Appoint Denise Belisle for a term of January 1, 2019 to December 31, 2022;

(2) District 4 Seat: Appoint Quynh Ho for a term of January 1, 2019 to December 31, 2022;

(3) District 10 Seat: Appoint Ben Mazzone for a term of January 1, 2019 to December 31, 2022;

(d) Downtown Parking Board:

(1) Business Association within a Designated Meter District Outside of the Downtown Core Representative: Appoint Tamiko Rast for a term ending June 30, 2020;

(e) Housing and Community Development Commission:

(1) Mobilehome Resident Representative Seat: Appoint Martha O'Connell for a term of January 1, 2019 to December 31, 2022;

(2) Mobilehome Owner Representative Seat: Appoint Ryan Jasinsky for a term of January 1, 2019 to December 31, 2022;

(f) Human Services Commission:

(1) District 2 Seat: Appoint Jessica Dickinson-Goodman for a term January 1, 2019 to December 31, 2022;

(2) Disability Service Provider/Disable Representative Seat: Appoint Tiffany Maciel to a term of January 1, 2019 to December 31, 2022;

(g) Parks and Recreation Commission:

(1) District 6 Seat: Appoint John Callison for a term ending June 30, 2019; and

(h) Senior Citizens Commission:

(1). District 3 Seat: Appoint Paul Oller for a term ending June 30, 2019.

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

2.8 18-1586 CALMS-Video Cameras and Signs Grant Agreement with SAFER San José, Inc.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Grant Agreement to provide security cameras with SAFER San José, Inc. in the amount of \$595,000 through September 30, 2021. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

2.9 18-1632 Naming of the San José Public Library Bridge Branch Located at 3411 Rocky Mountain Drive.

Recommendation: As recommended by the Library and Early Education Commission on November 14, 2018, consider naming the San José Public Library bridge branch located at 3411 Rocky Mountain Drive, San José, CA 95127 in the Mt. Pleasant School District as the Frida Kahlo Bridge Branch Library.

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

2.10 18-1633 Agreements with Advance Design Consultants, Inc., and Salas O'Brien Inc., for Professional Mechanical and Electrical Design Services.

Recommendation: Approve the Master Agreements with Advance Design Consultants, Inc., and Salas O'Brien Inc., for Professional Mechanical and Electrical design services from the date of execution through December 31, 2021, in an amount not to exceed \$1,000,000 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)

2.11 18-1634 Fiscal Year 18 Traffic Impact Fee Report.

Recommendation: Accept the annual and five-year report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 et seq.) on the status of the City's four traffic impact fee programs: North San José, Evergreen-East Hills, US-101/Oakland/Mabury, and Interstate 280/Winchester Boulevard.

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

2.12 18-1651 Declaration and Recording a Statement of the Results of the November 6, 2018 Primary and Special Municipal Election.

Recommendation: Adopt a resolution declaring and recording a statement of the results of the November 6, 2018 Primary and Special Municipal Election per Elections Code Sections 10263, 10264, and 15400.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

2.13 18-1654 Settlement of Lawsuit Filed by Ronald Wood.

Recommendation: Approve a settlement with Ronald Wood in the amount of \$500,000, and authorize the City Attorney to execute a Settlement Agreement.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

2.14 18-1638 Actions Related to the Request for Proposal for Permitting System for the Police Department.

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

- (a) Execute an agreement with TruePoint Solutions, LLC (Loomis, CA) for professional services required to design, configure, implement, and deploy a Permitting System for the Police Department, including training, custom report development, and integration, for an initial three-year term beginning on or about December 17, 2018 and ending December 31, 2021, with a maximum compensation not to exceed \$375,000 during the initial three-year term, subject to the appropriation of funds;
- (b) Execute an agreement with Infor Public Sector, Inc. (Rancho Cordova, CA) for the purchase of a Permitting System for the Police Department, including software subscriptions and ongoing support and maintenance, for an initial three-year term beginning on or about December 17, 2018 and ending December 31, 2021, with a maximum compensation not to exceed \$161,775 during the initial three-year term, subject to the appropriation of funds;
- (c) Negotiate and execute amendments and change orders to the agreements with TruePoint Solutions, LLC and Infor Public Sector, Inc., as may be required for any unanticipated changes, including the purchase of additional subscriptions, for a contingency amount not to exceed \$135,000 during the initial three-year term, subject to the appropriation of funds; and
- (d) Exercise one additional three-year option to extend the term of the agreements through December 31, 2024 to provide ongoing software subscriptions (including purchases of additional subscriptions as required), support, maintenance, and related professional 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)

2.15 18-1643 Actions Related to the Housing for Homeless Veterans Housing Rehabilitation Pilot Program.

Recommendation: (a) Approve the award of \$1,000,000 in Housing Authority Litigation Award funding currently designated for the City's Housing for Homeless Veterans Housing Rehabilitation Pilot Program (a.k.a. Rebuilding for Heroes) to the County of Santa Clara for the Veterans Rapid Rehousing Program; and
(b) Adopt a resolution authorizing the Director of Housing to negotiate and execute an agreement with the County of Santa Clara to provide rental subsidies to homeless veterans through the County's Veterans' Rapid Rehousing Program.
CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant impact to the environment. (Housing)

2.16 18-1644 Actions Related to the 2019-2020 Hazardous Vegetation Commencement Report.

Recommendation: (a) Adopt a resolution accepting the 2019-2020 Hazardous Vegetation Commencement Report (see attached Weed Abatement Program Commencement Report) compiled by the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation, and
(b) Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the Report are a public nuisance;
(c) Directing the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation to mail notices of a Public Hearing on January 29, 2019, at 1:30 p.m. before the City Council on the Report to property owners of affected real properties pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301(h) Existing Facilities, PP18-094. (Planning, Building and Code Enforcement)

2.17 18-1660 Settlement of City of San José v. J.U.M. Global, L.L.C. and State Energy Resources Conservation and Development Commission v. City of San Jose, et al.

Recommendation: Approve a settlement in the amount of \$150,000, and authorize the City Attorney to execute a Settlement Agreement to settle the cases of San José v. J.U.M. Global, L.L.C. and State Energy Resources Conservation and Development Commission v. City of San Jose, et al. v. City of San José.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

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 18-1636 Appeals Hearing Board Appointments.

Recommendation: (1) Interview applicant for appointment to the Public Member Seats on the Appeals Hearing Board;
(2) Appoint up to one (1) applicant to the Appeals Hearing Board for a term of January 1, 2019 through December 31, 2022; and
(3) 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 Organizational & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

3.4 18-1637 Planning Commission Appointment.

Recommendation: (a) Interview applicants for appointment to the Planning Commission;
(b) Appoint one (1) applicant to the Planning Commission for a term ending 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 Organizational & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

3.5 18-1639 Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2018.

Recommendation: Accept the fiscal year 2017-18 Comprehensive Annual Financial Report for the City of San José.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City action. (Finance)

TO BE HEARD CONCURRENTLY WITH ITEM 9.1 (18-1649)**3.6 18-1640 External Auditor's Report: Report to Those Charged with Governance for the Year Ended June 30, 2018.**

Recommendation: Accept the Report to Those Charged with Governance for the year ended June 30, 2018 as issued by Macias Gini & O'Connell LLP, the City's external auditor.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City action. (Finance)

3.7 18-1641 Comprehensive Annual Debt Report for Fiscal Year Ended June 30, 2018.

Recommendation: Accept the Comprehensive Annual Debt Report for the City of San José for Fiscal Year 2017-2018.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City action. (Finance)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-1642 Team San José Performance 2017-18.

Recommendation: As recommended by the Community and Economic Development Committee on November 26, 2018, accept the audit of Team San José Performance 2017-2018, and approve the theater occupancy target for fiscal year 2018-19.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)
[Community and Economic Development Committee referral 11/26/18 - Item (d)5.]

4.2 18-1596 Actions Related to the Tenant Protection Ordinance: Inclusion of Duplexes, Amendments to Criminal Activity, Domestic Violence, and Noticing Requirements.

Recommendation: (a) Council to accept one of the two following options:
(1) Approve an ordinance amending Part 12 of Chapter 17.23 of Title 17 of the San José Municipal Code to include duplexes with an exemption for owner-occupied apartments.
OR
(2) Accept staff recommendation to not include duplexes under the Tenant Protection Ordinance.
(b) Approve an Ordinance amending Part 12 of Chapter 17.23 of Title 17 of the San José Municipal Code to:
(1) Add a provision to require the posting of a notice summarizing the requirements of the Tenant Protection Ordinance including prohibiting retaliation, harassment, and intimidation against tenants based upon their immigration status;
(2) Add a provision to the criminal activity cause for eviction stating if the tenant is acquitted or the criminal charges which caused termination of tenancy are dismissed, the tenant is permitted to return to the apartment if the tenant household still resides in the apartment and consents to the return;
(3) Add a provision that states that nothing in the Ordinance will abrogate the protections afforded to survivors of violence consistent the Civil Code Section 1161.3, as amended, and the violence against Violence Against Women Act, Public Law 103-322 as amended, and require a posting to include these rights; and
(4) Add a provision to require a statement in the Notice of Termination that it is served in good faith and include a reference to the

Rent Stabilization Program for referral information (including homeless prevention).

(c) If an amendment is approved to include duplexes, then adopt a resolution amending the 2018-2019 Schedule of Fees and Charges (Resolution No. 72737, as amended) to extend the Non-Rent Controlled Apartment Unit Fee to Duplexes effective January 18, 2019, in the amount of \$2.65, prorated from the annual Non-Rent Controlled Apartment Unit Fee in the amount of \$6.20.

(d) If an amendment is approved to include duplexes, then adopt the following Fiscal Year 2018-2019 Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:

(1) Increase the Fees, Rates and Charges estimate by \$25,313; and

(2) Increase the Non-Personal/Equipment appropriation to the Housing Department by \$25,313. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Housing)

4.3 18-1597 Direction on the Creation of a Source of Income Ordinance and Rental Subsidy Program Improvements.

Recommendation: (a) Accept the staff report.
(b) Direct the City Attorney's Office to develop a source of income ordinance including, but not limited to, staff's recommended provisions on the definition of source of income, prohibited activities, applicability, and enforcement.
(c) Direct the Housing Department to implement an education and outreach plan in coordination with Santa Clara County Housing Authority and other rental subsidy partners that considers process improvements and incentives to increase the use of rental subsidy programs.

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

4.4 18-1645 Actions Related to the 7802- Bollinger Rd- Blaney Ave Sanitary Sewer Improvement Project.

Recommendation: (a) Report on bids and award of contract for the 7802- Bollinger Rd- Blaney Ave Sanitary Sewer Improvement to the low bidder, Pacific Underground Construction, Inc., for the base bid and Add Alternate No. 1, in the amount of \$7,995,801 and approve a contingency in the amount of \$799,580.
(b) Adopt the following 2018-2019 Appropriation and Ordinance amendments in the Sewer Service and Use Charge Capital Improvement Fund:
(1) Decrease the Unrestricted Ending Funding Balance in the amount of \$1,200,000;
(2) Increase the Bollinger Road - Moorpark Avenue - Williams Road Sanitary Sewer Improvements appropriation to the Public Works Department in the amount of \$1,200,000.
CEQA: Determination of Consistency Exempt, File No. PP12-076; PP13-070. Council District 1. (Public Works/City Manager)

4.5 18-1656 Ordinance Dedicating Public Right-of-Way and Public Parking Easement and Major Encroachment Located at 200 Edenvale Avenue.

Recommendation: (a) Approve an ordinance dedicating as public right-of-way approximately xxx square feet of a City-owned drive aisle ("Street Area") located on the south boundary of Edenvale Gardens Regional Park ("Park") west of Edenvale Avenue, and accepting the newly dedicated right-of-way into the City's street system as Edenvale Court, and dedicating a public parking easement approximately xxx square feet of an existing City-owned surface parking lot ("Public Parking Area") located at the southeastern corner of the Park.
(b) Adopt a resolution authorizing a Permit pursuant to San José Municipal Code Chapter 13.37 for a Major Encroachment to be located at 200 Edenvale Avenue.

4.6 18-1659 Commercial Linkage Fee.

Recommendation: Discussion on Commercial Linkage Fee.

4.7 18-1658 Temporary Use of Properties for Homeless Emergency Assistance Program.

Recommendation: (a) Direct the Housing Department and the Office of Economic Development to approach Google about allowing the temporary use of one or more of their recently purchased properties for the purposes of creating additional shelter beds within San José.

(b) Recommend the following parameters to guide the negotiations with Google:

- (1) Temporary use should be for no less than two years;
- (2) Shelter should be year-round;
- (3) Leasing of property from Google should be negotiated at the least possible cost to the City;
- (4) Google's agreement to lease property to the City will not count towards their anticipated community benefit contributions;
- (5) There should be a definitive end date for use of property, and the City should lead the closure.

(Jimenez)

5. NEIGHBORHOOD SERVICES**5.1 18-1646 Active Transportation Program Grant Application for the Five Wounds Trail Project.**

Recommendation: Adopt a resolution to:

- (a) Retroactively approve staff's submission of a grant application in the amount of \$33,610,000 to the State of California via the Active Transportation Program; and
- (b) Identify the City Manager or his designee as the authorized representative to negotiate and execute an Active Transportation Program grant agreement for the Five Wounds Trail project.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. Council Districts 3 & 7. (Parks, Recreation and Neighborhood Services)

5.2 18-1647 Actions Related to the Landmark Site Selection for the San José Light Tower.

Recommendation: (a) Accept Guadalupe River Park at Arena Green as the highest-ranking location from the site selection analysis completed for the San José Light Tower Corporation in coordination with the Department of Parks, Recreation and Neighborhood Services, Public Works, and Office of Economic Development/Office of Cultural Affairs.
(b) Endorse the San José Light Tower Corporation's plan to proceed with an International Ideas Competition to solicit concepts for a world-class iconic landmark at Guadalupe River Park Arena Green.
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 3. (Parks, Recreation and Neighborhood Services)

6. TRANSPORTATION & AVIATION SERVICES**7. ENVIRONMENTAL & UTILITY SERVICES****7.1 18-1648 Amendment to Title 17 of the San José Municipal Code for the Energy and Water Building Performance Ordinance.**

Recommendation: (a) Approve an ordinance amending the San José Municipal Code to add Chapter 17.85, the Energy and Water Building Performance Ordinance for existing commercial and multifamily buildings and amending section 1.08.020 to make technical and clerical corrections and add violations of Chapter 17.85 to the list of infractions; and
(b) Adopt a resolution amending the Administrative Citation Schedule of Fines to add fines for certain violations of the San José Municipal Code related to the regulation of the Energy and Water Building Performance Ordinance and repealing Resolution No. 78478.
CEQA: Categorically Exempt, File No. PP18-088, CEQA Guidelines Section 15061(b)(3) - General Rule. (Environmental Services)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 18-1649 Successor Agency to the Redevelopment Agency of the City of San José - Fiscal Year 2017-18 Audited Financial Statements.

Recommendation: Accept the fiscal year 2017-18 Independent Auditor's Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency of the City of San José.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City action. (Finance/Successor Agency)
TO BE HEARD CONCURRENTLY WITH ITEM 3.5 (18-1639)

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.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- **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**

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.