



City Council Meeting Amended Agenda

Tuesday, April 30, 2019

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, 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 Speaker's 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 Clerk's 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. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. 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

9:00 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

19-133 Closed Session Agenda

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

2:15 p.m.- Joint Meeting of the San José City Council and the Retirement Boards, Wing 118-120, City Hall

- Invocation (District 4)

Katherine Hauge, Children's Musical Theater

- Pledge of Allegiance

- Orders of the Day

THE CITY COUNCIL WILL RECESS AT 2:00 P.M. AND RECONVENE AT 2:15 P.M. FOR THE JOINT MEETING OF THE SAN JOSE CITY COUNCIL AND THE RETIREMENT BOARDS.

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 proclamation recognizing the month of May 2019 as 2019 Green Trip Challenge to support its goals to help reduce greenhouse gas emissions, pollution, traffic congestion and improve mobility, safety and the community's health. (Perez)

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 19-278 Agreement with FUSE Corps for Placement Services.**

Recommendation: Adopt a resolution authorizing the City Manager to execute a Master Agreement for Placement Services between the City of San José and FUSE Corps retroactive to April 1, 2019 through June 30, 2022 in an amount not to exceed \$950,000 per year for a total contract amount not to exceed \$2,850,000, subject to City Council appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

2.8 19-279 Amendment to Title 3 of the San José Municipal Code for Loan Repayment Plans in the City's Deferred Compensation Plan.

Recommendation: Approve an ordinance to amend the Deferred Compensation Plan in Chapter 3.48 of Title 3 of the San José Municipal Code to allow for loan repayment plans after severance from employment. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Human Resources)

2.9 19-280 Actions Related to the Vacation of Setback Easements Located within Tract No. 662.

Recommendation: (a) Adopt a resolution of intention to vacate the 35-foot and 20-foot light and air easements located within Tract No. 662.
(b) Set a Public Hearing on Tuesday, May 21, 2019, at 1:30 p.m., for consideration of the vacation.
(c) Direct the City Clerk to file the vacation map and advertise said public hearing.
CEQA: Categorically Exempt, File No. PP19-026, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)

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 9:00 A.M.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 19-281 Public Hearing on the Affordable Housing Impact Fee or the Inclusionary Housing Ordinance Exempted Projects Report.

Recommendation: (a) Conduct a Public Hearing pursuant to California Government Code Section 53083 in order to provide disclosure of economic development subsidies via previously approved exemptions from the Affordable Housing Impact Fee or the Inclusionary Housing Ordinance.
(b) Accept the report providing the required disclosure of information on the economic development subsidies and the cost/ benefit evaluation for public subsidies required by City of San José Resolution No. 77135 (“Open Government Resolution”) Section 2.3.2.6 C.
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 19-304 Actions Related to the Lease Extension and Naming Rights for the San José Municipal Stadium.

Recommendation: (a) Conduct a Public Hearing in accordance with City Council Policy 7-5 on the renaming of the San José Municipal Stadium in exchange for a 3-year sponsorship and naming rights agreement with Excite Credit Union in the amount of \$275,000 to the City of San José.

(b) Adopt a resolution:

(1) Authorizing the City Manager to negotiate and execute an amendment to the Amended and Restated Lease between the City of San José and the San José Giants, dba., Baseball Acquisition Company, Inc. (BAC), regarding the San José Municipal Stadium located at 588 E. Alma Avenue, in order extend the existing lease for three (3) years, with a new expiration date of December 31, 2021, update parking use and management, and include the terms of the agreement with Excite Credit Union and Baseball Acquisition, Inc., for the sponsorship and naming rights at the San José Municipal Stadium, for a period of 3 years resulting in a contribution of \$275,000 with these funds specifically dedicated to the San José Municipal Stadium for capital needs to support the activation and long-term use of the facility; and

(2) Approving the renaming of the San José Municipal Stadium to Excite Ballpark Home of the San José Giants.

(c) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution Amendments in the San José Municipal Stadium Capital Fund:

(1) Establish an estimate for Other Revenue in the amount of \$65,000; and

(2) Increase the Capital Enhancements appropriation to the Office of Economic Development Department by \$65,000.

CEQA: Exempt, File No. PP07-217. Council District 7. (Economic Development/City Manager)

[Deferred from 4/23/19 - Item 4.3 (19-254)]

5. NEIGHBORHOOD SERVICES

5.1 19-288 Report on Citywide Expanded Learning Programs. - DEFERRED

Recommendation: As recommended by the Neighborhood Services & Education Committee on April 11, 2019:

- (a) Review and provide feedback on the application of the California Afterschool Network Quality Standards in all City-funded, operated, or endorsed Expanded Learning programs; and
- (b) Accept the Expanded Learning Quality Standards report and adopt a resolution adopting the California Afterschool Network Quality Standards for all City-funded, operated, or endorsed Expanded Learning programs;
- (c) Direct staff to return to the Neighborhood Services and Education Committee in Spring 2020 to report on progress implementing the California Afterschool Network Quality Standards, as well as plans for the 2020 Summer programs.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Library/Parks, Recreation and Neighborhood Services) [Neighborhood Services & Education Committee referral 4/11/19 - Item (d)(1)]

DEFERRED TO 5/7/19 PER ADMINISTRATION

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 19-282 Amendment to the Revolving Credit Agreement with Barclays Bank PLC for the Community Energy Implementation Plan.

Recommendation: (a) Adopt a resolution authorizing the City Manager, the Director of Finance, the Assistant Director of Finance or their authorized designees to negotiate, execute and deliver the First Amendment to the Revolving Credit Agreement with Barclays Bank PLC to increase the sublimit for the line of credit facility thereunder from an aggregate principal amount not to exceed \$20,000,000 to \$30,000,000, increase the sublimit for the standby letter of credit facility thereunder from an aggregate principal amount not to exceed \$35,000,000 to \$65,000,000, increase the aggregate commitment to issue revolving loans and standby letters of credit from an aggregate principal amount not to exceed \$50,000,000 to \$80,000,000 outstanding at any one time, and increase certain fees payable by the City to Barclays Bank PLC in connection with the credit facilities under the revolving credit agreement to finance start-up cost of the City of San José's Community Energy Program, purchase power, and secure payments under power purchase agreements, and other costs associated and consistent with the Community Energy Implementation Plan, and to take other related actions in connection therewith.

(b) Adopt the following Fiscal Year 2018-2019 Appropriation Ordinance amendments in the San José Clean Energy Fund:

(1) Increase the Cost of Energy appropriation to the Community Energy Department in the amount of \$23,000,000;

(2) Decrease the Debt Service - Principal - Revolver appropriation to the Finance Department in the amount of \$20,000,000; and

(3) Decrease the Ending Fund Balance - Community Energy Rate Stabilization Reserve in the amount of \$3,000,000.

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

8. PUBLIC SAFETY

- 8.1 19-283** Amendment to Title 10 of the San José Municipal Code for Street Races and Reckless Driving Exhibitions.

Recommendation: Approve an ordinance amending Title 10 of the San José Municipal Code to add Chapter 10.50 which prohibits spectators at Street Races and Reckless Driving Exhibitions.
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Police)

9. REDEVELOPMENT – SUCCESSOR AGENCY

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

- **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**

JOINT MEETING OF THE CITY OF SAN JOSE CITY COUNCIL AND THE FINANCING AUTHORITY BOARD AGENDA

1:30 p.m.

April 30, 2019

CHAMBERS

- **Call to Order and Roll Call**

- 1. 19-284 Issuance of City of San José Financing Authority's Commercial Paper Notes for Office Space located at the 4th Street and San Fernando Garage.**

Recommendation: (a) City Council take the following actions:

(1) Conduct a Public Hearing concerning the approval of the issuance by the City of San José Financing Authority of City of San José Financing Authority Lease Revenue Commercial Paper Notes ("CP Notes") in order to finance certain public capital improvements of the City of San José, consisting of a full build-out of existing space within the 4th and San Fernando Garage for office space which will initially be occupied by the San José Community Energy Department (the "SJCE Department") and other City operations.

(2) Adopt a resolution to approve the issuance of CP Notes to provide financing for the construction of a full build-out of existing space within the 4th and San Fernando Garage for office space which will initially be occupied by the SJCE Department and other City operations in an amount not to exceed \$6.5 million.

(3) Adopt the following Fiscal Year 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(i) Increase the Other Revenue estimate by \$4,800,000; and

(ii) Establish the City Hall Campus Expansion capital project appropriation to the Public Works Department in the amount of \$4,800,000.

(b) City of San José Financing Authority Board adopt a resolution to approve the issuance of the CP Notes to provide financing for the construction of a full build-out of existing space within the 4th and San Fernando Garage for office space which will initially be occupied by the SJCE Department and other City operations in an amount not to exceed \$6.5 million.

CEQA: Categorically Exempt, File No. PP19-030, CEQA Guidelines Section 15301, Existing Facilities. (Finance/City Manager)

- **Open Forum**

**ADJOURN THE JOINT MEETING OF THE CITY OF SAN JOSE CITY COUNCIL AND THE
FINANCING AUTHORITY AND RECONVENE THE MEETING OF THE CITY COUNCIL**

- **THE CITY COUNCIL WILL RECESS AT 2:00 P.M. AND RECONVENE AT 2:15 P.M. FOR THE JOINT MEETING OF THE SAN JOSE CITY COUNCIL AND THE RETIREMENT BOARDS.**

**JOINT MEETING OF THE CITY OF SAN JOSE CITY COUNCIL AND THE RETIREMENT
BOARDS AGENDA**

2:15 p.m.

April 30, 2019

WING 118-120

• **Call to Order and Roll Call**

**19-285 STUDY SESSION PRESENTATION: Joint Meeting of the San José City
Council and Retirement Boards.**

Recommendation: (a) Provide status update of City Retirement costs and Budget projections, a background for general discussion on Plan Sponsor's risk tolerance.
(b) Presentation by Retirement Plans Actuary, Cherion on Plans demographics and level of maturity compared to other Public Retirement Plans throughout CA.
(c) Presentation on Plans current asset allocations including how the Plans data, demographics and maturity impact the asset allocation decisions, Plans performance and investment fees.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager/Retirement Services)

• **Open Forum**

**ADJOURN THE JOINT MEETING OF THE CITY OF SAN JOSE CITY COUNCIL AND THE
RETIREMENT BOARDS AND RECONVENE THE MEETING OF THE CITY COUNCIL IN
COUNCIL CHAMBERS**

**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. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- 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.