



City Council Meeting Amended Agenda

Tuesday, May 21, 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 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. 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

9:30 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

19-133 Closed Session Agenda

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

- Invocation (District 5)
- Pledge of Allegiance
- Orders of the Day

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 to the Stanford Center for Integrated Facility Engineering. (Jimenez)

1.2 Presentation of a Proclamation proclaiming May as Asian Pacific American Heritage Month. (Diep)

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.

19-368 **Approval of City Council Minutes.**

Recommendation: (a) Regular City Council Meeting Minutes of October 30, 2018.
(b) Regular City Council Meeting Minutes of January 30, 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 Clerk)

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

19-367 Approval of Council Committee Minutes.

Recommendation: (a) Rules and Open Government Committee Minutes of April 17, 2019.
(b) Rules and Open Government Committee Minutes of April 24, 2019.
(c) Rules and Open Government Committee Minutes of May 1, 2019.
(d) AD-HOC Committee for Housing Construction & Development Services Minutes of April 25, 2019.
(e) Community & Economic Development Committee Minutes of October 22, 2018.
(f) Rules and Open Government Committee Minutes of October 31, 2018.
(g) Smart Cities and Service Improvements Committee Minutes of November 1, 2018.
(h) Transportation and Environment Committee Minutes of November 5, 2018.
(i) Public Safety, Finance & Strategic Support Committee Minutes of November 15, 2018.
(j) Rules and Open Government Committee Minutes of November 28, 2018.
(k) Rules and Open Government Committee Minutes of December 5, 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 Clerk)

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 19-338 Set a Public Hearing on the Levy of the Proposed Downtown Business Improvement District Assessments.

Recommendation: Preliminarily approve the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council, and adopt a resolution of intention to levy the annual assessment for Fiscal Year 2019-2020, to suspend collection of the Downtown Business Improvement District assessments for businesses that qualify for the business tax financial hardship exemption under the City's general business tax ordinance, and set Tuesday, June 4, 2019 at 1:30 p.m. as the date and time for the Public Hearing on the levy of the proposed assessments.

CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b), Review for Exemption. (Economic Development)

2.8 19-339 Set a Public Hearing on the Levy of the Proposed Japantown Business Improvement District Assessments.

Recommendation: Preliminarily approve the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council, and adopt a resolution of intention to levy the annual assessment for Fiscal Year 2019-2020 and set Tuesday, June 4, 2019 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b), Review for Exemption. (Economic Development)

2.9 19-340 Amendment to the Lease Agreement with Sun Garden Center 3, LLC for Police Department Evidence Warehouse.

Recommendation: Approve a Second Amendment extending the Lease Agreement for Police Department Evidence Warehouse with Sun Garden Tenants in Common, LLC commencing on June 1, 2019, for the use of approximately 99,819 square feet of warehouse space, located at 1598 Monterey Road, at a rental rate of \$69,000 per month with an increase of 3% each year until May 31, 2021. CEQA: Not a Project, File No. PP17-003, Agreement/Contracts resulting in no physical changes to the environment. Council District 7. (Economic Development)

2.10 19-341 Amendment to the Master Agreement with Golder Associates for Environmental Support Services.

Recommendation: Approve the First Amendment to the Master Agreement with Golder Associates for environmental consulting services, increasing the amount of compensation by \$500,000, for a total agreement not to exceed \$1,000,000. No extension is being recommended on the term of the agreement, which expires on June 30, 2020.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Environmental Services)

2.11 19-342 Actions Related to the Purchase Order for Chevrolet Vehicle Parts, Maintenance, and Repair Services.

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Execute a purchase order with Capitol Chevrolet (San José, CA) for Chevrolet vehicle parts, maintenance, and repair services for the Department of Public Works for an initial twelve-month period, starting on or about May 22, 2019 and ending on or about May 21, 2020, for an amount not-to-exceed \$80,000; and
(b) Exercise up to four one-year options to extend the term of the purchase order with the last option year ending on or about May 21, 2024, 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)

2.12 19-343 Actions Related to the Purchase Orders for Sunnyvale Ford and Capitol Ford for Vehicle Parts, Maintenance, and Repair Services.

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Execute purchase orders with Sunnyvale Ford (Sunnyvale, CA) and Capitol Ford (San José, CA) for Ford light and heavy vehicle parts, maintenance, and repair services for the Department of Public Works for an initial twelve-month period, starting on or about May 22, 2019 and ending on or about May 21, 2020 for a total cumulative compensation not-to-exceed \$400,000, and
(b) Exercise up to four one-year options to extend the term of the purchase orders with the last option year ending on or about May 21, 2024, 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)

2.13 19-344 Amendment to Title 4 of the City of San José Municipal Code to Rename the Marijuana Business Tax to the Cannabis Business Tax and to Establish a Tiered Cannabis Business Tax Rate Structure for Various Categories of Cannabis Business Activities.

Recommendation: Adopt an ordinance amending Chapter 4.66 of Title 4 of the City of San José Municipal Code to rename the Marijuana Business Tax to the Cannabis Business Tax, to make other technical revisions to change the term “marijuana” to “cannabis” throughout Chapter 4.66, and to reduce the Cannabis Business Tax for persons engaged in the cultivation, manufacturing, distribution or laboratory testing of cannabis.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Finance)

2.14 19-345 Amendment to the Agreement with Kubra America West, Inc. for Document Printing, Mailing, E-Presentment, E-Payment, and Remittance Services.

Recommendation: Adopt a resolution authorizing the City Manager to execute the Sixth Amendment to the Agreement for Document Printing, Mailing, E-Presentment, E-Payment, and Remittance Services with Kubra America West, Inc. (Gardena, CA) to extend services for up to two additional one-year option terms through June 30, 2021, for a not to exceed amount of \$450,000 for July 1, 2019 through June 30, 2020, 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 19-346 Amendment to the Agreement with P&A Group for Flexible Spending Account Administration.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to extend the term by one year and three months to December 31, 2020 and increase the maximum amount of compensation to be paid to P&A Group by enrolled employees for the administrative fee for Flexible Spending Account administration by \$67,500 from \$216,000 to \$283,500.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Human Resources)

2.16 19-347 Approval of the Amended and Restated Turnkey Parkland Agreement and Adoption of Appropriation Ordinance and Funding Sources Resolution Amendments in the Subdivision Park Trust Fund for the North Capital Avenue at Gimelli Way Park Site.

Recommendation: (a) Approve an Amended and Restated Turnkey Parkland Agreement between the City of San José and Pulte Home Company, LLC, a Michigan limited liability company for the dedication and development of a 0.58 gross acre site, the construction of park improvements on this site, and return a portion of paid park impact in-lieu fees relating to approved File Nos. PDC16-002, PD16-025 (as amended), and PT16-035 (as amended).
(b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a maintenance agreement with Pulte Home Company, LLC for maintenance of the park for one calendar year after the City accepts the park.
(c) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution Amendments in the Subdivision Park Trust Fund:
(1) Establish Capitol at Gimelli Turnkey Park Developer Reimbursement appropriation for \$490,000.
(2) Increase Future PDO/PIO Future Projects Reserve by \$169,000.
(3) Decrease Capitol Turnkey Park Design Review and Inspection appropriation by \$586,000.
(4) Increase the Developer Contributions by \$73,000.
CEQA: Mitigated Negative Declaration for 641 North Capitol Avenue Mixed-Use Project (Resolution No. 78053), File Nos. PDC16-002, PD16-025 (Resolution No. 78055 as amended), & PT16-035 (Resolution No. 78054, as amended). (Parks, Recreation and Neighborhood Services/City Manager)

2.17 19-348 Amendment to the Agreement with Management Partners, Inc. for Fee Program Analysis Services.

Recommendation: Approve a Second Amendment to the Agreement between the City of San José and Management Partners, Inc. for Fee Program Analysis Services, to extend the term of the Agreement through June 30, 2020, and amend Revised Exhibit B: Compensation to update Table C-4: Additional Services Payment Schedule.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Planning, Building and Code Enforcement)

2.18 19-349 Actions Related to the Knight Foundation Grant Acceptance.

Recommendation: (a) Adopt a resolution authorizing the City Manager or designee to:

- (1) Accept grant funds from the John S. and James L. Knight Foundation (Knight Foundation) in an amount not to exceed \$705,000 to implement San José's Radically Resident-Centered Automated Vehicle (AV) Community Engagement Project; and
- (2) Negotiate and execute any documents necessary to accept the grant funds.

(b) Adopt the following 2018-2019 Funding Source Resolution and Appropriation Ordinance amendments in the Construction Excise Tax Fund:

- (1) Increase the estimate for Other Revenue by \$235,000; and
- (2) Establish the AV Community Engagement Initiative appropriation to the Department of Transportation in the amount of \$235,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 1, 3, 4, 5, 6, & 9. (Transportation/City Manager)

2.19 19-360 Complete Streets and Near Term Transit Implementation Plan for the Stevens Creek Boulevard Corridor.

Recommendation: Adopt a resolution to:

- (a) Support the development of A Complete Streets and Near Term Transit Implementation Plan for the Stevens Creek Boulevard corridor to be prepared jointly by the Santa Clara Valley Transportation Authority (VTA) and the cities of Santa Clara, Cupertino and San José; and High Capacity Transit Service along the Stevens Creek Boulevard corridor currently being planned and investigated in VTA's High Capacity Transit Study and San José's joint Request for Information for an Airport-Diridon-Stevens Creek Transit Connection; and
- (b) Authorize the City Manager to assess resources needed to develop these projects.

CEQA: File No. PP17-001, Feasibility and planning studies with no commitment to future actions. Any plan to be adopted as a result of these joint efforts will require its own CEQA clearance. (Transportation)

RECOMMEND DEFERRAL TO 6/4/19 PER ADMINISTRATION

2.20 19-363 Approval of National Night Out as a City Sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on May 8, 2019:

(a) Approve the National Night Out scheduled on August 6, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (City Clerk)

[Rules Committee referral 5/8/19 - Item G.1.a]

2.21 19-364 Retroactive Approval of Mamapalooza Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on May 8, 2019:

(a) Retroactively approve the Mamapalooza Community Event scheduled on May 11, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

[Rules Committee referral 5/8/19 - Item G.1.b]

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)

3.2 Labor Negotiations Update.

3.3 19-350 Annual Summary of Labor Negotiations.

Recommendation: Accept staff report and public input on the Annual Summary of Upcoming Labor Negotiations.

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)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 19-361 Diridon Planning Reserve and Service Reimbursement Agreement.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Funding and Service Reimbursement Agreement with Google to pay for certain services associated with planning for development in the Diridon Station Area in the amount of \$4,473,580 and delegating the authority to the City Manager or designee to negotiate and execute amendments to the Funding and Service Reimbursement Agreement for additional funding and reimbursement, subject to full appropriation by the City Council.
CEQA: Exempt, File No. PP17-001, Feasibility and Planning Studies that are statutorily exempt under CEQA Guidelines Section 15262.
(Economic Development)

4.2 19-351 Actions Related to the Income Limits and Rents on a Portion of the Markham Plaza I Apartments.

Recommendation: Adopt a resolution:

- (a) Approving a change in the affordable restriction recorded on the existing 153-unit Markham Plaza I Apartments (formerly Tully Gardens), from 152 units affordable to extremely low-income households at up to 30% of Area Median Income (“AMI”) and one unrestricted manager’s unit to 76 units affordable to extremely low-income households at up to 30% of AMI and 76 units affordable to very low-income households at up to 35% of AMI and one unrestricted manager’s unit;
- (b) Authorizing an increase to rents and income to 60% AMI (low income) for new tenants in the event of foreclosure or expiration of subsidy contracts, provided the City has determined the increase is needed for feasibility of the development and allowed by other funds; and
- (c) Authorizing the Director of Housing to negotiate and execute loan documents, amendments, and all other documents related to this action.

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

4.3 19-362 San José Downtown Design Guidelines and Standards.

Recommendation: Adopt a resolution amending the San José Downtown Design Guidelines and Standards to include Section, 4.4.2.b, relating to bird safety design.
CEQA: Determination of Consistency to the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. File Nos. GPT19-001 & PP19-018. Planning Commission recommends approval (6-0). Council Districts 3 and 6. (Planning, Building and Code Enforcement)
[Deferred from 5/7/19 - Item 4.1 (19-306)]
[CONTINUED FROM 4/23/19 - Item 10.2 (19-249)]

4.4 19-352 Report on Bids and Award of Contract for the 7202-Westmont Ave. and Harriet Ave. Sanitary Sewer Improvement Project.

Recommendation: Report on bids and award of contract for the 7202 - Westmont Ave. and Harriet Ave. Sanitary Sewer Improvement Project to the low bidder, Bay Pacific Pipelines, Inc., for the base bid and Add Alternate No. 1 in the amount of \$4,304,825, and approval of a contingency in the amount of \$430,500.
CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), and Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617) and Addenda thereto, File No. PP18-079. Council District 1. (Public Works)

4.5 19-353 Public Hearing on the Vacation of the Setback Easements Located within Tract No. 662.

Recommendation: Conduct a Public Hearing and adopt a resolution:
(a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of the 35-foot and 20-foot light and air easements ("Setback Easements") located within Tract No. 662;
(b) Vacating the 35-foot and 20-foot light and air easements located within Tract No. 662; and
(c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.
CEQA: Categorically Exempt, File No. PP19-026, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 19-354 Actions Related to the Request for Proposal for the San José International Airport Food and Beverage Concession Opportunities.

Recommendation: (a) Approve the selection of the top-ranking concessions for Packages I, II, and III for the Request for Proposals (“RFP”) for the Food and Beverage Concession Opportunities at the Norman Y. Mineta San José International Airport (“Airport”).

(b) Adopt a resolution authorizing the City Manager or designee to:

(1) Negotiate and execute Concession Agreements (“Agreement”) between the City of San José and the following entities, effective from the date of execution by the City Manager through June 30, 2035:

(i) SSP America Inc. for the construction and operation of food and beverage concessions at the Airport listed as Package I of the Food and Beverage RFP;

(ii) Elevate Gourmet Brands-SJC Group for the construction and operation of a food and beverage concession at the Airport listed as Package II of the Food and Beverage RFP; and

(iii) WSE Group Inc. for the construction and operation of a food and beverage concession at the Airport listed as Package III of the Food and Beverage RFP.

(2) Negotiate and modify the concept types, concept locations, and/or concept designs with the entities above, as needed, to align the concepts with the needs of the Airport.

(3) Terminate negotiations with any of the recommended proposers for Packages I, II, or III in the event that the City and the recommended proposer(s) cannot agree upon the terms of the Concession Agreement, and negotiate and execute concession agreements with the next highest-ranked proposers, in order of their ranking for each package, until an Agreement has been reached with an operator.

(c) Adopt a resolution authorizing the Director of Aviation to extend the term of the agreement(s) through June 30, 2040, subject to mutual agreement by both parties.

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

6.2 19-355 County of Santa Clara Report on Potential Closure of Reid Hillview Airport.

Recommendation: Accept the report from the County of Santa Clara on the potential closure of Reid Hillview Airport.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Economic Development/Airport/Planning, Building and Code Enforcement)

6.3 19-356 Actions Related to 2019 Major Streets Sealing Project.

Recommendation: (a) Award a construction contract for the 2019 Major Streets Sealing Project, to the low bidder, VSS International, Inc. in the amount of \$8,600,120.
(b) Approve a three percent contingency in the amount of \$258,003.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES**7.1 19-357 Agreement with ABB Inc. for Distributed Control Unit Upgrade and Maintenance at the San José/Santa Clara Regional Wastewater Facility.**

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with ABB Inc., dba ABB DE, Inc., (Wickliffe, OH) to upgrade distributed control units at the San José/Santa Clara Regional Wastewater Facility, including hardware, software, programming, configuration, and related professional services, beginning June 1, 2019 and ending December 31, 2022 for a maximum not-to-exceed compensation of \$6,377,000, subject to the appropriation of funds; and
- (b) Negotiate and execute the Water Care Enhanced Agreement with ABB Inc., dba ABB DE, Inc. (Wickliffe, OH) and annual purchase orders pursuant to the terms of the Water Care Enhanced Agreement for ongoing support and maintenance (\$233,194 per year) and as-needed parts replacement and repair and rebuilding services (estimated at \$500,000-\$750,000 per year) for a five-year term beginning June 1, 2019 and ending May 31, 2024 and for a combined compensation not to exceed \$3,915,970, subject to the appropriation of funds; and
- (c) Negotiate and execute amendments and change orders to the agreements as required for unanticipated changes, subject to the appropriations of funds.

CEQA: Categorically Exempt, File No. PP18-104, CEQA Guidelines Section 15301(1), Existing Facilities. (Environmental Services/Finance)

7.2 19-358 Public Hearing on the Commercial Solid Waste Services Rates.

Recommendation: (a) Hold a Public Hearing to confirm that the proposed Maximum Commercial Solid Waste Services Rates are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services.
(b) Adopt a resolution setting Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organics processing services.
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of service.
(Environmental Services)

7.3 19-359 Climate Smart San José Plan Semi-Annual Update.

Recommendation: As recommended by the Transportation and Environment Committee on May 6, 2019, accept the update on Climate Smart San José activities and provide a report on Leadership in Energy and Environmental Design Certification.
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 5/6/19 - Item (d)4]

8. PUBLIC SAFETY**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.

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. 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.