



City Council Meeting Agenda

Tuesday, June 25, 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**

9:30 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

19-418

Closed Session Agenda

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

6:00 p.m.- Evening Session, Council Chambers, City Hall

Will not begin until 6pm or until after all afternoon items are heard.

- **Invocation (District 6)**

Father Enzie: St. Leos the Great Catholic Church

- **Pledge of Allegiance**

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a Commendation to Friends of Five Wounds Trail for advocating and preserving the historic Five Wounds trail and providing the most volunteers for the Great American Pick Up. (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 19-555 Settlement of Pabla, Parveen, et al. v. City of San José.**

Recommendation: Approve a settlement in the amount of \$750,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of Pabla, Parveen, 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)

2.8 19-556 Boards and Commissions Appointments.

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

2.9 19-518 Agreement with Cruz Strategies, LLC for State Legislative Advocacy Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with Cruz Strategies, LLC to provide State Legislative Advocacy services for a two-year and four-month term beginning July 1, 2019 through October 31, 2021, with a maximum compensation amount not to exceed \$560,000 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)

2.10 19-519 Agreement with Holland & Knight, LLC for Federal Legislative Advocacy Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Holland & Knight, LLC to provide Federal Legislative Advocacy services for a four-year and four-month term beginning July 1, 2019 through October 31, 2023, with a maximum compensation amount not to exceed \$676,000 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)

2.11 19-520 City Manager's Travel to Vancouver, Canada.

Recommendation: Authorize travel for City Manager David Sykes to Vancouver, Canada on July 18 - 21, 2019 to participate in the Large Cities Executive Forum. Source of Funds: City Manager's Non-Personal Appropriation. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

2.12 19-521 Actions Related to the Agreement with San José Sports Authority for San José Events.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with the San José Sports Authority to promote San José as a location for high profile sporting events and recruit state, national and international events for the period of July 1, 2019 through June 30, 2020 for an amount not to exceed \$741,896;
- (b) Negotiate and execute subsequent amendments to the Agreement to revise the scope of services, subject to the appropriation of funds; and
- (c) Execute up to five additional one-year options to extend the Agreement through June 30, 2025 to provide ongoing operational support for an estimated annual Option Year cost of \$403,652 in Year 1, \$415,761 in Year 2, \$428,233 in Year 3, \$441,080 in Year 4, and \$454,312 in Year 5, 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. (Economic Development)

2.13 19-522 Amendment to the Agreement with San José Arena Authority.

Recommendation: Approve an amendment to the Agreement between the City and the San José Arena Authority to extend the term of the Agreement through June 30, 2025.

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

2.14 19-523 Actions Related to the Agreement with the County of Santa Clara for Public Art.

Recommendation: (a) Adopt a resolution authorizing the City Manager or his designee to negotiate and execute an Agreement to provide the County of Santa Clara with professional services for the development and implementation of arts policies and related public art guidelines for the County. The County is to compensate the City the amount of \$150,000 for these services.

(b) Adopt the following 2019-2020 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(1) Establish the County of Santa Clara Public Art Master Plan City-Wide appropriation to the Office of Economic Development in the amount of \$150,000; and

(2) Increase the estimate for Revenue from Local Agencies by \$150,000.

CEQA: Categorically Exempt, File No. PP16-006, CEQA Guidelines Section 15301, Existing Facilities. (Economic Development)

2.15 19-524 Amendments to the Master Consultant Agreements for Special Inspection and Materials Testing Services for the San José -Santa Clara Regional Wastewater Facility Capital Improvement Program.

Recommendation: Approve the Amended and Restated Master Consultant Agreements with Consolidated Engineering Laboratories, Construction Testing Services, Inc., and Signet Testing Labs, Inc. for special inspection and materials testing services to allow for premium pay, reductions in the minimum limits for Professional Liability Errors and Omissions insurance from \$5,000,000 to \$2,000,000 per claim limit, and revisions to the Schedule of Rates and Charges, with no extensions of the term or increases to the maximum total compensation.

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

2.16 19-525 Actions Related to the Purchase Order with Bay City Boiler and Engineering Company, Inc. for Boiler Maintenance and Repair Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Bay City Boiler and Engineering Company, Inc. (Hayward, CA) for boiler maintenance and repair services for the Public Works Department for an initial 12-month period, starting on or about July 1, 2019 and ending on or about June 30, 2020 for an amount not to exceed \$290,000, subject to the appropriation of funds; 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 June 30, 2024, subject to the annual appropriation of funds.

CEQA: Categorically Exempt, File No. PP19-035, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

2.17 19-526 Amendment to the Agreement with Signature Technologies, Inc. for Software Public Address System Services.

Recommendation: Adopt a resolution authorizing the City Manager to execute the Sixth Amendment to the Agreement for the Purchase and Installation of a Public Address System with Signature Technologies, Inc. dba Com-Net Software to extend maintenance and support services for up to three additional one-year options through July 14, 2022 and increase compensation in the amount of \$121,927 for July 15, 2019 through July 14, 2020, for a not-to-exceed maximum compensation of \$4,425,722 through July 14, 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)

2.18 19-527 Actions Related to the Purchase Orders for Weed Abatement Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase orders with Longs Custom Discing (San José, CA) and Art Cuevas Landscaping (San José, CA) for weed abatement services for the Department of Transportation and Parks, Recreation, and Neighborhood Services for an initial twelve-month period, starting on or about July 1, 2019 and ending on or about June 30, 2020 for a total cumulative compensation not-to exceed \$800,000, subject to the appropriation of funds; 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 June 30, 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)

2.19 19-528 Actions Related to the Purchase Order and Enrollment Documents for Microsoft Academic Office and Windows Enterprise Licenses.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase orders and other required Microsoft Select Plus Agreement academic enrollment documentation for the purchase of Microsoft Academic Office and Windows Enterprise licenses from Crayon Software Experts, LLC (Dallas, TX) for an initial three-year term beginning on or about June 26, 2019 and ending on or about June 30, 2022 for an amount not to exceed \$317,601, subject to the appropriation of funds;
- (b) Execute purchase orders and required enrollment documents for up to two additional three-year options to extend the term through June 30, 2028, subject to the appropriation of funds; and
- (c) Execute amendments, change orders, and additional enrollment documents as required to cover any unanticipated changes, including additional subscriptions at the academic discounted rates, 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)

2.20 19-537 Amendment to the Agreement with Ricoh USA, Inc. for Copiers/Multi-Function Devices.

Recommendation: Adopt a resolution authorizing the City Manager to execute the Fourth Amendment to the Agreement for Rental and Maintenance Services of Copiers/Multi-Functional Devices with Ricoh USA, Inc. (San José, CA) to extend services for up to three additional one-year option terms through June 30, 2022 and increase total compensation in the amount of \$1,175,000 for the period July 1, 2019 through June 30, 2020, for a not-to-exceed maximum total compensation of \$9,162,061 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)

2.21 19-529 Grant Application for the County of Santa Clara Historic Grant Program for the Viet Heritage Garden in Kelley Park.

Recommendation: Adopt a resolution authorizing the City Manager to submit, negotiate and execute a grant application to the County of Santa Clara Historic Grant Program for up to \$210,000 to construct a Vietnamese related monument at the Viet Heritage Garden in Kelley Park, and include in the resolution the grant certifications required by the granting agency consistent with Appendix G of the Historic Grant Program procedural guide.
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 District 7. (Parks, Recreation and Neighborhood Services)

2.22 19-538 Report on Request for Bids for Microsoft Azure Cloud Storage.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase orders and required enrollment documentation with Insight Public Sector (Tempe, AZ) to purchase Microsoft Azure Cloud Storage and support for an initial three-year term beginning July 1, 2019 and ending June 30, 2022 for an amount not to exceed \$1,075,539, subject to the appropriation of funds;
- (b) Execute purchase orders and required enrollment documents for up to two additional three-year options to extend the term through June 30, 2028, subject to the appropriation of funds; and
- (c) Execute amendments, change orders, and enrollment documents as required to cover any unanticipated changes, including additional subscriptions and usage fees, 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)

2.23 19-546 Agreement with San José Public Library Foundation for Library Programs.

Recommendation: Adopt a resolution authorizing the City Manager to execute an agreement between the City of San José and the San José Public Library Foundation in the amount not to exceed \$1,100,000 for the fiscal administration of San José Learns and Summer Learning funds (\$1,000,000) and for fundraising activities to support Library programs (\$100,000).

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

2.24 19-530 Grant Application for the Bay Area Priority Conservation Area Grant Program for the Coyote Creek Trail (Singleton Crossing) Design Project.

Recommendation: (a) Adopt a resolution adopting the Coyote Creek - Singleton Road Fish Barrier, Stream Restoration, and Pedestrian Bridge Project Mitigated Negative Declaration for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Plan, all in accordance to the California Environmental Quality Act, as amended. (b) Adopt a resolution authorizing the City Manager or designee to submit a grant application in an amount not to exceed \$139,860 to the Bay Area Priority Conservation Area Grant Program to prepare 65% design documents.
CEQA: Mitigated Negative Declaration for the Coyote Creek - Singleton Road Fish Barrier, Stream Restoration, and Pedestrian Bridge Project, File No. PP18-040. Council District 7. (Parks, Recreation and Neighborhood Services)

2.25 19-531 Actions Related to the 2019-2020 Agreements for the Parks, Recreation and Neighborhood Services.

- Recommendation:** Adopt a resolution authorizing the following, subject to the appropriation of funds, and on such terms and conditions as deemed appropriate by the City Manager:
- (a) Authorize the City Manager to negotiate and execute all agreements, amendments, and extensions to accept funds for the Department of Parks, Recreation and Neighborhood Services identified in the “Compensation Paid to the City of San José” (Attachment A to the staff memorandum);
 - (b) Authorize the City Manager to accept any funds exceeding the figures identified in Attachment A to the staff memorandum for the specified programs and purposes identified as “Compensation Paid to the City of San José,” provided that the City Manager determines that the City is able to provide the services and comply with any additional requirements associated with the increased grant funds. The City Manager shall also bring forward to City Council any items that require approval for budgetary adjustments and appropriation actions necessary for such programs; and
 - (c) Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2019-2020 agreements and amendments as identified in “Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director” (Attachment B to the staff memorandum) consistent with Adopted Budget amounts for the following City programs or services:
 - (1) After School Education and Safety;
 - (2) BeautifySJ Grant Program;
 - (3) Bringing Everyone's Strengths Together Grants;
 - (4) Citywide Aquatics Program;
 - (5) Community Center Reuse Program;
 - (6) County of Santa Clara Therapeutics Program;
 - (7) Family Camp Facility Use Agreements;
 - (8) Friends of PRNS Non-Profit Organizations;
 - (9) Grant Revenue Agreements;
 - (10) Happy Hollow Park & Zoo:
 - (a) Education Programs;
 - (b) Private Events;
 - (11) Leisure and Recreation Fee Class Vendor Agreements;
 - (12) Leisure and Recreation Program Facility Use Agreements;

- (13) Little League Agreement(s);
 - (14) Mayor's Gang Prevention Task Force:
 - (a) Grant Revenue;
 - (b) Related Sub-Contractor Agreements, where applicable;
 - (c) Facility Use;
 - (d) Memoranda of Understanding;
 - (e) Evaluation Consultant Agreements;
 - (15) Mitigation Monitoring and Park Maintenance Support Services;
 - (16) Park Concessionaires Agreements;
 - (17) Recreation of City Kids Program;
 - (18) Safe Summer Initiative Grants;
 - (19) Senior Health and Wellness Grants;
 - (20) Spartan Keyes Neighborhood Action Center Grants;
 - (21) St. James / Urban Park Activation Grants; and
 - (22) Summer Food Service Program.
- CEQA: Not a Project, File PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and BeautifySJ Grant Program: Categorically Exempt, File No. PP17-039, CEQA Guidelines Section 15301, Existing Facilities. (Parks, Recreation and Neighborhood Services)

2.26 19-532 Amendment to Agreements for City-Generated Zone Tow Services.

- Recommendation:** (a) Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to the Agreements for City-Generated Zone Tow Services for a term commencing July 1, 2019, and ending on or around March 31, 2021, with the following tow operators:
- (1) Alongi Brothers, Inc. (San José, CA)
 - (2) Century Tow (San José, CA)
 - (3) City Towing, Inc. (San José, CA)
 - (4) Courtesy Tow Services, Inc. (San José, CA)
 - (5) Matos Auto Towing & Transport (San José, CA)
 - (6) Motor Body Company, Inc. (San José, CA)
- (b) Adopt a resolution approving proposed revisions to City Council Policy 9-8 "Rate Review Process for Tow Car Services."
- (c) Accept the status report on the Contingency City-Generated Tow Services.
- 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)

2.27 19-533 Memorandum of Understanding with the County of Santa Clara for Criminal Asset Forfeiture Funds Forfeited Pursuant to the California Control of Profits of Organized Crime Act.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding for the allocation and distribution of certain criminal asset forfeiture funds from the County of Santa Clara forfeited pursuant to the California Control of Profits of Organized Crime Act.

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

2.28 19-534 Amendment to the Master Agreement with Denise Duffy and Associates, Inc. for Environmental Consulting Services for Various City Facility Projects.

Recommendation: Approve the Second Amendment to the Master Agreement with Denise Duffy and Associates, Inc. (CPMS Contract No. 7467-2) extending the term one (1) year, from June 30, 2019 to June 30, 2020 for the sole purpose of allowing the consultant to continue providing environmental consulting services through completion of Newbury Park Master Plan.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Public Works)

2.29 19-535 Actions Related to Mayor and Councilmembers' Travel to Nashville, Tennessee as part of the Silicon Valley Organization's 2019 Annual Study Mission.

- Recommendation:**
1. Approve travel and related travel expenses to Nashville, Tennessee and request excused absence for the following Councilmembers from the following meetings due to Authorized City Business: SVO Annual Study Mission
 - (a) Mayor Liccardo (Source of Funds: Mayor/Council Travel Budget; Dates: September 4-5, 2019; Missed Meetings: September 4, 2019 Rules and Open Government Committee)
 - (b) Vice Mayor Jones (Source of Funds: Mayor/Council Travel Budget; Dates: September 3-6, 2019; Missed Meetings: September 4, 2019 Rules and Open Government Committee)
 - (c) Councilmember Peralez (Source of Funds: District 3 Office Budget; Dates: September 3-6, 2019; Missed Meetings: None)
 - (d) Councilmember Diep (Source of Funds: District 4 Office Budget; Dates: September 3-6, 2019; Missed Meetings: September 5, 2019 Smart Cities & Service Improvements Committee & September 5, 2019 VTA Board)
 - (e) Councilmember Foley (Source of Funds: District 9 Office Budget; Dates: September 3-6, 2019; Missed Meetings: September 5, 2019 Police and Fire Retirement Board)
 2. Approve use of the Mayor/Council Travel Budget for travel expenses:
 - (a) Mayor Liccardo
 - (b) Vice Mayor Jones
 3. Approve the receipt of gifts received in an official capacity as a representative of the City in accordance with San José Municipal Code Section 12.08.120.B
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Mayor/Jones/Peralez/Diep/Foley)

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 19-553 Actions Related to Amendments to Agreements for Legal Services Relating to Implementation of the Alternative Pension Reform Settlement Framework.

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute amendments to agreements for legal services relating to implementation of Measure F, the Alternative Pension Reform Settlement Framework approved by the voters at election in November 2016, as follows:

- (a) A seventh amendment to the continuation agreement with Renne Public Law Group, LLP (formerly Renne Sloan Holtzman & Sakai LLP) for legal services in connection with labor relations matters, extending the term through June 30, 2020 and increasing the amount of compensation by \$53,000 for Fiscal Year 2018-2019, and by an additional \$97,000 for Fiscal Year 2019-2020, for a total amount not to exceed \$1,995,000; and
- (b) A tenth amendment to the agreement with Hanson Bridgett LLP for legal services in connection with the City's retirement plans and other benefit plans and programs, extending the term through June 30, 2020 and increasing the amount of compensation by \$90,000, for a total amount not to exceed \$555,000; and
- (c) A tenth amendment to the agreement with Ice Miller LLP for legal services in connection with retiree health and dental benefits and related tax issues, extending the term through June 30, 2020 with no increase in the amount of compensation.

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

[Deferred from 6/18/19 Item 3.3 (19-502)]

3.4 19-536 Actions Related to the Purchase of AT&T FirstNet Wireless Communications Services and Devices.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase orders and other contract documentation as required to purchase FirstNet Wireless Communications Services and Devices through CalNet 3 (State contract # C3A2FN9-18), a public agency cooperative agreement between the State of California and AT&T, through the initial term ending October 21, 2023 and for up to two one-year options to extend the term through October 21, 2025, for an amount not to exceed \$2,500,000 per year, subject to the appropriation of funds;
- (b) Negotiate and execute additional options to extend the term of FirstNet services through Calnet 3, subject to the same terms and conditions and the appropriation of funds; and
- (c) Negotiate and execute Calnet 3 contract documentation as required to cover any unanticipated changes, 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. (City Manager/Finance)

3.5 19-540 Amendments to the Agreements with CSDC Systems, Inc. and Avolve Software Corporation for the Integrated Permitting System Project.

Recommendation: Accept staff's report on the Integrated Permitting System project and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute the Second Amendment to the Agreement for Integrated Permitting System with CSDC Inc. (Austin, TX) to significantly reduce the scope of work, revise the schedule of performance and payments, add funds for scope-related supplemental services, and reduce maximum compensation by \$3,775,463 for a total not-to-exceed compensation of \$4,334,244 for the initial term ending on July 31, 2026, subject to the appropriation of funds;
- (b) Negotiate and execute amendments, changes orders, and sales orders to the agreement with Avolve Software Corporation executed on September 20, 2016 to directly purchase additional licenses, support, maintenance, and related professional services for a not-to-exceed compensation of \$629,158 for the initial term ending on July 31, 2026 and exercise options to extend the agreement for up to ten (10) one-year option terms through July 31, 2036, subject to the appropriation of funds; and
- (c) Increase contingency by \$150,000 for a maximum contingency of \$563,000 for both agreements to address unanticipated changes or services required to support project implementation during the initial term ending July 31, 2026, 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/Planning, Building and Code Enforcement/City Manager)

3.6 19-541 Agreements with Kaiser Permanente and Anthem Blue Cross to Provide Medical Insurance for City of San José Employees, Retirees, and their Dependents for the Period of January 1, 2020 through December 31, 2023.

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

(1) Negotiate and execute an Agreement or Agreements with Anthem Blue Cross to provide medical insurance plans and support services to the City for employees, retirees, and dependents for the period from January 1, 2020 through December 31, 2023, for premium costs not to exceed \$40,767,000 for calendar year 2020 and with annual cost adjustments for each subsequent year based on annual premiums as determined by Anthem, number of enrollees, and pursuant to collective bargaining agreements, for a maximum amount not to exceed \$188,598,000 for a potential four (4) year term, subject to the annual appropriation of funds by the City Council;

(2) Negotiate and approve annual premium renewal rates, and negotiate and execute any annual group health plan or policy contract and any ancillary documents, such as Evidences of Coverage (EOC) documents and Business Associate Agreements, with Anthem that are necessary to facilitate the medical insurance services Agreements for the period of January 1, 2020 through December 31, 2023; and

(3) In the event that Anthem's proposed annual renewal rates are not acceptable to the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager to terminate the agreement(s) or group plan contract(s).

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

(1) Negotiate and execute an Agreement or Agreements with Kaiser Permanente to provide medical insurance plans and support services to the City for employees, retirees, and dependents for the period from January 1, 2020 through December 31, 2023, for premium costs not to exceed \$82,300,000 for calendar year 2020 and with annual cost adjustments for each subsequent year based on annual premiums as determined by Kaiser Permanente, number of enrollees, and pursuant to collective bargaining agreements, for a maximum amount not to exceed \$375,102,000 for a potential four (4) year term, subject to the annual appropriation of funds by the City Council;

(2) Negotiate and approve annual premium renewal rates, and negotiate and execute any annual group health plan or policy contract and any ancillary documents, such as Evidences of Coverage (EOC) documents and Business Associate Agreements, with Kaiser Permanente that are necessary to facilitate the medical insurance

services Agreements for the period of January 1, 2020 through December 31, 2023; and

(3) In the event that Kaiser Permanente's proposed annual renewal rates are not acceptable to the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager to terminate the agreement(s) or group plan contract(s).

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

3.7 19-542 Status Report on Measure T - Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond.

Recommendation: (a) Accept the status report on the workplan and implementation schedules for projects included in the approved Measure T Bond measure.
(b) Adopt a resolution authorizing the City Manager to negotiate and execute agreements with PG&E for the financing and installation of up to 27,000 LED streetlights and up to 7,500 LED outdoor lights at public facilities, in an amount not to exceed \$18 million.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301 (c) Existing Facilities; and File No. PP19-024, CEQA Guidelines Section 15303(d), New construction of Small Structures. (Public Works)

3.8 19-539 City of San José General Obligation Bonds, Series 2019A-D.

Recommendation: Adopt a resolution authorizing the City of San José to issue its general obligation bonds and general obligation refunding bonds, authorizing, and directing the execution of a Fiscal Agent Agreement and certain other related documents, and authorizing actions related thereto.
CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 19-543 Consideration of the Reorganization/Annexation the Snell No. 31.

Recommendation: Adopt a resolution ordering the reorganization of territory designated as Snell No. 31 which involves the annexation to the City of San José of approximately 30.9 gross acres of land generally surrounded by Martial Cottle Park to the north and west, Chynoweth Avenue to the south, and Snell Avenue to the east, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), Supplemental EIR (Resolution No. 77617), and addenda thereto. Council District 10. (Planning, Building and Code Enforcement)

4.2 19-544 Public Hearing on the Vacation of the Setback Easements Located within Tract No. 6285.

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 25-foot and 12.5-foot light and air easements located within Tract No. 6285.

(b) Vacating the 25-foot and 12.5-foot light and air easements within Tract No. 6285.

(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. 3-24873, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 9. (Public Works)

4.3 19-545 Public Hearing on the Vacation of the Setback Easements Within Tract No. 1693.

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 25-foot and 12.5-foot light and air easements (“Setback Easements”) located within Tract No. 1693.
- (b) Vacating the 25-foot and 12.5-foot light and air easements located within Tract No. 1693.
- (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. 3-24857, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 1. (Public Works)

4.4 19-558 Private Development Workforce Standards.

Recommendation: Approve an ordinance amending the San José Municipal Code to add a new Chapter 14.10 to Title 14, entitled “Additional Prevailing Wage Requirements for Certain Private Construction Projects.”

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

4.5 19-559 Moderate-Income Housing Strategy Update Including A Forgivable Loan Program to Incentivize Homeowners to Build Accessory Dwelling Units.

Recommendation: (a) As recommended by the Community and Economic Development Committee on May 20, 2019, accept the staff report on current strategies to support the creation of housing for moderate-income and other “missing middle” residents in San José.

(b) Accept the staff report which updates information contained in the original staff memorandum, that provides information on homebuyer down payment programs, and addresses components of the memorandum from Mayor Liccardo entitled “Yes, In My Back Yard (YIMBY) Affordable Housing Program” dated May 14, 2019, and approved by the Rules and Open Government Committee on May 22, 2019, for full City Council consideration.

(c) Provide direction to staff to:

- (1) Include within the scope of negotiations with the Housing Trust of Silicon Valley (Housing Trust) the development of loans to facilitate construction of Accessory Dwelling Units (ADUs) which are forgivable upon rental of the ADU at affordable rents for a period of time; and
- (2) Coordinate with the Parks, Recreation and Neighborhood Department regarding a potential fee waiver for ADUs.

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)

[Community and Economic Development Committee referral 5/20/19 - Item (d)4]

[Rules and Open Government Committee referral 5/22/19 - Item G.2]

5. NEIGHBORHOOD SERVICES

5.1 19-547 Grant Applications for the California Department of Parks and Recreation for the Proposition 68: Statewide Park Development and Community Revitalization Grant Program.

Recommendation: Adopt a resolution authorizing the City Manager to submit grant applications and, if awarded, negotiate and execute grant agreements with the California Department of Parks and Recreation for the Proposition 68: Statewide Park Development and Community Revitalization Grant Program for an amount up to \$6,400,000 for the following three projects, and include in the resolution the grant certifications required by the granting agency:

- (1) Overfelt Gardens Park for \$1,900,000;
- (2) Emma Prusch Farm Park for \$1,000,000; and
- (3) Roosevelt Roller Hockey Rink for \$3,500,000.

CEQA: Overfelt Gardens Park: Categorically Exempt, File No. PP19-040, CEQA Guidelines Section 15301, Existing Facilities; Emma Prusch Farm Park: Categorically Exempt, File No. PP18-022, CEQA Guidelines Section 15301, Existing Facilities; Roosevelt Roller Hockey Rink: Categorically Exempt, File No. PP19-039, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. Council Districts 3 and 5. (Parks, Recreation and Neighborhood Services)

5.2 19-548 Actions Related to the 7890 - Rincon South Park Development Project.

Recommendation: (a) Report on bids and award of construction contract for the 7890 - Rincon South Park Development project to the low bidder, Goodland Landscape Construction, Inc., for the base bid in the amount of \$1,518,000 and approve a five (5) percent contingency in the amount of \$75,900.

(b) Adopt the following 2019-2020 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:

(1) Increase the Rincon South Park appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$504,000; and

(2) Decrease the Future PDO/PIO Projects Reserve by \$504,000.

CEQA: Mitigated Negative Declaration for Rincon Park Master Plan. File No. PP16-077. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 19-552 Actions Related to Electric Restructuring Principles.

Recommendation: Adopt a resolution establishing principles to guide advocacy regarding the restructuring of California's electric power system and legislative and regulatory engagement. Direct the City Manager or designee to engage with the Legislature and Governor's office as well as regulatory bodies to help ensure the City of San José has safe, reliable, clean, and affordable electric service.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Community Energy)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

- 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.

- Council will recess until 6:00 p.m.

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

- (a) **19-549** **PDA78-011-02 - Planned Development Permit Amendment to Grant a Determination of Public Convenience or Necessity for the Off-Sale of Alcohol Located at 7076 Santa Teresa Boulevard.**

Recommendation: Adopt a resolution approving the Planned Development Permit Amendment, subject to conditions and the granting of a Determination of Public Convenience or Necessity for the off-sale of alcohol (full range of alcoholic beverages) at an existing 24,056-square foot tenant space in conjunction with a grocery store on an approximately 0.81-gross acre site.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301 for Existing Facilities. Planning Commission recommends denial/approval (X-X-X, X). Council District 2. (Planning, Building and Code Enforcement)

TO BE HEARD AT 1:30 P.M.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda**10.2 19-550 PD18-045/PT19-016 - Conduct a Hearing on the Santana West Environmental Appeal. - DROP**

Recommendation: (a) Conduct an Administrative Hearing to consider the Appeal of the Planning Director's reliance on the Addendum to the Final Environmental Impact Report for the Santana West Rezoning and the I-280 Winchester/Moorpark Transportation Development Policy (Addendum) in accordance with the California Environmental Quality Act (CEQA) for a Planned Development Permit (File No. PD18-047) to allow the demolition of a total of 62,435 square feet of commercial buildings (Century 22, Century 23, Flames Restaurant buildings), the construction of three buildings (up to 850,000 of rentable square feet which is approximately 934,750 square feet of gross floor area) for commercial office and an above grade parking garage, and the removal of 79 ordinance-size trees; and a Tentative Map (File No. PT19-016) to allow reconfiguration of three parcels to four parcels on an approximately 13.0-gross acre site located at the northwest corner of Olsen Drive and South Winchester Boulevard at 3161 Olsen Drive.

(b) Adopt a resolution denying the appeal and upholding the Planning Director's reliance on the Addendum, and finding that:

(1) The City Council has read and considered the Addendum for the Santana West Master Development Plan and related administrative record related to Planned Development Permit No. PD18-045 and Tentative Map No. PT19-016;

(2) The Addendum for the Santana West Master Development Plan was prepared and completed in full compliance with the California Environmental Quality Act of 1970, as amended, together with State and local implementation guidelines;

(3) Reliance on the Addendum for the Santana West Master Development Plan reflects the independent judgment and analysis of the City of San José; and

(c) Preparation of a new, subsequent, or supplemental environmental impact report is not required because none of following events occurred as outlined in Section 21166 of the Public Resources Code: (i) substantial changes are proposed in the project which will require major revisions of the environmental report; (ii) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or (iii) new information, which was not known and could not have been known at the time the environmental impact report was

certified as complete, becomes available. Further, a new, subsequent, or supplemental environmental impact report is not required because no impacts outside the scope of the Santana West Rezoning and the I-280 Winchester/Moorpark Transportation Development Policy Final Environmental Impact Report were identified as outlined in Section 15168 of the CEQA Guidelines.

CEQA: Addendum to the Final Environmental Impact Report for the Santana West Rezoning and the I-280 Winchester/Moorpark Transportation Development Policy (Resolution No. 77931). Council District 3. (Planning, Building and Code Enforcement)

DROP - APPLICANT WITHDREW

10.3 19-551

Amendment to Title 20 of the San José Municipal Code for the Phase 1 of Alignment Zoning with General Plan.

Recommendation: Approve an ordinance amending Title 20 of the San José Municipal Code to add or remove uses and change permit requirements in Open Space/Agriculture, Residential, Commercial, Industrial, and Downtown Zoning Districts in Tables: 20-30, 20-50, 20-90, 20-110, 20-140; amend Section 20.50.110 for Commercial Support in Industrial districts; repeal Section 20.50.115 for Large Format Commercial Establishment, Associated Commercial; repeal Section 20.70.140 on Art Display Structure; amend Section 20.70.520 the Downtown Ground-floor Space Overlay (DG Overlay) in its entirety to replace it with the Active Use Area overlay; clarify and consolidate uses in the Parking and Loading Chapter 20.90; update the Conformance with the General Plan Table 20-270 in Section 20.120.110; add, remove, or update definitions in Chapter 20.200; and make other technical, non-substantive, or formatting changes within these sections.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building and Code Enforcement)

TO BE HEARD AT 1:30 P.M.

- **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.