



# **City Council Meeting Amended Agenda**

**Tuesday, October 22, 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](mailto:CityClerk@sanjoseca.gov) for the final document.**

**To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.**

**On occasion the City Council may consider agenda items out of order.**

## • Call to Order and Roll Call

9:30 a.m.- Closed Session, Call to Order in Council Chambers

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

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

**19-677**

Closed Session Agenda

**The previously scheduled evening session has been cancelled.**

- **Invocation (District 9)**

The Branham High School Wind Ensemble.

- **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 A presentation of a Proclamation declaring Filipino American History Month. (Arenas)

1.2 A presentation of a Commendation to The Applied Materials "Silicon Valley Turkey Trot".

**TO BE HEARD AT 6:00 P.M.**

## **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.**

### **19-954 Final Adoption of Ordinances.**

**Recommendation:** (a) Ord. No. 30318 - An Ordinance of the City of San José amending Section 15.08.330 of Chapter 15.08 of Title 15 of the San José municipal code regarding payment of bills for municipal water service to conform to state law.

(b) Ord. No. 30319 - An Ordinance of the City of San José amending various sections of Chapter 6.54 of Title 6 of the San José municipal code (the Peddler Permit Ordinance) to conform to state law.

(c) Ord. No. 30321 - An Ordinance of the City of San José amending various sections of the San José municipal code to: amend Part 12 (sidewalk cafe) in Chapter 20.100 to repeal the provisions for a sidewalk cafe permit issued by the Director of Planning and add a reference to the minor encroachment permit process set forth in Chapter 13.37; amend Section 20.100.140 (concurrent review) in Chapter 20.100 (administration and permits) to remove sidewalk cafe and add major encroachment permits regulated by Chapter 13.37, development agreements regulated by Chapter 18.02, and street and easement vacations governed by the government code and streets and highways code; amend Section 20.100.220 in Chapter 20.100 (administration and permits) to remove sidewalk cafe permit from the appeal hearing body list; amend Section 20.200.270 to no longer include sidewalk cafe permit in the definition of development permit; amend Section 9.44.019 of Chapter 9.44 (regulation of smoking) to add a reference to sidewalk seating authorized through a minor encroachment permit; and, amend Section 10.10.030 of Chapter 10.10 (Pedestrian Facilitation Ordinance) to add a reference to sidewalk seating authorized through a minor encroachment permit.

## **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 19-931 Actions Related to the Traffic Bail Schedule and Infraction List.**

**Recommendation:** (a) Approve recommended changes to the City of San José Traffic Bail Schedule and direct the City Attorney to submit the recommended changes in the Traffic Bail Schedule to the Superior Court Bail Committee.  
(b) Approve an ordinance amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the list of infractions.  
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Attorney)

**2.8 19-930 Calling for Municipal Elections on March 3, 2020 and November 3, 2020.**

**Recommendation:** Adopt a resolution calling for a Regular Municipal Election on March 3, 2020 and a Run-Off Municipal Election on November 3, 2020, if necessary, for the purpose of electing Council Members for Districts 2, 4, 6, 8, and 10 and requesting consolidation with the County of Santa Clara.  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

**2.9 19-932 Report on Request for Proposal for PeopleSoft Professional/Technical Services.**

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

- (a) Negotiate and execute master agreements with Graviton Consulting Services, Inc. (Sacramento, CA), Sierra Cedar (Alpharetta, GA), and CherryRoad Technologies (Morris Plains, NJ) for As Needed PeopleSoft Professional/Technical Services for a five year term beginning on or about October 9, 2019 and ending October 31, 2024, for a combined maximum compensation not to exceed \$3,000,000, subject to the appropriation of funds;
- (b) Negotiate and execute master agreements with the next two highest ranked proposers if negotiations do not conclude within a reasonable time to address the City's need for services; and
- (c) Negotiate and execute amendments as required to adjust funds between agreements or for any unanticipated changes for a combined contingency amount not to exceed \$600,000 during the term of the agreements, 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)

[Deferred from 10/8/19 - Item 2.10 (19-880)]

**2.10 19-933      Amendment to Title 25 of the San José Municipal Code for the Airport Fees and Charges.**

**Recommendation:** (a) Adopt a resolution updating authorized Airport fees and charges and repealing Resolution No. 77561.

(b) Approve an ordinance of the City of San José to add new sections and amending various existing sections of Part 3 of Chapter 25.01 and creating a new Chapter 25.09 of Title 25 of the San José Municipal Code to establish Secured Identification Display Area (SIDA) Badge procedures at the Norman Y. Mineta San José International Airport.

(c) Approve an ordinance of the City of San José amending Section 25.03.510 of Title 25 (Airport) of the San José Municipal Code to provide for sending notices electronically.

CEQA: Statutorily Exempt, File No. PP17-005,

Rates/Tolls/Fares/Charges; and File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.  
(Airport)

**2.11 19-934      Second Amendment to the Master Agreement with Callander Associates Landscape Architecture for Landscape Architectural Design Services for Various City Facility Projects.**

**Recommendation:** Approve the Second Amendment to the Master Agreement with Callander Associates Landscape Architecture (CPMS Contract No. 8069) extending the term from December 31, 2019 to June 30, 2020 for the sole purpose of allowing the consultant to continue providing design consulting services through completion of Park Yards Strategic Planning Study.

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

**2.12 19-935 Actions Related to the 9192-Master Agreements with Callander Associates Landscape Architects, Inc., Royston Hanamoto Alley and Abey, and Meyer Studio Land Architects, and RRM Design Group for Various City Facility Projects.**

**Recommendation:** Approve Master Agreements with Callander Associates Landscape Architects, Inc., Royston Hanamoto Alley and Abey, and Meyer Studio Land Architects, and RRM Design Group for landscape architectural services for various City projects from the date of execution through December 31, 2022, in an amount not to exceed \$750,000 for each master agreement.

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

**RECOMMEND DEFERRAL TO 11/5/19 PER ADMINISTRATION**

**2.13 19-947 Request for Travel for Mayor's Staff.**

**Recommendation:** (a) Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Nicholas Almeida, as the City representative to attend the Cities of Service Engaged Cities Award and CityLab: Urban Solutions to Global Challenges in Washington D.C. from October 26-29, 2019. Source of Funds: CityLab, Aspen Institute, and Cities of Service.

(b) Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Shireen Santosham, as the City representative to attend the 2019 CityLab Conference in Washington, DC from October 27-29, 2019. Source of Funds: The Aspen Institute, The Atlantic, and Bloomberg Philanthropies.

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



**2.14 19-949 Request for Travel for Mayor Liccardo.**

**Recommendation:** (a) Authorize travel, accept travel payments to the City of San José, designate Mayor Sam Liccardo as the City representative to attend CityLab: Urban Solutions to Global Challenges in Washington, DC from October 26-29, 2019, and excuse absence from the Regular Meeting of the City Council on October 29, 2019. Source of Funds: Aspen Institute.

(b) Authorize travel, accept travel payments to the City of San José, designate Mayor Sam Liccardo as the City representative to attend the Pacific Northwest Progressive Leaders Education Seminar in Israel from December 14-22, 2019, and excuse absence from the Regular Meeting of the City Council meeting on December 17, 2019 and Rules and Open Government on December 18, 2019. Source of Funds: American Israel Education Foundation (AIEF).

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

[2.14(b) deferred from 10/8/19 - Item 2.16 (19-923)]

**2.15 19-950 Request for Travel for Councilmember Peralez.**

**Recommendation:** Authorize Councilmember Peralez to attend Association for Commuter Transportation (ACT) 40 Under 40 Awards and TDM Forum in Seattle, Washington. Source of Fund: Expenses will be sourced from the District 3 office budget and personal funds.

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

**2.16 19-951 Retroactive Approval of Dumpster Day Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:** (a) Retroactively approve the Dumpster Day scheduled on September 14, 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. (Diep)

**2.17 19-952 Retroactive Approval of Library 20th Anniversary Celebration  
Sponsored by Council District 4 as a City Council Sponsored Special  
Event to Expend City Funds and Accept Donations of Materials and  
Services for the Event.**

**Recommendation:** (a) Retroactively approve the Library 20th Anniversary Celebration scheduled on September 21, 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. (Diep)

**2.18 19-953 Retroactive Approval of the International Walk to School Day  
Sponsored by Council District 4 as a City Council Sponsored Special  
Event to Expend City Funds and Accept Donations of Materials and  
Services for the Event.**

**Recommendation:** (a) Retroactively approve the International Walk to School Day scheduled on October 2, 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. (Diep)

### **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 19-937 2018 - 2019 City Manager's Annual Report.**

**Recommendation:** (a) Accept the 2018 - 2019 City Manager's Annual Report in compliance with City Charter Section 701 (F).  
(b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2018 - 2019 Annual Report recommendations, as detailed in Section IV (Recommended Budget Adjustments and Clean Up/Rebudget Actions).  
(c) Approve the following position changes in the Information Technology Department:  
    (1) Add 6.0 Enterprise Supervising Technology Analyst.  
(d) Approve the following technical position changes in the Parks, Recreation and Neighborhood Services Department to align with the 2019 - 2020 Adopted Budget:  
    (1) Add 2.75 Recreation Leader PT;  
    (2) Delete 1.0 Senior Geographic Information Systems Specialist;  
    (3) Delete 1.0 Senior Maintenance Worker;  
    (4) Delete 1.0 Parks Maintenance Repair Worker II;  
    (5) Delete 1.0 Office Specialist II;  
    (6) Delete 2.0 Maintenance Assistant;  
    (7) Delete 2.0 Groundswoker.  
CEQA: Not a Project, Files No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City actions, and File No. PP17-004, Government Funding Mechanism of Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)  
[Deferred from 10/8/19 - Item 3.5 (19-886)]

**3.4 19-936 Actions Related to the 8521-Replace Uninterruptible Power Supply for City Network Operations Center Project.**

**Recommendation:** (a) Report on bids and award of a construction contract for the 8521 - Replace Uninterruptible Power Supply for City Network Operation Center Project to the low bidder, Stronghold Engineering, Inc., for the base bid in the amount of \$3,370,113 and approval of a fifteen percent contingency in the amount of \$505,517.  
(b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute any single and/or multiple change orders for the 8521 - Replace Uninterruptible Power Supply - for City Network Operation Center Project in excess of \$100,000 up to the amount of the contingency of \$505,517.

CEQA: Categorically Exempt, File No. PP19-031, CEQA Guidelines Section 15302, Replacement or Reconstruction. Council District 3.  
(Public Works)

**3.5 19-938 Actions Related to the Agreements Between the City of San José and the East Side Union School District and SmartWAVE Technologies LLC for a Community Wireless Network.**

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute the First Amendment to the Agreement between the City of San José and East Side Union High School District to revise costs to reflect actual costs for the James Lick attendance area and updated estimated costs for the William C. Overfelt High School and Yerba Buena attendance areas.
- (b) Execute the First Amendment to the Agreement for East Side Union High School District Community Wi-Fi Deployment between the City of San José and SmartWAVE Technologies LLC (Alpharetta, GA) to increase maximum compensation by \$1,006,633 to expand the East Side Union High School District Community Wireless Network to the William C. Overfelt High School attendance area, including all required hardware, software, materials, professional services, maintenance and support, and applicable sales tax, for a revised maximum compensation amount not to exceed \$2,258,548 for the Initial Term ending December 31, 2021, subject to the appropriation of funds.
- (c) Negotiate and execute amendments and change orders to the Agreement with SmartWAVE Technologies LLC and increase contingency by \$80,000 to cover any unanticipated changes for a total contingency not to exceed \$200,000 during the initial term ending on December 31, 2021, subject to the appropriation of funds.
- (d) Adopt the following 2019-2020 Appropriation Ordinance and Funding Source Resolution amendments in the General Fund:
  - (1) Increase the estimate for Revenue from Local Agencies by \$1,350,000; and
  - (2) Establish the East Side Union High School District Community Wireless Network Project appropriation to the Public Works Department in the amount of \$1,350,000.

CEQA: Categorically Exempt, File No. PP19-024, CEQA Guidelines Section 15303(d), New Construction of Small Structures.  
(Finance/Information Technology/City Manager)

**3.6 19-939 Actions Related to the Renewal of Janitorial Services with ABM Industries, Inc.**

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute Second Amendments to Agreements with ABM Industries, Inc. (New York, NY) for janitorial services at citywide facilities, including supplies and related expenses, to extend the terms for up to two additional one-year options through October 31, 2021 for a maximum combined compensation of \$11,512,078 for the period beginning November 1, 2019 through October 31, 2020, subject to the appropriation of funds; and
- (b) Negotiate and execute amendments and/or change orders for any unanticipated changes for a total contingency amount not to exceed \$2,500,000, 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)

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

### **4.1 19-940 2019 California Building Standards Code Adoption.**

**Recommendation:** As recommended by the Community and Economic Development Committee on September 23, 2019:

(a) Approve an ordinance to amend Title 24 of the San José Municipal Code to:

(1) Adopt the 2019 editions of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Historical Building Code, California Existing Building Code.

(2) Find that the City of San José local climatic, geological, and topographical conditions warrant additional protections in the Municipal Code; and

(3) Adopt local amendments regarding certain structural design requirements, fire sprinkler regulations, and other building requirements.

(b) Approve an ordinance to amend Chapter 17.12 of the San José Municipal Code to:

(1) Adopt the 2019 edition for the California Fire Code, and the Standards referenced in 2019 California Fire Code; and

(2) Adopt local amendments regarding the design and installation requirements for fire sprinkler systems, fire standpipe and hose systems, centrifugal fire pumps, private fire service mains, fire alarm systems, clean agent extinguishing systems, fire protection systems in clean rooms, and other fire safety requirements.

CEQA: Categorically Exempt, File No. PP19-077, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for the Protection of the Environment. (Planning, Building and Code Enforcement/Fire)  
[Deferred from 10/8/19 - Item 4.2 (19-907)]

## **5. NEIGHBORHOOD SERVICES**

## **6. TRANSPORTATION & AVIATION SERVICES**

### **6.1 19-943 Actions Related to the Design-Build Contract for the 9080 - Norman Y. Mineta San José International Airport Economy Lot Parking Garage Project.**

**Recommendation:** Adopt a resolution:

- (a) Finding that the award of the proposed design-build contract for the Economy Lot Parking Garage Project ("Project") at the Norman Y. Mineta San José International Airport will result in lower costs and/or faster Project completion than if the City used the traditional design-bid-build method of project delivery;
- (b) Approving the final ranking of the Design-Build ("D-B") Entities that responded to the RFP for the Project;
- (c) Authorizing the Director of Public Works to negotiate a D-B Contract in an amount not to exceed \$30,100,000 for the Project as follows:
  - (1) Begin negotiating with the highest ranked D-B Entity, Hensel Phelps Construction Company, and
  - (2) Begin negotiating with the next highest D-B Entity, if after having negotiated with Hensel Phelps Construction Company, the Director determines that the City's interests are best served by beginning negotiations with the next highest ranked D-B Entity, and
  - (3) Begin negotiating with each of the other D-B Entities in order of their ranking as the Director determines is appropriate; and
- (d) Authorizing the Director of Public Works to:
  - (1) Execute the D-B Contract for the Project with the successfully negotiated D-B Entity; and
  - (2) Negotiate and execute Task Orders up to the Contract not to exceed amount as necessary to meet project completion.
- (e) Approving a D-B contingency in the amount of ten percent of the negotiated D-B Contract for City-approved changes to the design scope and construction.

CEQA: Determination of Consistency with the Final Environmental Impact Report for the San José International Airport (Resolution Nos. 67380 and 71451) and Addenda thereto, File No. PP19-012. (Public Works/Airport)

## **7. ENVIRONMENTAL & UTILITY SERVICES**

### **7.1 19-944 Actions Related to the California Electric Vehicle Infrastructure Project.**

**Recommendation:** Adopt a resolution:

- (a) Approving the implementation of the California Electric Vehicle Infrastructure Project in San José;
- (b) Approving participation of San José Clean Energy in the California Energy Commission's current round of funding of the California Electric Vehicle Infrastructure Project for load serving entities in San Mateo and Santa Clara counties; and
- (c) Authorizing the Director of Community Energy or designee, in consultation with the City Attorney, to negotiate and execute an agreement with the Center for Sustainable Energy to administer San José Clean Energy funds as part of the implementation of the California Electric Vehicle Infrastructure Project in an amount not to exceed \$4,000,000 through December 31, 2023, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17 008, General Procedure & Policy Making resulting in no changes to the physical environment; and File No. PP17 003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy)  
[Deferred from 10/8/19 - Item 7.1 (19-893)]

### **7.2 19-945 Report On Bids and Award of Construction Contract for 7731 - Nitrification Clarifier Rehabilitation - Phase 1 Project at the San José-Santa Clara Regional Wastewater Facility.**

**Recommendation:** (a) Report on bids and award the construction contract for 7731 -Nitrification Clarifier Rehabilitation - Phase 1 Project to the low bidder, C. Overaa & Co., in the amount of \$26,184,000 and approve a 20 percent contingency in the amount of \$5,237,000.

- (b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute one or more change orders in excess of \$100,000 for the duration of the project, not to exceed the total contingency amount approved for the project.

CEQA: Categorically Exempt, File No. PP17-049, CEQA Guidelines Section 15301, Existing Facilities. (Public Works/Environmental Services)

## **8. PUBLIC SAFETY**



## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

- 9.1 19-946** Memorandum of Understanding with Internal Revenue Service for the Redevelopment Agency of the City of San Jose Merged Area Tax Allocation Bonds Series 1999.

**Recommendation:** Adopt a resolution of the Successor Agency to the Redevelopment Agency Board authorizing the Executive Director or Chief Financial Officer of the Successor Agency to the Redevelopment Agency (“Successor Agency”) to complete negotiations and enter into a memorandum of understanding between the Successor Agency and the Internal Revenue Service (“IRS”) and associated documents related to the payment of additional arbitrage rebate due on the Redevelopment Agency of the City of San Jose Merged Area Tax Allocation Bonds Series 1999 in the amount of \$171,593.84 plus interest, as calculated by the IRS, from March 9, 2018 to July 15, 2020 for a total estimated payment amount of approximately \$210,000.

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. (Successor Agency)

**TO BE HEARD IMMEDIATELY FOLLOWING CONSENT  
CALENDAR**

## **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.