



City Council Meeting Amended Agenda

Tuesday, December 10, 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

19-682 Closed Session Agenda

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

- Invocation (Mayor)
- 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

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.

19-1178 Mayor and Council Excused Absence Requests.

Recommendation: (a) Request for an excused absence for Councilmember Esparza, from the Regular Meeting of the Neighborhood Services and Education Committee on November 14, 2019, due to illness.
(b) Request for an excused absence for Councilmember Esparza, from the Regular Meeting of the AD-HOC Committee for Housing Construction & Development Services on November 14, 2019, due to illness.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Esparza)

- 2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.**2.7 19-1148 Settlement of Guerrero, et. al. v. City of San José.**

Recommendation: Approve a settlement in the amount of \$375,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of Guerrero, 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 19-1149 Settlement of M Squared Enterprises, Inc. dba Tribloom, Inc. v. City of San José.

Recommendation: Approve a settlement in the amount of \$275,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of M Squared Enterprises, Inc. dba Tribloom, Inc. 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)

2.9 19-1182 Appoint One Employee Representative to The Board of Administration for Fire Department Employee Representative to The Board of Administration for The Police and Fire Department Retirement Plan.

Recommendation: Appoint Andrew Gardanier as the Fire Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a term ending November 30, 2023. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

2.10 19-1140 Appoint Members to Measure T Oversight Committee.

Recommendation: (a) Approve the following Measure T Community Oversight Committee appointments:

- (1) District 1 Seat: Appoint Gary Cunningham;
- (2) District 2 Seat: Appoint Caroline Bauer;
- (3) District 4 Seat: Appoint Jai Srinivasan;
- (4) District 7 Seat: Appoint Will Smith;
- (5) District 9 Seat: Appoint Kat Wilson;
- (6) District 10 Seat: Appoint Rich Giammona;
- (7) Citywide Business Seat: Dan Bozzuto;
- (8) Citywide Environmental Seat: Craige Edgerton;
- (9) Citywide Labor Seat: Enrique Arguello;
- (10) Citywide Public Safety Seat: Sean Kaldor;
- (11) Citywide Finance or Accounting Seat: Arjun Batra.

(b) Consider, discuss and adopt whether terms and term limits should be established for this Committee.

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

2.11 19-1150 Amendment to the Agreement with Cruz Strategies, LLC for State Legislative Advocacy Services.

Recommendation: Approve an Amendment to the Agreement for Consultant Services with Cruz Strategies, LLC that includes:

- (a) Additional lobbying services obligations for Cruz Strategies, LLC including lobbying services relating to Public Safety Power Shutoff events and advancing energy resiliency;
- (b) Increase the total compensation paid for state legislative advocacy services from \$374,194 to \$467,742 for the period of December 10, 2019 to June 30, 2021 (an additional \$5,000 per month); and
- (c) Increase the contract amount for the one-year option to extend the Agreement from July 1, 2021 to June 30, 2022 to provide ongoing services from \$240,000 to \$300,000 (an additional \$5,000 per month), subject to the appropriation of funds.

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

RECOMMEND DEFERENTIAL TO 12/17/19 PER ADMINISTRATION

2.12 19-1151 Amendment to Title 3 of the San José Municipal Code Amending the Police and Fire Department Retirement Plan to Allow for Continuation of Survivorship Benefits for Active Police Members Killed in the Line of Duty.

Recommendation: Approve an ordinance amending Chapter 3.36 of Title 3 of the San José Municipal Code to allow spouses and domestic partners of active Police members killed in the line of duty to continue their survivorship benefits in the event that they remarry or re-establish a domestic partnership. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

2.13 19-1152 Amendment to the Purchase Order for the Citywide Windows 10 Upgrade Project.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Amend Open Purchase Order 58216 with Granite Data Solutions (Sacramento, CA) to increase compensation by \$400,000 for the purchase of additional desktop computers and workstations capable of running Windows 10 for a total maximum compensation of \$1,700,000 for a term executed on October 29, 2019 and ending October 28, 2020;
- (b) Approve a contingency of \$255,000 for unanticipated increases in desktop computers and workstations, subject to the appropriation of funds; and
- (c) Amend Open Purchase Order 58216 to extend the term to April 30, 2021, if necessary to complete the Windows 10 upgrade project.

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

2.14 19-1153 First Quarter Financial Reports for Fiscal Year 2019-2020.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on November 21, 2019:
(1) Accept the First Quarter (period ending September 30, 2019) Financial Reports for Fiscal Year 2019-2020 for the following programs:
(a) Debt Management;
(b) Investment Management; and
(c) Revenue Management.
(2) Adopt a resolution authorizing the Director of Finance to write-off uncollectible debts in an amount up to \$381,357.80.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)
[Public Safety, Finance and Strategic Support Committee referral 11/21/19 - Item (c)1]

2.15 19-1154 Amendment to the Agreement with Santa Clara County Central Fire Protection District for Provisions of Emergency Response Services to Zone One.

Recommendation: Adopt a resolution authorizing the City Manager to execute a Second Amendment to the Agreement between the Santa Clara County Central Fire Protection District and the City of San José, including a one-year retroactive extension of the Agreement to June 30, 2020, with an option to extend the term through June 30, 2024.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) Resulting in no physical changes to the environment.
(Fire)

2.16 19-1155 Nomination of Metropolitan Transportation Commission/Association of Bay Area Governments Priority Development Area and Priority Production Area.

Recommendation: (a) Adopt a resolution nominating the South De Anza Boulevard area as a new Metropolitan Transportation Commission/Association of Bay Area Governments Priority Development Area.
(b) Adopt a resolution nominating a new Metropolitan Transportation Commission/Association of Bay Area Governments Priority Production Area within the Monterey Business Corridor and Senter Road General Plan growth areas.
CEQA: Determination of Consistency with the Envision San José 2040 Final Environmental Impact Report (EIR) (Resolution No. 76041), Supplemental EIR (Resolution No. 77617), and Addenda thereto.
(Planning, Building and Code Enforcement)

2.17 19-1156 Actions Related to the Spending Plan for the Internet Crimes Against Children Task Force Invited Awards for Fiscal Year 2019.

Recommendation: Adopt a resolution accepting the Spending Plan for the Internet Crimes Against Children Task Force Invited Awards for Fiscal Year 2019-2020 in the amount of \$558,585, and authorize the City Manager to execute the Grant Agreement and all related documents, including online certifications at time of reimbursement request, without further City Council action.

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

2.18 19-1157 Ordinance Designating Additional Public Right-of-Way for Property Located on Mount Pleasant Road.

Recommendation: Approve an ordinance designating an approximately 775 square foot portion of City-owned property located on the west side of Mount Pleasant Road, northwest of Mount Pleasant Court, as public right-of-way.

CEQA: Categorically Exempt, File No. ER19-065, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.
(Public Works)

2.19 19-1158 Second Amendment to Master Agreement with Callander Associates Landscape Architecture for Landscape Architectural Construction Support for Coyote Creek Trail: 16th Street/William Street to Story Road Project.

Recommendation: Approve the Second Amendment to the Master Agreement with Callander Associates Landscape Architecture extending the term from December 31, 2019 to December 31, 2021 for the sole purpose of allowing the consultant to provide construction support for the Coyote Creek Trail: 16th Street / William Street to Story Road project.

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

2.20 19-1177 Approval of Evergreen Leadership Neighborhood Association Winter 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: (a) Approve the Evergreen Leadership Neighborhood Association Winter Community Event scheduled on Saturday, December 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. (Arenas)

2.21 19-1179 Retroactive Approval of Light Up City Hall Sponsored by Council District 5 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 Light Up City Hall held on October 1, 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. (Carrasco)

2.22 19-1198 Actions Related to the Proposed 2019-2021 Spending Plan for the Supplemental Law Enforcement Services Grant, Approval of the Revised 2018-2020 Spending Plan for the Supplemental Law Enforcement Services Fund Grant.

Recommendation: (a) Approve the proposed 2019-2021 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$1,580,790 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the staff memorandum and in the event State SLES Grant payments are less or more than expected.
 (b) Approve the revised 2018-2020 Spending Plan for the SLES Grant in the amount of \$2,491,761.
 (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services Fund:

(1) Increase the estimate for Revenue from State of California by \$1,281,085;

(2) Increase the appropriation to the Police Department for the SLES Grant 2018-2020 in the amount of \$893,942; and

(3) Establish an appropriation to the Police Department for the SLES Grant 2019-2021 in the amount of \$387,143.

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. (Police/City Manager)

RENUMBERED FROM ITEM 8.1 (19-1175)

2.23 19-1224 Actions Related to the Purchase Order for Modular Video Detection Systems.

Recommendation: Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with Iteris (Santa Ana, CA) for the purchase of Modular Video Detection Systems, including hardware, software, and maintenance for a twelve-month period, starting on or about December 4, 2019 and ending on December 3, 2020, with maximum compensation not to exceed \$720,000; and

(b) Exercise up to four additional one-year options to extend the term of the purchase order after the initial term with the last option year ending on or about December 3, 2024, to purchase additional systems and provide ongoing maintenance and support, subject to the appropriation of funds.

CEQA: Categorically Exempt, CEQA Guidelines Section 15303(d), New Construction of Small Structures. (Finance)

[Deferred from 12/3/19 Item 2.9 (19-1105)]

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

3.3 19-1180 Waiver of Revolving Door Restrictions.

Recommendation: As recommended by the Rules and Open Government Committee on November 20, 2019, approve the request by Kyra Kazantzis, the former Senior Policy Advisor for Mayor Sam Liccardo, for a Waiver of the Revolving Door Restrictions for the work described in the attached memo previously submitted to the Rules Committee, and adopt the findings adopted by the Rules Committee and as outlined in the memo that such waiver is in the best interest of the City and consistent with the purpose of San José Municipal Code Chapter 12.10.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Attorney)
[Rules and Open Government Committee referral 11/20/19 - Item G.2]

3.4 19-1139 Civil Service Commission Interviews and Appointments.

Recommendation: Interview applicants and consider appointments to fill Two (2) Member-at-Large Seats with terms ending November 30, 2023 on the Civil Service Commission.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

3.5 19-1159 Termination of a Proclamation of a Local Emergency.

Recommendation: Adopt a resolution terminating the Director of Emergency Services' proclamation of October 26, 2019 of the existence of a local emergency resulting from predicted high wildfire risk conditions and PG&E's notice that it would execute a Public Safety Power Shutoff affecting portions of the City of San José.
CEQA: Statutorily Exempt, Section 15269, Emergency Projects. (City Manager)

3.6 19-1160 County Implementation of Laura's Law and Enhanced Conservatorships.

Recommendation: As recommended by the Rules and Open Government Committee on November 20, 2019, direct the Administration to transmit a letter from the Mayor and City Council to the Santa Clara County Board of Supervisors and the County Administration to request County implementation of Laura's Law (Assisted Outpatient Treatment) and strengthened conservatorship policies, and add these objectives to the City's legislative priorities.

CEQA: Not a Project, PP 17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Manager)

[Rules and Open Government referral 11/20/19 - Item G.3]

3.7 19-1181 Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2019.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on November 21, 2019, accept the Fiscal Year 2018-2019 Comprehensive Annual Financial Report for the City of San José.

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

[Public Safety, Finance and Strategic Support Committee referral 11/21/19 - Item (d)3]

TO BE HEARD CONCURRENTLY WITH ITEMS 3.8 (19-1161) AND 9.1 (19-1176)

3.8 19-1161 External Auditor's Report: Report to those Charged with Governance for the Year Ended June 30, 2019.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on November 21, 2019, accept the Report to Those Charged with Governance for the year ended June 30, 2019 as issued by Macias Gini & O'Connell LLP, the City's external auditor.

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

[Public Safety, Finance and Strategic Support Committee referral 11/21/19 - Item (d)4]

TO BE HEARD CONCURRENTLY WITH ITEMS 3.7 (19-1181) AND 9.1 (19-1176)

3.9 19-1162 Comprehensive Annual Debt Report for Fiscal Year Ended June 30, 2019.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on November 21, 2019, accept the Comprehensive Annual Debt Report for the City of San José for Fiscal Year ended June 30, 2019.

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

[Public Safety, Finance and Strategic Support Committee referral 11/21/19 - Item (d)5]

3.10 19-1163 Public Hearing on Recording Liens on Properties for Reimbursement of Cost of Sidewalk Repairs to be Placed on the Fiscal Year 2020-2021 Santa Clara County Secured Property Tax Bill.

Recommendation: (a) Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs.

(b) Adopt a resolution confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report.

(c) Direct the recording of liens and the placement of charges as set forth therein on the 2020-2021 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs.

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 19-1164 Team San José and Convention and Visitors Bureau Performance 2018-2019.**

Recommendation: As recommended by the Community and Economic Development Committee on November 18, 2019, accept report on Team San José and Convention and Visitors Bureau performance.

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

[Community and Economic Development Committee referral 11/18/19 - Item (d)4]

4.2 19-1165 Financial Feasibility Study of the Ice Centre Expansion Project.

Recommendation: (a) Accept Feasibility Study on the financial feasibility of financing the proposed expansion of the Solar4America Ice Centre with the lease payments from the Sharks Ice, LLC;
(b) Direct staff to develop a bond financing structure and prepare the necessary documents for consideration by the City of San José Financing Authority Board and City Council; and
(c) Direct staff to negotiate an Amended and Restated Lease and Management Agreement with Sharks Ice, LLC for the City Council's consideration.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff, eventual action requires approval from decision-making body. (Economic Development/Finance)

4.3 19-1166 Status Report Council Policy Priority #8 - North San José Area Development Policy Update.

Recommendation: (a) Accept staff's status report on the proposed amendments to the North San José Area Development Policy;
(b) Direct staff to proceed with the proposed approach to the North San José Area Development Policy including the preparation of the appropriate environmental review under the California Environmental Quality Act (CEQA) to facilitate near term development; and
(c) Return to Council shortly after the New Year with specific recommendations on the implementation of recent state legislation advancing residential development that takes effect on January 1, 2020.

CEQA: Not a Project, PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council Districts 3 and 4. (Economic Development/Planning, Building and Code Enforcement/Transportation)

4.4 19-1167 Report on Bids and Award of Contract for the 8267 - Traffic Signal Modification at King Road and San Antonio Street.

Recommendation: Report on bids and award of contract for the 8267 - Traffic Signal Modification at King Road and San Antonio Street to the low bidder, Columbia Electric, Inc., in the amount of \$1,094,851 and approval of a 5 percent contingency in the amount of \$54,743.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 5. (Public Works/Transportation/Housing)

4.5 19-1168 Status Report on Measure T - The Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond.

- Recommendation:** (a) Accept the status report on the workplan and implementation updates for projects included in the approved Measure T Bond Measure.
- (b) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes:
- (1) Establish the Aircraft Rescue and Fire Fighting Facility appropriation to the Fire Department in the amount of \$383,000; and
 - (2) Decrease the Unrestricted Ending Fund Balance by \$383,000.
- (c) Increase the Design-Build Contingency for the 8963 - Mineta San José International Airport Aircraft Rescue and Fire Fighting Facility - Fire Station No. 20 Project by \$383,000 from \$1,540,000 to \$1,923,000.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works/City Manager)

5. NEIGHBORHOOD SERVICES

5.1 19-1169 Actions Related to the Pellier Park Master Plan.

- Recommendation:** (a) Adopt a resolution adopting the Addendum to the Brandenburg Mixed Use Project/North San Pedro Housing Sites Final Environmental Impact Report and Downtown Strategy 2040 Environmental Impact Report, and Addenda thereto, in accordance with the California Environmental Quality Act, as amended.
- (b) Approve the Pellier Park Master Plan to guide development of a 0.52-acre site at the northeast corner of Terraine Street and West St. James Street in Downtown San José.
- CEQA: Addendum to Brandenburg Mixed Use Project/North San Pedro Housing Sites Final Environmental Impact Report File No. GP03-03-01 (Resolution No. 72170) and Downtown Strategy 2040 Environmental Impact Report (Resolution No. 78942), and Addenda thereto. Council District 3. (Parks, Recreation and Neighborhood Services)

5.2 19-1170 ActivateSJ - Department Strategic Plan.

Recommendation: As recommended by the Neighborhood Services and Education Committee on November 14, 2019, accept the Department of Parks, Recreation and Neighborhood Services 20-year strategic plan, ActivateSJ.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services)
[Neighborhood Services and Education Committee referral 11/14/19 - Item (d)3]

5.3 19-1171 Update on Neighborhood Center Partner Program (formerly Community Center Reuse Program).

Recommendation: As recommended by the Neighborhood Services and Education Committee on November 14, 2019:

- (a) Accept the Neighborhood Center Partner Program (formerly Community Center Reuse Program) status report; and
- (b) Approve the removal of seven facilities from the Neighborhood Center Partner Program facility inventory list.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services)
[Neighborhood Services and Education Committee referral 11/14/19 - Item (d)4]

6. TRANSPORTATION & AVIATION SERVICES**6.1 19-1172 Report on Fiscal Year 2018-2019 Traffic Impact Fee.**

Recommendation: Accept the annual and five-year report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 et seq.) on the status of the City's four traffic impact fee programs:

- (a) North San José;
- (b) Evergreen-East Hills;
- (c) US-101/Oakland/Mabury; and
- (d) Interstate 280/Winchester Boulevard.

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

6.2 19-1173 Report on BART Phase II Transit-Oriented Communities Strategy Study.

Recommendation: Accept the report from the Santa Clara Valley Transportation Authority on the BART Phase II Transit Oriented Communities Strategy Study and endorse the approach outlined in the study for creating transit oriented communities in San José, subject to conditions.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council Districts 3 and 5. (Transportation/Planning, Building and Code Enforcement)

7. ENVIRONMENTAL & UTILITY SERVICES**7.1 19-1174 Actions Related to the 2020 Power Mix, Opt-Out Fee Waiver, and Net Energy Metering Enrollment.**

Recommendation: Adopt a resolution:

- (a) Establishing a power mix of at least 86% greenhouse gas-free energy with at least 45% renewable energy for San José Clean Energy's GreenSource base product beginning January 1, 2020; provided that, notwithstanding the power mix, San José Clean Energy's GreenSource product will continue to be at 1% below Pacific Gas and Electric Company's generation rates after accounting for the franchise fee surcharge and the Power Charge Indifference Adjustment across all rate classes for 2020, and the 100% renewable energy TotalGreen product will continue to be 0.5-1 cent per kWh higher than GreenSource.
- (b) Waiving opt-out fees of San José Clean Energy service for all customers.
- (c) Approve the final phase of customer enrollments by San José Clean Energy to enroll residential and small commercial Net Energy Metering customers in four quarterly batches beginning in April 2020 and finishing in January 2021.

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

8. PUBLIC SAFETY

8.1 19-1175 Actions Related to the Proposed 2019-2021 Spending Plan for the Supplemental Law Enforcement Services Grant, Approval of the Revised 2018-2020 Spending Plan for the Supplemental Law Enforcement Services Fund Grant. - RENUMBERED TO ITEM 2.22

Recommendation: (a) Approve the proposed 2019-2021 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$1,580,790 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the staff memorandum and in the event State SLES Grant payments are less or more than expected.

(b) Approve the revised 2018-2020 Spending Plan for the SLES Grant in the amount of \$2,491,761.

(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services Fund:

- (1) Increase the estimate for Revenue from State of California by \$1,281,085;
- (2) Increase the appropriation to the Police Department for the SLES Grant 2018-2020 in the amount of \$893,942; and
- (3) Establish an appropriation to the Police Department for the SLES Grant 2019-2021 in the amount of \$387,143.

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. (Police/City Manager)

RENUMBERED TO 2.22 (19-1198)

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 19-1176 Successor Agency to the Redevelopment Agency of the City of San José Fiscal Year 2018-2019 Audited Financial Statements.

Recommendation: Accept the Fiscal Year 2018-2019 Independent Auditor's Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency of the City of San José.

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

TO BE HEARD CONCURRENTLY WITH ITEMS 3.7 (19-1181) AND 3.8 (19-1161)

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.