



City Council Meeting Synopsis

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



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

- **Call to Order and Roll Call**

9: 00 a.m.- Closed Session, Call to Order in Council Chambers

All present.

1:54 p.m.- Regular Session, Council Chambers, City Hall

- **Invocation (District 6)**

Father Enzie: St. Leos the Great Catholic Church provided the Invocation.

- **Pledge of Allegiance**

Mayor Sam Liccardo and students from Del Mar High School led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved with no changes. (11-0)

- **Adjournment**

This meeting will be in memory of Teresa Guerrero-Daley, who passed away on April 7, 2019, at the age of 67. Judge Guerrero-Daley served as the inaugural Independent Police Auditor for the City of San José from 1993 to 2005, pioneering a model for fair and impartial police accountability and oversight. She brought those values with her in her role as a judge on the Santa Clara County Superior Court, where she served until her retirement in 2017. She is survived by her husband, Frank Daley, and their four sons, Peter, Ernie, Edward, and Jason.

• Closed Session Report

1. City Attorney Rick Doyle announced authority accorded him to file amicus, re: Martin vs. City of Boise.
2. City Manager David Sykes reported Council's confirmation of his appointment of Jon Cicireli as PRNS Director.

1. CEREMONIAL ITEMS

- 1.1 Mayor Sam Liccardo and Councilmember Johnny Khamis presented a Commendation to former Library & Early Childhood Education Commissioner Pat McMahon for distinguished service to the City of San José
Heard at 1:30 P.M.
- 1.2 Mayor Sam Liccardo and Councilmember Maya Esparza presented a Commendation to Bruce & Alie Victorine, in recognition of their excellence in leadership, passion, and care to the D 7 Coyote Creek and dedication to bettering the community
Heard at 1:30 P.M.
- 1.3 Mayor Sam Liccardo and Councilmember Pam Foley presented a Commendation to the Stonewall 50 Collaborative for their work recognizing the 50th Anniversary of the Stonewall Riots.
Heard at 1:30 P.M.
- 1.4 Mayor Sam Liccardo and Councilmember Raul Peralez presented 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.
Heard at 6:00 P.M.
- 1.5 Mayor Sam Liccardo and Councilmember Maya Esparza presented a Proclamation recognizing July as National Parks and Recreation Month, and a Commendation to Viva CalleSJ for their dedication to fostering healthy, engaged communities through Open Streets.
Heard at 6:00 P.M.

2. CONSENT CALENDAR

The Consent Calendar was approved as recommended, with the below listed actions taken as indicated. (11-0)

2.1 Approval of City Council Minutes.

2.1 19-562 Final Adoption of Ordinances.

Recommendation: (a) Ord No. 30278 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.138- Gross Acre Situated on the South Side of Wabash Street, Approximately 400 Feet Westerly of Archer Street (APN: 015-05-080), from the R-1-8 Single Family Residence Zoning District to the R-M Multiple Residence Zoning District.
Approved.

(b) Ord No. 30279 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.75- Gross Acre Situated on the South Side of the Alameda, Approximately 140 Feet East of Idaho Street (2137 the Alameda) (APN: 230-18-054), from the CO Commercial Office Zoning District to the CN Commercial Neighborhood Zoning District.

Approved.

(c) Ord No. 30280 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.05 Gross Acres, Situated at the Southwest Corner of Senter Road and Lewis Road (2905 Senter Road) (APN: 497-27-013) from the LI Light Industrial Zoning District and CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District.

Approved.

(d) Ord No. 30281 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 10.6- Gross Acres Situated at the Southwest Corner of North Capitol Avenue and Gimelli Way (Formerly 641 North Capitol Avenue) from the CP(PD) Planned Development Zoning District to the CP(PD) Planned Development Zoning District.

Approved.

(e) Ord No. 30282 - An Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Amend Section 20.30.150 to Allow Secondary Units in Low Density Residential Cluster Development; Amend Section 20.30.500 to Add Clarifying Language to Include Corner Setback Requirement for Accessory Structures; Amend Section 20.50.125 to Add Clarifying Language to Permitted Incidental Office Use in Light Industrial and Heavy Industrial Zoning Districts; Amend Section 20.100.500 to Allow Additions and Accessory Structures for Low Density Cluster Development; Amend Section 20.100.1300 for Clarity to Incorporate Safety Guardrails within the Maximum Height Limitations for Elevator Shafts and Stairwells; Amend Section 20.200.181 to Replace Definition of Catering Facility with Caterer; and to Make Other Technical, Nonsubstantive, or Formatting Changes within Those Sections of Title 20 of the San José Municipal Code.

Approved.

(f) Ord No. 30283 - An Ordinance of the City of San José Amending Title 20, Chapter 20.80 of the San José Municipal Code Part 17.5, Chapter 20.80, Sections 20.80.1680 and 20.80.1690 Reducing Setback Distances and Exempting Incidental Safe Parking Areas from Maximum Exterior Noise Levels.

Approved.

(g) Ord No 30284 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 20.08- Gross Acres Situated on the East Side of Saratoga Avenue Between Blackford Avenue and Manzanita Drive (700 Saratoga Avenue) from the R-M Multiple Residence and R-M(PD) Planned Development Zoning District to the R-M(PD) Planned Development Zoning District.

Approved.

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)

Approved as Recommended.

2.8 19-556 Boards and Commissions Appointments.

Recommendation: Approve the following Boards and Commissions appointments:

(a) Human Services Commission

(1) District 1 Seat: Appoint Christine Fitzgerald to a term ending December 31, 2022

(2) District 4 Seat: Appoint Adaeze Nduaguba to a term ending December 31, 2022;

(3) District 6 Seat: Appoint Ashley Johnston to a term ending December 31 2022;

(b) Neighborhoods Commission

(1) District 4 Seat: Appoint Afia Laiq to a term ending June 30, 2020;

(c) Senior Citizens Commission

(1) District 10 Seat: Appoint Donna Castillo to a term ending June 30, 2023;

(2) District 4 Seat: Appoint Chiyoko Douglas to a term ending June 30, 2023;

(3) District 2 seat: Appoint Kristine Johnson to a term ending June 30, 2023;

(d) Youth Commission

(1) District 1 Seat: Appoint ReElle Snyder to a term ending May 31, 2021;

(2) District 5 Seat: Reappoint Sofie Jaquez to a term ending May 31, 2021;

(3) District 9 Seat: Appoint Avi Singh to a term ending May 31, 2021.

CEQA: Not a Project, File No. PP17-010, City Administrative

Activities, resulting in no changes to the physical environment. (City Clerk)

Approved as Recommended.

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

Recommendation: Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute an Agreement with Cruz Strategies, LLC to provide state legislative advocacy services for a two-year term beginning July 1, 2019 through June 30, 2021, with a maximum compensation amount not to exceed \$480,000 subject to City Council appropriation of funds; and

(b) Execute a one-year option to extend the Agreement through June 30, 2022 to provide ongoing services for an estimated one year cost of \$240,000, 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. (City Manager)

Resolution No. 79170 Adopted.

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

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute an agreement with Holland & Knight, LLC to provide federal legislative advocacy services for a four-year term beginning July 1, 2019 through June 30, 2023, with a maximum compensation amount not to exceed \$624,000 subject to City Council appropriation of funds; and

(b) Execute up to two additional one-year options to extend the Agreement through June 30, 2025 to provide ongoing services for an estimated annual cost of \$156,000, 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. (City Manager)

Resolution No. 79171 Adopted.

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)

Approved.

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)

Resolution No. 79172 Adopted.

2.13 19-522**Agreement with San José Arena Authority.****Recommendation:**

Approve an Agreement between the City and the San José Arena Authority retroactive from August 1, 2018 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)

Approved as Recommended.

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.

Resolution No. 79173 Adopted.

(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)

Ordinance No. 30287 Adopted.

Resolution No. 79174 Adopted.

11-0

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)

Approved as Recommended.

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)

Resolution No. 79175 Adopted.

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)

Resolution No. 79176 Adopted.

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)

Resolution No. 79177 Adopted.

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)

Resolution No. 79178 Adopted.

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 negotiate and 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 two additional one-year option terms through June 30, 2021 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 \$11,337,061 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)

Resolution No. 79179 Adopted.

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)

Resolution No. 79180 Adopted.

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)

Resolution No. 79181 Adopted.

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

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and 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)

Resolution No. 79182 Adopted.

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.

Resolution No. 79183 Adopted.

(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)

Resolution No. 79184 Adopted.

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

(Item Continued on the Next Page)

2.25 19-531**Actions Related to the 2019-2020 Agreements for the Parks, Recreation (Cont'd)**

(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)

Resolution No. 79185 Adopted.

2.26

Number Not Used.

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)

Resolution No. 79186 Adopted.

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 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)

Approved as Recommended.

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)

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2.29 19-535**Actions Related to Mayor and Councilmembers' Travel to Nashville, (Cont'd)**

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)

Approved as Recommended.

2.30 19-560**Actions Related to the Agreement for Evaluator and Investigative Services for the Board of Fair Campaign and Political Practices and the Board of Fair Campaign and Political Practices Regulations and Procedures.****Recommendation:**

(a) Approve an agreement with Hanson Bridgett LLP to provide legal and investigative services as the Evaluator and Investigator to the San José Board of Fair Campaign and Political Practices for four-year term beginning July 1, 2019 through June 30, 2023 in the amount not to exceed \$250,000, subject to appropriation of funds.

Approved as Recommended.

(b) Adopt a resolution amending the regulation and procedures of the San José Board of Fair Campaign and Political Practices, to correct a clerical error and make a technical change to the protocol for procuring the Evaluator for the San José Board of Fair Campaign and Political Practices.

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

Resolution No. 79187 Adopted.

2.31 19-563**Retroactive Approval of the Cannery Park Grand Opening Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.****Recommendation:**

As recommended by the Rules and Open Government Committee on June 12, 2019:

- (a) Retroactively approve the Cannery Park Grand Opening scheduled on June 8, 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. (Peralez)

[Rules Committee referral 6/12/19 - Item G.1.a]

Approved as Recommended.

2.32 19-577

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)]

Renumbered from Item 3.3 (19-553)

Resolution No. 79188 Adopted.

2.33 19-578

Request for Travel for Councilmember Peralez.**Recommendation:**

Authorize travel for Councilmember Peralez to attend the Sister Cities International Annual Conference from July 17-19, 2019 in Houston, Texas. Source of Funds: Council District 3 Office budget.

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

Approved as Recommended.

2.34 19-579

Approval of Movie Night at Municipal Rose Garden Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**Recommendation:**

As recommended by the Rules and Open Government Committee on June 19, 2019:

(a) Approve the Movie Night at Municipal Rose Garden scheduled on August 10, 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. (Davis)

[Rules Committee referral 6/19/19 - Item G.1.a]

Approved as Recommended.

2.35 19-583

Approval of Movie Night at Cahill Park Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**Recommendation:**

As recommended by the Rules and Open Government Committee on June 29, 2019:

- (a) Approve the Movie Night at Cahill Park scheduled on June 29, 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. (Davis)

[Rules Committee referral 6/19/19 - Item G.1.b]

Approved as Recommended.

2.36 19-584

Retroactive Approval of North Willow Glen Dumpster Day Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**Recommendation:**

As recommended by the Rules and Open Government Committee on June 19, 2019:

- (a) Approve the North Willow Glen Dumpster Day scheduled on June 15, 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. (Davis)

[Rules Committee referral 6/19/19 - Item G.1.c]

Approved as Recommended.

2.37 19-585

Retroactive Approval of Trash Talks Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**Recommendation:**

As recommended by the Rules and Open Government Committee on June 19, 2019:

- (a) Approve the Trash Talks scheduled on June 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. (Davis)

[Rules Committee referral 6/19/19 - Item G.1.d]

Approved as Recommended.

2.38 19-586

Approval of District 9 Valley View - Reed Dumpster Day Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**Recommendation:**

As recommended by the Rules and Open Government Committee on June 19, 2019:

- (a) Approve the District 9 Valley View - Reed Dumpster Day scheduled on June 29, 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. (Foley)

[Rules Committee referral 6/19/19 - Item G.1.e]

Approved as Recommended.

2.39 19-587

Approval of the Dumpster Days 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:**

As recommended by the Rules and Open Government Committee on June 19, 2019:

- (a) Approve the following list of Dumpster Days as a City Council sponsored Special Event and approve the expenditure of funds:

June 1, 2019, on Gimelli Way

June 1, 2019, at Painter Elementary School

June 8, 2019, on Rinehart Drive

June 15, 2019, on Pelleas Lane

June 22, 2019, on Foss Avenue

June 22, 2019, on Lancelot Lane

June 29, 2019, on Golf Drive

- (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)

[Rules Committee referral 6/19/19 - Item G.1.f]

Approved as Recommended.

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.

Heard at 9:00 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. -Renumbered to Item 2.32

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)]

Renumbered to Item 2.32 (19-577)

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 contact # 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

(Item Continued on the Next Page)

3.4 19-536 Actions Related to the Purchase of AT&T FirstNet Wireless... (Cont'd)

(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)

Resolution No. 79189 Adopted.

Approved as Recommended.

(9-0-2. Absent: Diep, Carrasco)

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 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)

Resolution No. 79190 Adopted.

(10-0-1. Absent: Diep)

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

(Item Continued on the Next Page)

3.6 19-541

Agreements with Kaiser Permanente and Anthem Blue Cross to Provide (Cont'd)

Anthem, number of enrollees, and pursuant to collective bargaining agreements, for a maximum amount not to exceed \$188,598,000 for a potential four-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 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).

Resolution No. 79191 Adopted.

Approved as Recommended.

(9-1-1. Absent: Diep. Recuse: Khamis)

(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 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 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)

Resolution No. 791?? Adopted.

Approved as Recommended.

(8-1-2. Absent: Diep. Recuse: Khamis, Jimenez)

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, to be paid back through energy savings over a period not to exceed ten years.

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)

Heard immediately following Consent

Heard jointly with Item 3.8.

Approved as Recommended.

Resolution No. 79193 Adopted.

(11-0)

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)

Heard immediately following Consent

Heard jointly with Item 3.7.

Resolution No. 79194 Adopted.

(11-0)

3.9 19-588**City Auditor Appointment and Compensation Package.****Recommendation:**

As recommended by the Rules & Open Government Committee on June 19, 2019, adopt a resolution appointing Joe Rois as City Auditor and approving compensation for services as City Auditor for a term beginning June 25, 2019 and ending June 30, 2021 consistent with the following terms and the attachment in the memorandum to Council:

(a) Salary: The starting bi-weekly salary will be \$6,538.46, which is equivalent to an annual amount of \$170,000.

(b) Executive Management Benefits: As executive management, the Appointee will receive the benefits that are included in the Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary (attached). The Appointee will also receive a \$350.00 monthly automobile allowance in accordance with the current City policy and an option to receive payments in-lieu of health care coverage.

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3.9 19-588

City Auditor Appointment and Compensation Package. (Cont'd)

(c) Vacation and Executive Leave: The Appointee will accrue vacation and receive executive leave in accordance with Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary. The Appointee has already accrued and used eighty hours of executive leave in the 2019 calendar year, and will not be eligible for additional executive leave in 2019. Executive Leave cannot be cashed out or carried over into the next calendar year under any circumstances. Vacation can continue to accrue up to twice the annual accrual rate.

(d) Outside Employment: The Appointee will not engage in outside employment without City Council approval.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 6/19/19 - Item G.2]

Resolution No. 79195 Adopted.
(9-0-2. Absent: Diep, Khamis)

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)

Not heard before 1:30 P.M.
Resolution No. 79196 Adopted.
(10-0-1. Absent: Diep)

4.2 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)

(Item Continued on the Next Page)

4.2 19-532

Amendment to Agreements for City-Generated Zone Tow Services. (Cont'd)

The proposed amendment includes the following terms and conditions and revisions:

- (1) Continues the provisions of the City-Generated Zone Tow Services Agreement Amendment (Pilot Compensation Program) approved by Council on October 31, 2017, and expiring June 30, 2019. Specifically, the Pilot Compensation Program decreased the contract compensation fee from \$80 to \$59 per tow; allowed contracted tow operators to be credited for lost profits and expenses related to the disposal of vehicles that have no value against the \$59 contract fee; and reduced each tow operator's security deposit from \$25,000 to \$5,000;
- (2) Clarifies hazardous waste disposal and documentation requirements for contracted tow operators;
- (3) Sets the citywide maximum tow services rate set by the California Highway Patrol for the Golden Gate Region-San José Offices, as amended;
- (4) Adds a performance standard breach of \$50 for "Refusal to Tow;"
- (5) Increases the performance standard breach for failure to respond within 25 minutes from \$35 to \$100;
- (6) Eliminates the service call fee paid by the City to tow contractors for cancelled tows if the reason for the cancellation is the tow contractor's failure to timely arrive at the scene;
- (7) Combines billing of dispatch and contract compensation fees into a single invoice;
- (8) Clarifies language regarding City-Generated Zone Towing Services for Code Enforcement from private property;
- (9) Clarifies the City's right to have a vehicle towed, by whatever means deemed necessary, including having the vehicle towed by a company that does not have an agreement for City-Generated Zone Towing Services; and
- (10) Authorizes the City Manager or designee to terminate the Agreement on behalf of the City.

Resolution No. 79197 adopted, including approval of Memorandum from Mayor Liccardo, Vice Mayor Jones, and Councilmembers Peralez and Davis to:

- 1. Accept the staff recommendations for the second amendment to City-generated tow services agreements, and**
 - 2. Direct the City Manager to: a. Track the timeliness of late tow responses of each tow operator b. Consider the data for evaluation criteria for a future RFP.**
- (10-0-1. Absent: Diep)**

(b) Adopt a resolution approving proposed revisions to City Council Policy 9-8 "Rate Review Process for Tow Car Services" to set citywide tow rates at an amount not to exceed the California Highway Patrol rates for the Golden Gate Region-San José Offices, as amended, without annual Council approval.

(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)

Resolution No. 79198 Adopted.
(10-0-1. Absent: Diep)

4.3 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)

Not heard before 1:30 p.m.

Resolution No. 79199 Adopted.

(10-0-1. Absent: Diep)

4.4 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)

Not heard before 1:30 p.m.

Deferred. This item will next move forward if applicant is not responsive.

(10-0-1. Absent: Diep)

4.5 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 to set forth 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)

Not heard before 3:00 p.m.

Ordinance No. 30288 passed for publication, including approval of Memorandum from Mayor Sam Liccardo, dated June 25, 2019 to:

- 1. Accept staff recommendation.**
- 2. Move forward with a unique services agreement for a consultant to perform any analysis of financial feasibility of housing development over the next four months, where that study is needed by the City Council for potential determination of fee relief of residential construction.**

(Item Continued on the Next Page)

4.5 19-558 Private Development Workforce Standards. (Cont'd)

a. The City shall select the consultant from among any qualified experts contained within the list of consultants submitted by Ben Field on June 20, 2019, consisting of Economic and Planning Systems, Strategic Economics, AECOM, Grounded Solutions, and Economic Roundtable.

b. The selected consultant must indicate that a study can be prepared in accordance with the criteria established under the negotiated settlement approved by City Council on April 3, 2018.

c. The selected consultant must prepare the study in time to enable a Council determination of infeasibility for housing projects in the development pipeline, such that shovel-ready housing projects needing financing to begin construction in this calendar year can do so, along with other housing projects. Specifically, the Council shall consider the financial feasibility of high-rise residential construction on August 6th.

d. The Council finds that procurement of such a consultant constitutes a "unique service" for purposes of Municipal Code Section 4.12.235, insofar as "unusual or unique situation exists that make the application of the requirements for competitive procurement of a services agreement contrary to the public interest." Specifically, the City has a compelling public interest in enabling housing production needed to mitigate the current housing crisis, and thousands of apartments in the development pipeline await a Council determination of infeasibility before fee relief can be provided that might enable financing and construction to move forward. The City shall ensure a competitive process for services conducted beyond the immediate period, as described in paragraph 3, *infra*.

3. For feasibility analyses performed beyond that four-month duration, staff shall conduct an RFP and selection process that materially comports with both City policy and the agreement endorsed by the City Council on April 3, 2018..

11-0

4.6 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 memo, provides information on homebuyer down payment programs, and addresses components of the memorandum from Mayor Liccardo and Councilmembers Carrasco, Arenas and Foley 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:

(Item Continued on the Next Page)

4.6 19-559**Moderate-Income Housing Strategy Update Including A Forgivable Loan (Cont'd)**

(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]

Approved as recommended, including acceptance of Memorandum from Mayor Liccardo and Councilmembers Carrasco, Arenas, and Foley to:

1. Accept staff recommendation

2. Direct staff to continue to pursue process improvements that can streamline the ADU permitting process, including the following:

a. Develop a universal checklist for initial plan submittals that encompasses requirements from Planning, Building, Public Works, and Fire.

b. Create an ABC intake form to triage (a) a subset of "basic" ADU projects meeting specific criteria that can move on to an express check, (b) projects that may need minor adjustments, and (c) projects that will require finer tuning.

c. Develop a master plan process that would allow contractors and pre-fabricated manufacturers to have a standard set of ADU plans pre-approved.

d. Develop an automated permit issuance process based on specified site criteria.

e. Refine and ensure conformity of fire department requirements-including standard water line capacity, sprinklers, and setbacks/zero lot lines-with those of PBCE.

3. Direct staff to present quarterly updates on ADU process improvements to the AD-HOC Committee for Housing Construction and Development Services.

4. Adopt Councilmember Foley's memorandum to the extent that a loan program or subsidy can feasibly be crafted in light of the substantial affordability gaps that remain. Consider targeting the very limited funding in the program strategically to support key City objectives, such as part of a retention strategy for teachers.

This was added with acceptance of Memorandum from Councilmember Khamis to:

Accept staff recommendations and direct Housing Department staff to negotiate directly with the Housing Trust of Silicon Valley to administer a down payment assistance program and an ADU loan program.

(9-0-2. Absent: Diep, Khamis)

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)

Resolution No. 79200 Adopted.
(9-0-2. Absent: Diep, Khamis)

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 5% 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)

Approved as Recommended.
Ordinance No. 30289 Adopted.
(10-0-1. Absent: Diep)

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)

Resolution No. 79201 adopted, including acceptance of staff recommendation, with the inclusion of public agency advocacy.

(9-0-2. Absent: Diep, Carrasco)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

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 (Grocery Outlet) on an approximately 0.81-gross acre site located on the northeast corner of Santa Teresa Boulevard and Bernal Road (7076 Santa Teresa Boulevard) (Roic California LLC, Owner).

CEQA: Categorically Exempt, CEQA Guidelines Section 15301 for Existing Facilities. Planning Commission recommends approval (4-0-2, Ballard and Griswold absent).

Council District 2. (Planning, Building and Code Enforcement)

Not heard before 1:30 p.m.

Resolution No. 79202 Adopted.

(10-0-1. Absent: Diep)

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.****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)

Dropped. - Appellant 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 Commission recommends approval (4-0-2, Ballard and Griswold absent).

Planning, Building and Code Enforcement)

Not heard before 1:30 p.m.

Ordinance No. 30290 passed for publication.

(9-0-2. Absent: Diep, Carrasco)

• Open Forum

1. Rose Herrera invited Council to support United Veteran's Council on Veterans Day Parade.
2. Glen Jones commented on the needs of the Vietnamese community; we're all one.
3. Roxanne commented that her community has been thrown under the bus and there are trans women living on the fringe in our society.

• Adjournment: 8:41 p.m.

This meeting will be in memory of Teresa Guerrero-Daley, who passed away on April 7, 2019, at the age of 67. Judge Guerrero-Daley served as the inaugural Independent Police Auditor for the City of San José from 1993 to 2005, pioneering a model for fair and impartial police accountability and oversight. She brought those values with her in her role as a judge on the Santa Clara County Superior Court, where she served until her retirement in 2017. She is survived by her husband, Frank Daley, and their four sons, Peter, Ernie, Edward, and Jason.

**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.