



City Council Meeting SYNOPSIS

Tuesday, May 21, 2019

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



- **Call to Order and Roll Call**

9:36 a.m.- Closed Session, Call to Order in Council Chambers

Absent Councilmembers: Diep.

19-133 Closed Session Agenda

1:35 p.m.- Regular Session, Council Chambers, City Hall

Absent Councilmembers: All present.

- **Invocation (District 5)**

Pastor Danny Sanchez, founder of The City Peace Project and Lead Chaplain for the City of San Jose Mayor’s Gang Prevention Task Force provided the Invocation.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved, with Item 6.2 deferred to August 2019.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

1.1 Mayor Sam Liccardo and Councilmember Sergio Jimenez presented a Commendation to the Stanford Center for Integrated Facility Engineering. (Jimenez)

1.2 Mayor Sam Liccardo and Councilmember Lan Diep offered a Proclamation proclaiming May as Asian Pacific American Heritage Month and honored Secretary Norman Y. Mineta for his years of leadership. (Diep)

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

19-368 Approval of City Council Minutes.

- (a) Regular City Council Meeting Minutes of October 30, 2018.
 - (b) Regular City Council Meeting Minutes of January 30, 2018.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Clerk)
- Approved. (11-0.)**

2.2 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

19-367 Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of April 17, 2019.
 - (b) Rules and Open Government Committee Minutes of April 24, 2019.
 - (c) Rules and Open Government Committee Minutes of May 1, 2019.
 - (d) AD-HOC Committee for Housing Construction & Development Services Minutes of April 25, 2019.
 - (e) Community & Economic Development Committee Minutes of October 22, 2018.
 - (f) Rules and Open Government Committee Minutes of October 31, 2018.
 - (g) Smart Cities and Service Improvements Committee Minutes of November 1, 2018.
 - (h) Transportation and Environment Committee Minutes of November 5, 2018.
 - (i) Public Safety, Finance & Strategic Support Committee Minutes of November 15, 2018.
 - (j) Rules and Open Government Committee Minutes of November 28, 2018.
 - (k) Rules and Open Government Committee Minutes of December 5, 2018.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Clerk)
- Approved. (11-0.)**

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 19-338 **Set a Public Hearing on the Levy of the Proposed Downtown Business Improvement District Assessments.**

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

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

Resolution No. 79082 adopted. (11-0.)

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

Preliminarily approve the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council, and adopt a resolution of intention to levy the annual assessment for Fiscal Year 2019-2020 and set Tuesday, June 4, 2019 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.

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

Resolution No. 79083 adopted. (11-0.)

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

Approve a Second Amendment extending the Lease Agreement for Police Department Evidence Warehouse with Sun Garden Tenants in Common, LLC commencing on June 1, 2019, for the use of approximately 99,819 square feet of warehouse space, located at 1598 Monterey Road, at a rental rate of \$69,000 per month with an increase of 3% each year until May 31, 2021.

CEQA: Not a Project, File No. PP17-003, Agreement/Contracts resulting in no physical changes to the environment. Council District 7. (Economic Development)

Approved. (11-0.)

2.10 19-341

Amendment to the Master Agreement with Golder Associates for Environmental Support Services.

Approve the First Amendment to the Master Agreement with Golder Associates for environmental consulting services, increasing the amount of compensation by \$500,000, for a total agreement not to exceed \$1,000,000. No extension is being recommended on the term of the agreement, which expires on June 30, 2020.

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

Approved. (11-0.)

2.11 19-342

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

Adopt a resolution authorizing the City Manager to:

(a) Execute a purchase order with Capitol Chevrolet (San José, CA) for Chevrolet vehicle parts, maintenance, and repair services for the Department of Public Works for an initial twelve-month period, starting on or about May 22, 2019 and ending on or about May 21, 2020, for an amount not-to-exceed \$80,000; and

(b) Exercise up to four one-year options to extend the term of the purchase order with the last option year ending on or about May 21, 2024, subject to the appropriation of funds.

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

Resolution No. 79084 adopted. (10-0-1. Absent: Carrasco.)

2.12 19-343

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

Adopt a resolution authorizing the City Manager to:

(a) Execute purchase orders with Sunnyvale Ford (Sunnyvale, CA) and Capitol Ford (San José, CA) for Ford light and heavy vehicle parts, maintenance, and repair services for the Department of Public Works for an initial twelve-month period, starting on or about May 22, 2019 and ending on or about May 21, 2020 for a total cumulative compensation not-to-exceed \$400,000, and

(b) Exercise up to four one-year options to extend the term of the purchase orders with the last option year ending on or about May 21, 2024, subject to the appropriation of funds.

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

Resolution No. 79085 adopted. (11-0.)

2.13 19-344

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

Adopt an ordinance amending Chapter 4.66 of Title 4 of the City of San José Municipal Code to rename the Marijuana Business Tax to the Cannabis Business Tax, to make other technical revisions to change the term “marijuana” to “cannabis” throughout Chapter 4.66, and to reduce the Cannabis Business Tax for persons engaged in the cultivation, manufacturing, distribution or laboratory testing of cannabis.

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

(Finance)

Ordinance No. 30273 passed for publication.

(11-0.)

2.14 19-345

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

Adopt a resolution authorizing the City Manager to execute the Sixth Amendment to the Agreement for Document Printing, Mailing, E-Presentment, E-Payment, and Remittance Services with Kubra America West, Inc. (Gardena, CA) to extend services for up to two additional one-year option terms through June 30, 2021, for a not to exceed amount of \$450,000 for July 1, 2019 through June 30, 2020, subject to the appropriation of funds.

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

(Finance)

Resolution No. 79086 adopted.

(11-0.)

2.15 19-346

Amendment to the Agreement with P&A Group for Flexible Spending Account Administration.

Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to extend the term by one year and three months to December 31, 2020 and increase the maximum amount of compensation to be paid to P&A Group by enrolled employees for the administrative fee for Flexible Spending Account administration by \$67,500 from \$216,000 to \$283,500.

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

(Human Resources)

Resolution No. 79087 adopted.

(11-0.)

2.16 19-347

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

(a) Approve an Amended and Restated Turnkey Parkland Agreement between the City of San José and Pulte Home Company, LLC, a Michigan limited liability company for the dedication and development of a 0.58 gross acre site, the construction of park improvements on this site, and return a portion of paid park impact in-lieu fees relating to approved File Nos. PDC16-002, PD16-025 (as amended), and PT16-035 (as amended).

Approved. (11-0.)

(b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a maintenance agreement with Pulte Home Company, LLC for maintenance of the park for one calendar year after the City accepts the park.

**Resolution No. 79088 adopted.
(11-0.)**

(c) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution Amendments in the Subdivision Park Trust Fund:

(1) Establish Capitol at Gimelli Turnkey Park Developer Reimbursement appropriation for \$490,000.

(2) Increase Future PDO/PIO Future Projects Reserve by \$169,000.

(3) Decrease Capitol Turnkey Park Design Review and Inspection appropriation by \$586,000.

(4) Increase the Developer Contributions by \$73,000.

CEQA: Mitigated Negative Declaration for 641 North Capitol Avenue Mixed-Use Project (Resolution No. 78053), File Nos. PDC16-002, PD16-025 (Resolution No. 78055 as amended), & PT16-035 (Resolution No. 78054, as amended). (Parks, Recreation and Neighborhood Services/City Manager)

Resolution No. 79089 adopted.

Ordinance No. 30274 adopted.

(11-0.)

2.17 19-348

Amendment to the Agreement with Management Partners, Inc. for Fee Program Analysis Services.

Approve a Second Amendment to the Agreement between the City of San José and Management Partners, Inc. for Fee Program Analysis Services, to extend the term of the Agreement through June 30, 2020, and amend Revised Exhibit B: Compensation to update Table C-4: Additional Services Payment Schedule.

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

Approved. (11-0.)

2.18 19-349

Actions Related to the Knight Foundation Grant Acceptance.

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

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

(2) Negotiate and execute any documents necessary to accept the grant funds.

Resolution No. 79090 adopted.

(9-0-1-1. Absent: Carrasco. Abstain: Diep.)

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

(1) Increase the estimate for Other Revenue by \$235,000; and

(2) Establish the AV Community Engagement Initiative appropriation to the Department of Transportation in the amount of \$235,000.

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

Council Districts 1, 3, 4, 5, 6, & 9. (Transportation/City Manager)

Resolution No. 79091 adopted.

Ordinance No. 30275 adopted.

(9-0-1-1. Absent: Carrasco. Abstain: Diep.)

2.19 19-360

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

Adopt a resolution to:

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

(b) Authorize the City Manager to assess resources needed to develop these projects.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section, 15262, Feasibility and Planning Studies with no commitment to future actions.

(Transportation)

Deferred to 6/4/19 per Administration

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

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

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

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

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

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

Approved. (11-0.)

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

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

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

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

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

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

Approved. (11-0.)

2.22 19-382 Approval of Canada Flag Raising and Reception 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.

As recommended by the Rules and Open Government Committee on May 15, 2019:

(a) Approve the Canada Flag Raising and Reception scheduled on June 27, 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 5/15/19 - Item G.1.a]

Approved. (11-0.)

- 2.23 19-383 Approval of Picnic with Peralez 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.**
As recommended by the Rules and Open Government Committee on May 15, 2019:
(a) Approve the Picnic with Peralez scheduled on June 23, 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 5/15/19 - Item G.1.b]
Approved. (11-0.)
- 2.24 19-384 Approval of Dumpster Days Sponsored by Council District 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**
As recommended by the Rules and Open Government Committee on May 15, 2019:
(a) Approve the following Dumpster Days as a City Council sponsored Special Event and approve the expenditure of funds:
 May 25, 2019 Dumpster Day on San Ignacio Dr.;
 June 1, 2019 Dumpster Day on Poston Dr.;
 June 15, 2019 Dumpster Day on Mat Ave.;
 June 22, 2019 Dumpster Day on Skyway Dr.; 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. (Jimenez)
[Rules Committee referral 5/15/19 - Item G.1.c]
Approved. (11-0.)
- 2.25 19-385 Retroactive Approval of the Great Lady Bug Release 2019 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.**
As recommended by the Rules and Open Government Committee on May 15, 2019:
(a) Retroactively approve the Great Lady Bug Release 2019 scheduled on April 7, 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 5/15/19 - Item G.1.d]
Approved. (11-0.)

2.26 19-386 Approval of the Annual Senior and Older Adults Health Fair & Walk 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.

As recommended by the Rules and Open Government Committee on May 15, 2019:

(a) Approve the Annual Senior and Older Adults Health Fair & Walk scheduled on June 28, 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)

[Rules Committee referral 5/15/19 - Item G.1.e]

Approved. (11-0.)

2.27 19-387 AB 857 (Chiu and Santiago): Public Banks.

As recommended by the Rules and Open Government Committee on May 15, 2019, adopt a support if amended position on AB 857 (Chiu and Santiago) on public banks.

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

[Rules Committee referral 5/15/19 - Item G.3]

Position of Support adopted. (11-0.)

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update.

3.3 19-350 Annual Summary of Labor Negotiations.

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

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

Accepted.

(10-0-1. Absent: Carrasco.)

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

Adopt a resolution authorizing the City Manager to negotiate and execute the Funding and Service Reimbursement Agreement with Google to pay for certain services associated with planning for development in the Diridon Station Area in the amount of \$4,473,580 and delegating the authority to the City Manager or designee to negotiate and execute amendments to the Funding and Service Reimbursement Agreement for additional funding and reimbursement, subject to full appropriation by the City Council.
CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies with no commitment to future actions. (Economic Development)
Resolution No. 79092 adopted, with direction to staff to provide Council with regular updates, including a potential study session. (9-0-2. Absent: Carrasco, Khamis.)

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

Adopt a resolution:
(a) Approving a change in the affordable restriction recorded on the existing 153-unit Markham Plaza I Apartments (formerly Tully Gardens), from 152 units affordable to extremely low-income households at up to 30% of Area Median Income (“AMI”) and one unrestricted manager’s unit to 76 units affordable to extremely low-income households at up to 30% of AMI and 76 units affordable to very low-income households at up to 35% of AMI and one unrestricted manager’s unit;
(b) Authorizing an increase to rents and income to 60% AMI (low income) for new tenants in the event of foreclosure or expiration of subsidy contracts, provided the City has determined the increase is needed for feasibility of the development and allowed by other funds; and
(c) Authorizing the Director of Housing to negotiate and execute loan documents, amendments, and all other documents related to this action.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing)
Resolution No. 79093 Adopted. (10-0-1. Absent: Khamis.)

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

Adopt a resolution amending the San José Downtown Design Guidelines and Standards to include Section, 4.4.2.b, relating to bird safety design.

CEQA: Determination of Consistency to the Final Program

Environmental Impact Report (EIR) for the Envision San José 2040

General Plan (Resolution No. 76041), the Supplemental EIR to

Envision San José General Plan EIR (Resolution No. 77617), and

Addenda thereto. File Nos. GPT19-001 & PP19-018. Planning

Commission recommends approval (6-0). Council Districts 3 and 6.

(Planning, Building and Code Enforcement)

[Deferred from 5/7/19 - Item 4.1 (19-306)]

[CONTINUED FROM 4/23/19 - Item 10.2 (19-249)]

Resolution No. 79094 Adopted.

(11-0.)

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

Report on bids and award of contract for the 7202 - Westmont Ave.

and Harriet Ave. Sanitary Sewer Improvement Project to the low

bidder, Bay Pacific Pipelines, Inc., for the base bid and Add Alternate

No. 1 in the amount of \$4,304,825, and approval of a contingency in

the amount of \$430,500.

CEQA: Addendum to the Envision San José 2040 General Plan Final

Program Environmental Impact Report (EIR) (Resolution No. 76041),

and Envision San José 2040 General Plan Supplemental EIR

(Resolution No. 77617) and Addenda thereto, File No. PP18-079.

Council District 1. (Public Works)

Accepted.

(11-0.)

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

Conduct a Public Hearing and adopt a resolution:

(a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of the 35-foot and 20-foot light and air easements (“Setback Easements”) located within Tract No. 662;

(b) Vacating the 35-foot and 20-foot light and air easements located within Tract No. 662; and

(c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Categorically Exempt, File No. PP19-026, CEQA Guidelines

Section 15305, Minor Alterations in Land Use Limitation. Council

District 9. (Public Works)

Public hearing held.

Resolution No. 79095 adopted.

(11-0.)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

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

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

Approved. (11-0.)

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

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

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

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

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

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

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

Resolution No. 79096 adopted (11-0.)

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

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

Resolution No. 79097 adopted (11-0.)

6.2 19-355 County of Santa Clara Report on Potential Closure of Reid Hillview Airport.
Accept the report from the County of Santa Clara on the potential closure of Reid Hillview Airport.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Economic Development/Airport/Planning, Building and Code Enforcement)
Deferred per Orders of the Day.

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

(a) Award a construction contract for the 2019 Major Streets Sealing Project, to the low bidder, VSS International, Inc. in the amount of \$8,600,120.
(b) Approve a three percent contingency in the amount of \$258,003.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)
Approved. (11-0.)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 19-357 Agreement with ABB Inc. for Distributed Control Unit Upgrade and Maintenance at the San José/Santa Clara Regional Wastewater Facility.
Adopt a resolution authorizing the City Manager to:
(a) Negotiate and execute an agreement with ABB Inc., dba ABB DE, Inc., (Wickliffe, OH) to upgrade distributed control units at the San José/Santa Clara Regional Wastewater Facility, including hardware, software, programming, configuration, and related professional services, beginning June 1, 2019 and ending December 31, 2022 for a maximum not-to-exceed compensation of \$6,377,000, subject to the appropriation of funds; and
Resolution No. 79098 adopted. (11-0.)

(b) Negotiate and execute the Water Care Enhanced Agreement with ABB Inc., dba ABB DE, Inc. (Wickliffe, OH) and annual purchase orders pursuant to the terms of the Water Care Enhanced Agreement for ongoing support and maintenance (\$233,194 per year) and as-needed parts replacement and repair and rebuilding services (estimated at \$500,000-\$750,000 per year) for a five-year term beginning June 1, 2019 and ending May 31, 2024 and for a combined compensation not to exceed \$3,915,970, subject to the appropriation of funds; and
(c) Negotiate and execute amendments and change orders to the agreements as required for unanticipated changes, subject to the appropriations of funds.
CEQA: Categorically Exempt, File No. PP18-104, CEQA Guidelines Section 15301(1), Existing Facilities. (Environmental Services/Finance)
Approved. (11-0.)

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

(a) Hold a Public Hearing to confirm that the proposed Maximum Commercial Solid Waste Services Rates are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services.

Public hearing held

(b) Adopt a resolution setting Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organics processing services.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of service.

(Environmental Services)

Resolution No. 79099 adopted.

(11-0.)

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

As recommended by the Transportation and Environment Committee on May 6, 2019, accept the update on Climate Smart San José activities and provide a report on Leadership in Energy and Environmental Design Certification.

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

[Transportation and Environment Committee referral 5/6/19 - Item (d)4]

Accepted, including the joint memorandum from Mayor Sam Liccardo and Councilmembers Jimenez, Peralez, Davis and Arenas, dated May 17, 2019, directing the City Manager to accept the Climate Smart San José status update with the following recommendations:

1. Develop a roadmap to meet our 1 GW solar city goal under Climate Smart San José that includes:

- a. Baseline current solar conditions in San José, which requires our Community Energy Department (CED) to work with PG&E to quantify San José's current MW of residential, commercial, and municipal solar installations;**
- b. CED to develop Net Energy Metering (NEM) rates that incentivize on-site solar;**
- c. CED to develop calculators and informational collateral to educate residents and businesses on the value of on-site solar;**
- d. Starting in 2020, CED will develop local solar resources either through a feed-in tariff or power purchase agreement that would supply power to San José Clean Energy;**

(Item Continued on the Next Page)

7.3 Climate Smart San José Plan Semi-Annual Update (Cont'd.)

e. Return to the Transportation & Environment Committee by October with opportunities for financing access to solar and energy-efficiency measures in collaboration with state, regional, non-profit, and private-sector partners;

1. Opportunities should include explicit discussion of the Solar on Multifamily Affordable Housing program, the Single-family Solar Homes program, the Green Tariff program, the Community Solar Green Tariff program, and any partnerships with Grid Alternatives that can improve access for low-income residents to the benefits of clean energy. Update by October 2019 on application status and/or if any partners are applying for funds in San José.

f. Development of a plan with objectives and key results (OKR's) that provides clarity about focus and progress.

2. Develop a public facing, interactive dashboard with relevant data - such as those metrics described on page 151 of the Climate Smart plan - that tracks progress on Climate Smart San José. The dashboard should:

a. Be updated quarterly;

b. Be structured around the three pillars and nine strategies associated with metrics under Climate Smart San José;

c. Include programs, projects, and partnerships that help advance the Climate Smart San José metrics;

d. Be done collaboratively with private sector partners, foundations, NGOs, universities, and agencies to support this work, with assistance from the Mayor's Office.

3. Direct the City Manager to update the Council memo template to include an alignment with Climate Smart San José section.

4. Return to Council with an Electric Vehicle Strategy by January 2020 that clearly identifies the multiple external funding opportunities for infrastructure investment- such as the Volkswagen settlement, PG&E funding, and the like-and San José's efforts to secure that funding.

5. Return to the Transportation & Environment Committee by October 2019 with a Climate Smart engagement strategy - in collaboration with nonprofit partners - to support the advancement of the Bloomberg American Cities Climate Challenge work, and Climate Smart broadly. The strategy should clearly articulate pathways to engage hard to reach, under-resourced, diverse communities, and low and modest-income families especially in multi-family housing.

6. Return to the Transportation & Environment Committee by October 2019 with a status update of the Council-approved recommendations from the Climate Smart San José memo from February 2018 signed by Mayor Liccardo and Councilmembers Jimenez, Peralez, Davis, and Arenas.

(11-0.)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

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**

1. Pascual Mendivil urged greater acknowledgement of Cesar Chavez including naming a library in his honor.
2. Cole Cameron advocated for enhanced neighborhood-level budget support for the CERT program.

- **Adjournment**

The Council meeting of the City of San José was adjourned at 5 p.m.