



CITY COUNCIL AGENDA

MAY 24, 2016

SYNOPSIS

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MANH NGUYEN
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

PIERLUIGI OLIVERIO
TAM NGUYEN
ROSE HERRERA VICE MAYOR
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

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

- **Call to Order and Roll Call**
9:37 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 5)**
Alum Rock Union School District Concert Band offered the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo, accompanied by Easterbrook Discovery School Students, led the Pledge of Allegiance.
- **Orders of the Day**
Heard after Ceremonial Items.
The Orders of the Day and the Amended Agenda were approved, with Item 6.1 deferred to June 14, 2016.
- **Closed Session Report**
Heard after Ceremonial Items.
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Caltrans, District 4, Southwest Region for addressing service requests in the City of San José. (Jones)
Mayor Sam Liccardo and Council Member Chappie Jones recognized and commended Caltrans, District 4, Southwest Region for their extraordinary efforts.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.
- 2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29729 – An ordinance of the City of San José rezoning certain real property of approximately 120 gross acres situated on both sides of Berryessa Road, east of the Coyote Creek, west of the former Union Pacific railroad tracks and north of Mabury Road (the San José Flea Market), from the A(PD) Planned Development Zoning District. CEQA: Determination of Consistency with the Flea Market General Plan Amendment and Planned Development Rezoning Project Final EIR and Addenda thereto (Resolution No. 73956). (Planning, Building and Code Enforcement)
PDC16-001 – Council District 4
Ordinance No. 29729 adopted.
- (b) ORD. NO. 29727 – An ordinance of the City of San José extending an interim ordinance of the City of San José establishing a temporary moratorium on the conversion or closure of mobilehome parks pending the review and possible amendment or adoption of land use regulations applicable to such conversions and closures and setting forth findings to support such temporary moratorium and the effectiveness and applicability of the provisions of this ordinance. CEQA: The provisions of this Ordinance have been found to be not a project under the California Environmental Quality Act of 1970 (“CEQA”), together with regulations and guidelines promulgated thereunder (including without limitation Section 15378 of the CEQA Guidelines), and this Ordinance is also exempt from CEQA pursuant to Section 15061(b)(3) because it has no potential for causing a significant effect on the environment, and Section 15308 as a regulatory action under the City’s police power to assure maintenance and protection of the environment pending evaluation and adoption of potential local legislation and regulation. (Planning, Building and Code Enforcement)
PP15-084 – Citywide
Ordinance No. 29727 adopted.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

Recommendation:

- (c) ORD. NO. 29738 – An ordinance of the City of San José rezoning certain real property of approximately 8.93-gross acres situated on the southwest and southeast corner of East Santa Clara and Delmas Avenue (374 West Santa Clara Street, et al.), from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. CEQA: Addendum to the San José Water Land Company Planned Development Rezoning Final EIR (Resolution No. 71952), the Downtown Strategy 2000 Final Program EIR (Resolution No. 72767), and the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)
PDC15-051 & PD15-061 – Council District 3
Ordinance No. 29738 adopted.

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of April 27, 2016. (Mayor)
(b) Transportation and Environment Committee Minutes of May 2, 2016. (Kalra)
(c) Rules and Open Government Committee Minutes of May 4, 2016. (Mayor)
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.
Approved.

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2.7 Terms of a Side Letter Agreement Between the City of San José and the San José Firefighters, IAFF Local 230 Related to Work Schedules.

Recommendation: Adopt a resolution to approve the terms of a tentative Agreement between the City of San José and San José Fire Fighters, Local 230 (IAFF) to implement a “48-96” Work Schedule Pilot Program regarding the work schedule for employees in classifications represented by IAFF assigned to a 56 hour work schedule. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)

Resolution No. 77749 adopted.

Noes: Oliverio.

2. CONSENT CALENDAR

2.8 Master Consultant Agreements for General Engineering Services at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Approve Master Consultant Agreements with Brown and Caldwell, AECOM Technical Services, Inc., and Black and Veatch Corporation to provide general engineering services at the San José-Santa Clara Regional Wastewater Facility from the date of execution to June 30, 2021 in a total amount not to exceed \$5,000,000 each, subject to the appropriation of funds. CEQA: Not a Project, File No. PP10-066(d), Consultant Services to determine the feasibility of a project with no commitment to future action. (Environmental Services)

Approved.

2.9 Amendment to the Master Service Agreement with Hydrosience Engineers, Inc. for Engineering Services.

Recommendation: Approve the First Amendment to the Master Agreement with HydroScience Engineers, Inc. for engineering services to allow for future adjustment to rates and charges, and to increase the rates for HydroScience Engineers, Inc. and subconsultants. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Environmental Services)

Approved.

2.10 Agreement with Santa Clara Valley Habitat Agency to Manage Burrowing Owl Habitat.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement between the City of San José and the Santa Clara Valley Habitat Agency to manage the 201-acre burrowing owl habitat on the buffer lands of the San José-Santa Clara Regional Wastewater Facility for a term of five years. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 4. (Environmental Services)

Resolution No. 77750 adopted.

2.11 Report on Bids and Award of Contract for the 6970 – Fiber Optic Connection Project.

Recommendation: Report on bids and award a construction contract for the 6970 – Fiber Optic Connection Project to the second low bidder, Aegis ITS, Inc., in the amount of \$271,692 and approval of a 15 percent contingency in the amount of \$40,754. CEQA: Addendum to the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR, File No. PP15-040. (Environmental Services/Public Works)

Approved.

2. CONSENT CALENDAR

2.12 Report on Bids and Award of Contract for 8085 – Reservoir Staircase & Railing Installation Project.

Recommendation: Report on bids and award of contract for the 8085 – Reservoir Staircase & Railing Installation project to the lowest responsive bidder, Spiess Construction Company, Inc., in the amount of \$238,150, and approval of a contingency in the amount of \$23,815. CEQA: Exempt, Section 15301 Existing Facilities and Section 15302 Replacement or Reconstruction, File No. PP15-132. Council District 8. (Environmental Services/Public Works)

Approved.

2.13 Dedication of Public Right-of-Way for Construction-Related Traffic Improvements on Zanker Road for the San José/Santa Clara Regional Wastewater Facility.

Recommendation:

- (a) Consider the Addendum to the Plant Master Plan Final EIR.
- (b) Approve an ordinance designating approximately 27,000 square feet along the west side of Zanker Road, located over a portion of the San José/Santa Clara Regional Wastewater Facility, as public right-of-way and accept the newly-dedicated right-of-way into the City's street system as part of Zanker Road to allow for construction-related traffic improvements on Zanker Road.

CEQA: Addendum to the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR, File No. PP15-120. (Environmental Services/Public Works)

Deferred to June 7, 2016 Per Administration.

2.14 Amendment to the City Pay Plan for Various Classifications.

Recommendation: Adopt a resolution to amend the City of San José Pay Plan effective May 24, 2016, to create the Aviation Security and Permit Specialist (3543) classification. CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources)

Resolution No. 77751 adopted.

2.15 Amendment to Title 17 for the Permitting Process of Electric Vehicle Charging Stations.

Recommendation: Approve an ordinance amending Title 17 of the San José Municipal Code to implement Assembly Bill 1236 by creating an expedited, streamlined permitting process for electric vehicle charging stations. CEQA: Exempt, Section 15268 Ministerial Projects, File No. PP16-038. (Planning, Building and Code Enforcement)

Ordinance No. 29740 passed for publication.

2. CONSENT CALENDAR

2.16 Vacation of a Portion of Julian Street West of Terraine Street.

Recommendation: Adopt a resolution of intention to vacate a portion of Julian Street, west of Terraine Street with the reservation of a public service easement over the entire area being vacated, and set a Public Hearing on June 14, 2016 at 1:30 p.m. CEQA: Brandenburg Mixed-Use Project/North San Pedro Housing Sites EIR (Resolution No. 72170), File No. GP03-03-01. Council District 3. (Public Works)

Resolution No. 77752 adopted.

2.17 Vacation of a Public Service Easement at the West Side of Disk Drive and Portion of a Public Service Easement and Sidewalk Easement at the Northwesterly Corner of Nortech Parkway and Disk Drive.

Recommendation: Adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a portion of the Public Service Easement (“PSE”) along Disk Drive and a portion of the PSE and Sidewalk Easement at the northwesterly corner of Nortech Parkway and Disk Drive.
- (b) Summarily vacating the subject easements which are no longer necessary for public purposes.
- (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: Addendum to the Cisco Systems, Inc. Site 6 Final EIR (Resolution No. 69636), File No. PDC99-054. Council District 4. (Public Works)

Resolution No. 77753 adopted.

2.18 Review of the 2015 Annual Development In-Lieu Fee Report.

Recommendation: Review of the Fiscal Year 2014 – 2015 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions. (Public Works)

Approved.

2.19 Canada Day Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on May 11, 2016:

- (a) Approve the Canada Day Flag Raising scheduled on June 28, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Kalra)

[Rules Committee referral 5/11/16 – Item G.1.a.]

Approved.

2. CONSENT CALENDAR

2.20 Eritrean Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on May 11, 2016:

- (a) Approve the Eritrean Flag Raising scheduled on Tuesday, May 24, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Mayor)
[Rules Committee referral 5/11/16 – Item G.1.b.]

Approved.

2.21 Walk n’Roll Citywide Celebration.

Recommendation: As recommended by the Rules and Open Government Committee on May 11, 2016:

- (a) Approve the Walk n’Roll Citywide Celebration scheduled on Saturday, May 21, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Mayor/Herrera)
[Rules Committee referral 5/11/16 – Item G.1.c.]

Approved.

2.22 Alum Rock Park Parking Pilot Program.

Recommendation: Adopt a resolution authorizing Parks, Recreation and Neighborhood Services to suspend parking fees at Alum Rock Park as a temporary pilot program.

CEQA: Not a Project, File No. PP10-067(d), CEQA Guidelines Section 15273, Rates, Tolls, Fares and Charges. Council District 5. (Parks, Recreation and Neighborhood Services)

(Deferred from 5/17/16 – Item 5.2)

Resolution No. 77754 adopted.

2. CONSENT CALENDAR

2.23 **Planned Development Permit for the Real Property Located at the Southeast and Southwest Corner of West Santa Clara Street and Delmas Avenue.**

Recommendation: Adopt a resolution approving the Planned Development Permit to allow the construction of a mixed use development with up to 1.04 million square feet for office/commercial space and up to 325 multi-family attached residences on an 8.93 gross acre site located at the southeast and southwest corner of West Santa Clara Street and Delmas Avenue (374 & 402 West Santa Clara Street; 415 West San Fernando Street; 15, 35, 45, 55, 63, & 99 Delmas Avenue). CEQA: Addendum to the San José Water Land Company Planned Development Rezoning Final EIR (Resolution No. 71952), the Downtown Strategy 2000 Final Program EIR (Resolution No. 72767), and the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement) PDC15-051 & PD15-061 – Council District 3
[Continued from 5/17/16 – Item 11.2(d)]
Resolution No. 77746 adopted.

2.24 **Actions Related to Mayor’s Staff, Khanh Russo’s Travel to New York, NY.**

Recommendation: Approve travel for Mayor’s Staff, Khanh Russo, Director of Strategic Partnerships, to New York, NY, from June 5, 2016 to June 8, 2016 to attend the Cities of Service Annual Convening, of which San José is a member. Source of Funds: Cities of Service. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)
Approved.

2.25 **Public Safety Fair/Forum Summer Kick-Off.**

Recommendation: As recommended by the Rules and Open Government Committee on May 18, 2016:

- (a) Approve Vice Mayor Rose Herrera’s Public Safety Fair/Forum Summer Kick-Off scheduled on June 1, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Herrera)
[Rules Committee referral 5/18/16 – Item G.1.a.]
Approved.

2. CONSENT CALENDAR

2.26 Rainbow Flag and Transgender Pride Flag Raising Ceremony.

Recommendation: As recommended by the Rules and Open Government Committee on May 18, 2016:

- (a) Approve the Rainbow Flag and Transgender Pride Flag Raising Ceremony scheduled on Tuesday, June 7, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Oliverio)
[Rules Committee referral 5/18/16 – Item G.1.b.]

Approved.

2.27 Puerto Rican Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on May 18, 2016:

- (a) Approve the Puerto Rican Flag Raising scheduled on June 3, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Peralez)
[Rules Committee referral 5/18/16 – Item G.1.c.]

Approved.

2.28 SB 879 (Beall) – Affordable Housing Bond Act of 2016.

Recommendation: As recommended by the Rules and Open Government Committee on May 18, 2016, adopt a position of support for SB 879 (Beall). CEQA: Not a Project, File No. PP10-069(d), Legislative Positions. (Housing)

[Rules Committee referral 5/18/16 – Item G.2.]

Position of Support for SB 879 adopted.

2.29 LAFCO Appointments.

Recommendation: As recommended by the Rules and Open Government Committee on May 11, 2016, approve the appointments of Council Member Ash Kalra to the Local Agency Formation Commission of Santa Clara County (LAFCO) and Council Member Raul Peralez as the alternate. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)

[Rules Committee referral 5/11/16 – Item F.1.a.]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).

City Manager Norberto Dueñas highlighted two events at City Hall: The Housing 2.0 Conference held last week which focused on solutions and challenges for affordable housing; and the Building Permits and Safety Open House, May 25, 2016, 6:00 p.m. – 8:00 p.m. in the Rotunda, aimed to make the permitting process more accessible for residents and home improvement projects.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

Heard at 9:37 a.m.

No Report.

3.3 Statement of Policy and Questions for the Prospective Director of Information Technology.

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Information Technology as described in the memorandum to Council, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP10-069 City Organizational & Administrative Activities. (City Manager)

The memorandum from Mayor Sam Liccardo, dated May 20, 2016, was approved, accepting the City Manager's proposed questions in the Statement of Policy for recruitment of the Information Technology Director, including the following:

- (1) What is your experience in leading integration and updating of large enterprise software and cloud computing projects? What is your approach to these complex projects? Do you see any opportunities to utilize open source software in the City?
- (2) What is your experience in leading a transformation/change management program of a large department?
- (3) What would be your approach to addressing staffing vacancies given the limited City budget?
- (4) What is your approach to working with and ensuring business needs of individual departments are balanced with standardizing Information Technology (IT) systems across departments?
- (5) How do you plan to install a user-centric culture in the department and make systems more user-friendly for Staff and for residents?
- (6) What is your experience developing and executing on a Master ICT Plan and IT/digital strategy for a large organization?
- (7) How would you utilize and manage an Information Planning Board and steering committees to oversee large projects and the overall IT/digital strategy?
- (8) The City recently adopted a Smart City Vision and an Open Data Policy, what are the most critical elements to “get right” in IT to implement these policies?

3. STRATEGIC SUPPORT SERVICES

3.4 Certificate of Sufficiency Initiative Amending Title 4.

Recommendation:

- (a) Accept the Certificate of Sufficiency issued by the County of Santa Clara Registrar of Voters regarding an Initiative Ordinance Amending Title 4 of the San José Municipal Code to Require Employers to Offer Additional Work Hours to Existing Qualified Part-Time Employees Before Hiring New Staff.
- (b) Approve one of the actions as outlined in California Elections Code §9215
 - (1) Order a report on the effects of the proposed ordinance consistent with Elections Code §9212 to be presented to the Council no later than 30 days from this meeting (Thursday, June 23, 2016).

The memorandum from Council Member Raul Peralez, dated May 24, 2016, was approved, accepting Staff recommendation to approve Option “A”, which requests Staff to report back on the effects of the proposed Opportunity to Work Ballot Initiative no later than June 23, 2016 (*Staff to return to the June 21, 2016 Council Meeting*). It is important for the Staff Report to include a comprehensive and balanced analysis that addresses the following questions:

- (1) The number of people engaged in part-time work.**
- (2) Growth in the availability of part-time work versus full-time work in San José.**
- (3) The number of part-time workers who would be eligible for greater benefits (health or other).**
- (4) The cost of putting the initiative on the ballot versus passing it legislatively.**

Additional direction to Staff:

- (1) Identify categories of employment or industries that are potentially justifiable hardship, including: Analysis consideration of targeted employee categories that could be negatively and unintentionally impacted such as event based businesses, gyms, athletic and fitness clubs, after school programs and seasonal restaurants.**
- (2) Having conversations with the business community to fully understand the impacts and get an understanding of businesses that would fall outside of the normal range of hours.**
- (3) Pertaining to woman, minorities and age within demographics, who are the majority of this work force and the most affected?**
- (4) Impact on employees who are having those part-time hours taken from them.**
- (5) Staff was directed to return to Council on June 21, 2016.**

- 3.4 (b) (2) Adopt the proposed ordinance as submitted no later than Friday, June 3, 2016 (or within 10 days after the Elections Code §9212 Report is heard by the City Council if such a report is ordered), or
- (3) Adopt a resolution calling an election to submit the initiative to the voters at the next General Election on Tuesday, November 8, 2016.

CEQA: Not a Project, File No. PP10-068(c), Code or Policy that involves no changes in the physical environment. (City Clerk)

Not Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Wage Theft Prevention.

Recommendation:

- (a) Adopt a resolution approving new Council Policy 0-44 entitled “Wage Theft Prevention Policy.”
- (b) Approve an ordinance amending Title 6 of the San José Municipal Code to specifically authorize the denial, suspension or revocation of a permit or license issued under Title 6 based upon a final judgment by a court or by final administrative action of an investigatory government agency that a violation of wage and hour laws occurred and has not been satisfied.

CEQA: Not a Project, File No. PP10-068(c), Code or Policy change that involve no changes in the physical environment. (Public Works)
(Deferred from 5/3/16 – Item 4.3)

The memorandum from Council Member Ash Kalra, Council Member Raul Peralez, Council Member Magdalena Carrasco and Council Member Donald Rocha, dated May 20, 2016, was approved:

- (1) **Accept Staff recommendations to adopt a resolution approving new Council Policy 0-44 entitled “Wage Theft Prevention Policy” to prevent wage theft on City contracts and to amend Title 6 to deny, suspend or revoke certain City permits and licenses to businesses with unpaid wage theft judgments.**
- (2) **Staff directed to return with an update on their discussions regarding a partnership with County of Santa Clara on addressing wage theft in Retail/Sales and Restaurant/Food industries.**
- (3) **During the solicitation process if someone has more than one unsatisfied judgment within the past 5 years they will not qualify.**

Resolution No. 77755 adopted, as amended.

The City Attorney, at his discretion, was directed to add to the ordinance the following elements:

- (1) **Section 6.02.130, Section B, Denial, Suspension or Revocation: the licensee or permittee fails to timely comply with the final and enforceable court order or administrative action of an investigatory government agency finding.**
- (2) **Add to the end of Section B: for purpose of this subsection a final and enforceable court order and administrative action is one as to which there is either no pending appeal or the time for filing an appeal has passed and no appeal was filed.**

Ordinance No. 29741 passed for publication, as amended.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Report on Bids and Award of Contract for the 6008 – Fourth Major Interceptor Rehabilitation Phase IIB – Re-Bid Project.

Recommendation: Report on bids and award of contract for the 6008 – Fourth Major Interceptor Rehabilitation Phase IIB – Re-Bid Project to the low bidder, SAK Construction, LLC, in the amount of \$3,791,341 and approve a contingency in the amount of \$379,134. CEQA: Exempt, Section 15282(h) Other Statutory Exemptions and Public Resources Code 21080.21(a) (b), File No. PP13-076. Council District 4. (Public Works)

Approved.

4.3 Actions Related to the Google Fiber, Inc. Construction Impact Mitigation Plan.

Heard Jointly With Item 4.5.

Recommendation:

- (a) Accept staff report on the status of the Google Fiber Project.
- (b) Approve Google Fiber, Inc.'s (Google Fiber) Construction Impact Mitigation Plan to allow their community-wide installation of a residential high-speed fiber network service with a comprehensive community outreach plan and construction strategy, and measures to alleviate potential construction impacts.

CEQA: Determination of Consistency with the Google Fiber Project Mitigated Negative Declaration (Resolution No. 77591), File No. PP16-044. (Public Works)

Approved.

4.4 Actions Related to the Parking Improvement Agreement with San José Arena Management, LLC for Parking Solutions Near SAP Center and the Greater Downtown.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute a Parking Improvement Agreement with San José Arena Management, LLC for the construction and operation of two parking lots.
- (b) Direct staff to continue efforts to provide both short term and long term parking solutions near the SAP Center and the Greater Downtown.
- (c) Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Purpose Parking Fund:
 - (1) Establish the Arena Area Parking Development appropriation in the amount of \$750,000.
 - (2) Decrease the Unrestricted Ending Fund Balance by \$750,000

CEQA: Exempt, CEQA Guidelines Section 15301 Existing Facilities, File No. PP16-054. (Economic Development/City Manager)

Deferred to June 7, 20176 per Administration.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Actions Related to the Google Fiber Network Hut Licenses and Associated Easements.

Heard Jointly With Item 4.3.

Recommendation:

- (a) Consideration of Determination of Consistency to the Google Fiber Mitigated Negative Declaration (MND) adopted December 1, 2015, Resolution No. 77591; File No. PP16-058 DC.

Approved.

- (b) Adopt a resolution authorizing the City Manager to:
 - (1) Negotiate and execute Network Hut License Agreements and all other documents necessary to complete the transaction with Google Fiber for five City-owned sites located on the following Assessor Parcel Numbers (APN): Hellyer Road (APN 678-08-047), Los Lagos Golf Course (APN 497-46-001), Blossom Hill (APN 567-28-007), the West Yard (APN 381-19-025), and Guadalupe Parkway (APN 259-06-065).
 - (2) Negotiate and execute all necessary ingress, egress, and utility connection easements for the Network Hut sites located at Hellyer Road (APN 678-08-047), Los Lagos Golf Course (APN 497-46-001), Blossom Hill (APN 567-28-007), the West Yard (APN 381-19-025), and Guadalupe Parkway (APN 259-06-065).

CEQA: Determination of Consistency with the Google Fiber Project Mitigated Negative Declaration (Resolution No. 77591), File No. PP16-058. (Economic Development/City Manager)

Resolution No. 77756 adopted.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Airport Disadvantaged Business Enterprise Program for Grant Funded Airport Development Projects for Federal Fiscal Years 2017-2019.

Recommendation: Adopt a resolution:

- (a) Approving a proposed overall Disadvantaged Business Enterprise (DBE) participation race-neutral goal of 6.30% for Federal Aviation Administration (FAA) Airport Improvement Program grant funded Airport development projects at the Norman Y. Mineta San José International Airport for Federal Fiscal Years 2017-2019;
 - (b) Authorizing the City Manager to submit the three-year DBE participation plan to the FAA, which is due by August 1, 2016; and
 - (c) Authorizing the City Manager to make revisions as requested by the FAA.
- CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Airport)
Deferred to June 14, 2016 per Orders of the Day.

6.2 Agreement with Kimley-Horn and Associates, Inc. for Airfield Pavement Condition Update Services at the Mineta San José International Airport.

Recommendation:

- (a) Approve a Master Agreement with Kimley-Horn and Associates, Inc. for Pavement Condition Update Services at Norman Y. Mineta San José International Airport (SJC and Airport), for a period of three years from execution, with up to two additional one-year option periods, in a total amount not to exceed \$400,000 over the five-year term of the agreement, including the option periods.

Approved.

- (b) Adopt a resolution authorizing the City Manager to: (i) exercise up to two one-year options to extend the term of the Master Agreement at no increase in total compensation, and (ii) negotiate and execute amendments to the Master Agreement to adjust the Consultant's rates and charges in an amount not to exceed three percent annually, beginning January 2017, with no increase in total compensation.

CEQA: Not a Project, File No. PP10-066(d), Consultant services for design/study/research/inspection to determine the feasibility of a project with no commitment to future action. (Airport)

Resolution No. 77757 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Actions Related to the 7382 – Digester and Thickener Facilities Upgrade Project at the San José-Santa Clara Regional Wastewater Facility.

Recommendation:

- (a) Adopt a resolution approving the Digester and Thickener Facilities Upgrade Project Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program (File No. PP15-055).

Resolution No. 77758 adopted.

Noes: Khamis.

- (b) Report on bids and award of construction contract for the 7382 - Digester and Thickener Facilities Upgrade project to the low bidder, Walsh Construction Company II, LLC, to include the base bid less Revocable Item No. 5, in the amount of \$107,925,000, and approve a 12.5 percent construction contingency in the amount of \$13,490,625.

Approved.

Noes: Khamis.

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

Resolution No. 77759 adopted.

Noes: Khamis.

- (d) Adopt the following 2015-2016 Appropriation Ordinance Amendments in the San José- Santa Clara Treatment Plant Capital Fund:
 - (1) Decrease the Energy Generation Improvements appropriation to the Environmental Services Department by \$6,000,000.
 - (2) Decrease the SBWR System Reliability and Infrastructure Replacement appropriation to the Environmental Services Department by \$4,692,000.
 - (3) Decrease the Tunnel Rehabilitation appropriation to the Environmental Services Department by \$600,000.
 - (4) Decrease the Ending Fund Balance – Unrestricted appropriation by \$17,253,000.
 - (5) Increase the Digester and Thickener Facilities Upgrade appropriation to the Environmental Services Department by \$28,545,000.

CEQA: Digester and Thickener Facilities Upgrade Project Mitigated Negative Declaration, File No. PP15-055. (Environmental Services/Public Works/City Manager)

Ordinance No. 29742 adopted.

Noes: Khamis.

8. PUBLIC SAFETY SERVICES

8.1 Fire Department Strategic Plan and Organizational Review.

Recommendation:

- (a) Adopt the San José Fire Department Strategic Plan, which includes a roadmap to provide ongoing quality services to the community and establish the San José Fire Department as a national leader in all-risk emergency response and fire
- (b) Review and discuss the report on the Fire Department Organizational Review conducted by Citygate Associates, LLC., including an evaluation of Fire Department service delivery, response time performance, technological improvements, and operations efficiencies.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approval of any City Actions. (Fire)

[Public Safety, Finance and Strategic Support referral 3/17/16 – Item (d)(1)]

(Deferred from 4/5/16 – Item 8.1 and 4/26/16 – Item 8.1)

Deferred to June 7, 2016 per Administration.

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Notice of City Engineer’s Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10329	955 Branham Ln	9	D R Horton	28/24	SFA	Approve

- **Open Forum**

Blair Beekman opined about transparency and openness, red light cameras and the Stationary Camera Program.

- **Adjournment**

The Council of the City of San José was adjourned at 5:45 p.m.