



CITY COUNCIL AGENDA

JANUARY 24, 2017

AMENDED AGENDA

CHAPPIE JONES
SERGIO JIMENEZ
RAUL PERALEZ
LAN DIEP
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS
TAM NGUYEN
SYLVIA ARENAS
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**
 - 9:30 a.m. - Closed Session, Call to Order in Council Chambers
 - Open Session, Labor Negotiations Update (See Item 3.2)
 - Adjourn to Closed Session in Council Chambers Conference Room, W133
 - See Separate Agenda
 - 1:30 p.m. - Regular Session, Council Chambers, City Hall
 - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 1)**
Rabbi Josh Berkenwald, Congregation Sinai

- **Pledge of Allegiance**

- **Orders of the Day** — *To be heard after Ceremonial Items*

* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

ADJOURNMENT: This meeting will be adjourned in memory of Susan Davis, a beloved employee of the City of San José's City Clerk's Office for 14 years and a fixture at Committee and Council meetings. Susan is survived by her husband, Phil, her children, Heather and Phillip, and her five grandchildren.

- **Orders of the Day** – *(Cont’d.)*

* SEE NEW ITEM 2.14, "Friend of the Court Brief with the United States Supreme Court in Jennings v. Rodriguez" TO BE ADDED UNDER ORDERS OF THE DAY.

* SEE MODIFIED ITEM 3.5, “2016-2017 Council Appointment(s)” AND NEW ITEM 3.5(b), “Apprise the Council of the Mayor’s modifications to standing committees: (1) Appoint Councilmember Dev Davis to the Rules and Open Government Committee and (2) Appoint Councilmember Chappie Jones as Chair of the Smart Cities and Service Improvements Committee” AND NEW ITEM 3.5(c), “Appoint Councilmember Dev Davis as “Alternate” to the Santa Clara County Valley Transportation Authority” TO BE ADDED UNDER ORDERS OF THE DAY.

* SEE ITEM 3.8, “Resolution Reaffirming Prior Recognition of the Vietnamese Heritage and Freedom Flag as the Official Flag of the Vietnamese-American Community in San José and Opposing the Display of Flag of the Socialist Republic of Vietnam on City-Owned Flag Poles” TO BE HEARD IN THE EVENING AFTER CONSENT.

* SEE ITEM 6.2, “Amendments to the Airport Retail Concession Agreements with AMS-SJC JV and WDFG North America LLC” RECOMMEND DEFERRAL TO 2/14/17 PER ADMINISTRATION.

* SEE ITEM 8.1, “Review and Discuss Independent Police Auditor’s 2014 Annual Report Recommendation #2(b)” TO BE DROPPED AND RE-NOTICED AS A STUDY SESSION.

REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council’s Rules of Conduct, Resolution No. 77919, Rule 3(d).

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- **Closed Session Report** – *To be heard after Ceremonial items*

1. CEREMONIAL ITEMS

1.1 Administer Oath of Office for Councilmember Diep. (City Clerk)

1.2 Presentation of a commendation to Ve Nguon Vietnamese Language School for its unwavering efforts to supporting and improving the quality of life and education for Vietnamese American youth in the City of San José. (Nguyen)
TO BE HEARD IN THE EVENING

1. CEREMONIAL ITEMS

1.3 Presentation of a commendation to the Santa Clara Valley Science and Engineering Fair Association honoring participants of the 2016 Synopsys Championship Science Fair in San José. (Carrasco)

TO BE HEARD IN THE EVENING

1.4 Presentation of a proclamation to survivor Tamara Noten in honor of International Holocaust Remembrance Day. (Jones/Jimenez)

1.5 Presentation of a commendation for Robert Sandoval, outgoing President of the West Evergreen Neighborhood Association for his dedicated service to the community and his many accomplishments spanning more than 14 years of service to the City of San José. (Nguyen)

TO BE HEARD IN THE EVENING

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 **Approval of City Council Minutes.**

2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances:

(a) ORD. NO. 29858 – An ordinance of the City of San José rezoning certain real property of approximately 10.6 gross acres situated on the southwest corner of North Capitol Avenue and Gimelli Way (641 North Capitol Avenue) from the RM Multi-Family Residence Zoning District to the CP(PD) Planned Development Zoning District. CEQA: 641 North Capitol Avenue Mixed-Use Project Mitigated Negative Declaration. (Planning, Building and Code Enforcement)

(b) ORD. NO. 29859 – An ordinance of the City of San José rezoning certain real property of approximately 0.90 gross acre situated on the northeasterly side of Portola Avenue and the Alameda (2188 The Alameda) from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District. CEQA: Exempt per CEQA Guidelines 15301(a), for Existing Facilities. (Planning, Building and Code Enforcement)

(Item continued on the next page)

2. CONSENT CALENDAR

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

Recommendation:

- (c) ORD. NO. 29860 – An ordinance of the City of San José rezoning certain real property of approximately 0.35 gross acre situated on the easterly side of North 2nd Street, approximately 130 feet south of East Julian Street (278 North 2nd Street) from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District. CEQA: Addendum to the Downtown Strategy 2000 Final Program EIR (Resolution No. 72767), the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of November 30, 2016. (Mayor)
- (b) Rules and Open Government Committee Minutes of December 7, 2016. (Mayor)
- (c) Rules and Open Government Committee Minutes of December 14, 2016. (Mayor)
- (d) Public Safety, Finance & Strategic Support Committee Minutes of December 15, 2016. (Peralez)

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

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 Revisions to Conflict of Interest Code.

Recommendation: Adopt a resolution amending the Conflict of Interest Code for the City of San José. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy Change that involves no changes in the physical environment. (City Clerk)

2. CONSENT CALENDAR

2.8 Actions Related to the Purchase Order with Ciari Plumbing & Heating Inc. and Burr Plumbing & Pumping Inc. for Plumbing Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Amend Purchase Orders 53054 and 52678 with Ciari Plumbing & Heating Inc. (San José, CA) and Burr Plumbing & Pumping Inc. (San José, CA), respectively, to increase the amount of total compensation for each purchase order by \$125,000, from \$270,000 to \$395,000, for the remainder of the current term, ending on June 30, 2017;
- (b) Amend the Purchase Orders to increase the compensation if there is a need for additional plumbing services, subject to the appropriation of funds; and
- (c) Execute the remaining three annual options to renew the purchase orders through June 2020, subject to the same terms and conditions, and the annual appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts, Purchase Order. (Finance)

2.9 Purchase and Sale Agreement for City's Purchase of Land from the Santa Clara Valley Water District.

Recommendation: Adopt a resolution authorizing the City Manager to execute a Purchase and Sale Agreement for the City's purchase of 530 square feet of land from the Santa Clara Valley Water District (SCVWD) in the amount of \$2,300 to support the installation of a new sidewalk and the relocation of a traffic signal with SCVWD retaining easement rights to maintain the water channel under the roadway. CEQA: Exempt, File No. PP16-021, CEQA Guidelines Section 15061(b)(3), No potential for causing a significant effect on the environment and Section 15301(c), Existing Facilities. Council District 3. (Economic Development)

2.10 Summary Vacation of a Portion of a Public Utility Easement Located at 1520 Santa Maria Avenue.

Recommendation: Adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a 1,061 square foot portion of a public utility easement ("PUE") at 1520 Santa Maria Avenue;
- (b) Summarily vacating a portion of the PUE which is excess and no longer necessary for public purposes; 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: Exempt, File No. PP16-108, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 6. (Public Works)

2. CONSENT CALENDAR

2.11 Actions Related to the 7534 - Silver Leaf Park Renovation Project.

Recommendation:

- (a) Report on bids and award of contract for the 7534 - Silver Leaf Park Renovation Project to the lowest responsive bidder, Integra Construction Services, Inc., for the base bid and Bid Alternate No. 1 in the amount of \$761,544 and approval of a five percent contingency in the amount of \$38,078.
- (b) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 2:
 - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Silver Leaf Park Renovation Project by \$138,000; and
 - (2) Decrease the Ending Fund Balance by \$138,000.

CEQA: Exempt, File No. PP16-081, CEQA Guidelines Section 15302 Replacement or Reconstruction and Section 15301, Existing Facilities. Council District 2. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

2.12 East Side Leadership Luncheon.

Recommendation: As recommended by the Rules and Open Government Committee on January 11, 2017:

- (a) Retroactively approve the East Side Leadership Luncheon scheduled on January 13, 2017 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 event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Carrasco)
[Rules Committee referral 1/11/17 – Item G.1.a.]

2.13 Community Pancake Breakfast.

Recommendation: As recommended by the Rules and Open Government Committee on January 11, 2017:

- (a) Approve District 5 Community Pancake Breakfast scheduled on January 28, 2017 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 event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Carrasco)
[Rules Committee referral 1/11/17 – Item G.1.b.]

2. CONSENT CALENDAR

2.14 Friend of the Court Brief with the United States Supreme Court in *Jennings v. Rodriguez*.

- * **Recommendation:** Direct the City Attorney to join the County of Santa Clara in filing a Friend of the Court brief with the United States Supreme Court in *Jennings v. Rodriguez* to support a challenge to the constitutionality of certain provisions of the immigration laws that permit prolonged detention of various categories of non-citizens without bond hearings. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (City Attorney)

2.15 Councilmember Arenas' Inauguration.

- * **Recommendation:** As referred to City Council, without recommendation, by the two councilmembers present at the Rules and Open Government Committee on January 18, 2017:
 - (a) Approve Councilmember Sylvia Arenas' Inauguration scheduled on January 28, 2017 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 event.CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Arenas)
[Rules Committee referral without recommendation 1/18/17 – Item G.1.a.]

2.16 SB 1 (BEALL), AB 1 (FRAZIER) Transportation Infrastructure and Economic Investment Act.

- * **Recommendation:** As referred to City Council, without recommendation, by the two councilmembers present at the Rules and Open Government Committee on January 18, 2017, pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position on SB 1 and AB 1 so that the City's legislative representatives can continue to advocate the City's position in Sacramento. CEQA: Not a Project, File No. PP10-069(d), City Administrative Activities, Legislative Position. (Transportation)
[Rules Committee referral without recommendation 1/18/17 – Item G.2.]

3. STRATEGIC SUPPORT SERVICES

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

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3. STRATEGIC SUPPORT SERVICES

3.3 Audit of Mobile Devices. *DEFERRED*

Recommendation: Consider the audit on Mobile Devices. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approval of any City Actions. (City Auditor)

[Public Safety, Finance, and Strategic Support Committee referral 12/15/17 – Item (d)(2)]
DEFERRED TO 2/7/17 PER ADMINISTRATION

3.4 Actions Related to the Request for Proposal for the Innovative LED Streetlight Replacement.

Recommendation:

- (a) Accept the report and analysis regarding the Innovative LED Streetlight Replacement Request for Proposals.
 - (b) With respect to the proposals received for installation of streetlights and smart controller units, direct the City Manager either to:
 - (1) Negotiate a contract with the top-scoring proposer Siemens for conversion of approximately 39,285 streetlights to LED luminaires with smart controllers, including a pilot installation of at least 1,000 controller units from proposal partner anyCOMM, other necessary testing and appropriate guarantees, and return to Council for final contract execution.
- OR
- (2) Reject all bids and issue new separate procurements for the following items:
 - (i) Conversion of approximately 39,285 streetlights to LED luminaires;
 - (ii) Installation and commissioning of approximately 64,400 smart controller units, including an evaluation of emerging smart city technologies and capabilities; and
 - (iii) Management and marketing of City infrastructure for telecommunications purposes.
 - (c) With respect to the in-lieu proposal received from Allvision/Outfront Media and the outdoor kiosks and banners proposed by Black & Veatch, direct the City Manager to continue the work currently in-process regarding electronic billboards, the General Plan, and the City Sign Code. If the Council chooses to amend the General Plan, Code and Council Policy regarding electronic billboards in the future, the City Manager is directed to come forward with recommendations on issuing an RFP for such signage and interactive media on City property.

CEQA: Exempt, File No. PP11-002, Street Lighting Design Guidelines, CEQA Guidelines Section 15301, Existing Facilities. (City Manager)

3. STRATEGIC SUPPORT SERVICES

3.5 2016-2017 Council Appointment(s).

* **Recommendation:**

- (a) Approve the appointment of Councilmember Magdalena Carrasco as Vice Mayor.
- (b) Apprise the Council of the Mayor's modifications to standing committees:
 - (1) Appoint Councilmember Dev Davis to the Rules and Open Government Committee.
 - (2) Appoint Councilmember Chappie Jones as Chair of the Smart Cities and Service Improvements Committee.
- (c) Appoint Councilmember Dev Davis as "Alternate" to the Santa Clara County Valley Transportation Authority.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)

TO BE HEARD FIRST BEFORE CONSENT

3.6 Amendment to the Council Meeting Rules of Conduct Resolution to Modify the Schedule and Time of Council Meetings.

- * **Recommendation:** As recommended by the Rules and Open Government Committee on January 11, 2017, adopt a resolution amending the Council's Rules for the Conduct of Its Meetings, superseding Resolution No. 77919, to modify the schedule and time of Council meetings, including but not limited to, scheduling evening sessions to commence at 6:00 p.m., with the proviso that there will be a thirty (30) minute recess between the afternoon and evening session that may result in delaying the commencement of the evening session to a time later than 6:00 p.m. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Clerk)

[Rules Committee referral 1/11/17 – Item D.2.]

3.7 District 2 Participatory Budgeting Actions.

Recommendation: As recommended by the Rules and Open Government Committee on January 11, 2017:

- (a) Direct the City Manager to work with the Round 1 winners of the District 2 Participatory Budgeting Project on implementation.
- (b) Direct the City Manager to transfer \$75,000 from the Council District #02 appropriation to City Council District #02 Participatory Budgeting – Calpine Settlement appropriation as part of the 2016-2017 Mid-Year Budget Review.

CEQA: Not a Project, File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (Jimenez)

[Rules Committee referral 1/11/17 – Item G.3.]

3. STRATEGIC SUPPORT SERVICES

3.8 Resolution Reaffirming Prior Recognition of the Vietnamese Heritage and Freedom Flag as the Official Flag of the Vietnamese-American Community in San José and Opposing the Display of Flag of the Socialist Republic of Vietnam on City-Owned Flag Poles.

Recommendation: As recommended by the Rules and Open Government Committee on January 11, 2017, adopt a resolution reaffirming prior recognition of the Vietnamese Heritage and Freedom Flag as the official flag of the Vietnamese-American community in San José and opposing the display of Flag of the Socialist Republic of Vietnam on city-owned flag poles. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Attorney) [Rules Committee referral 1/11/17 – Item G.4.]

* **TO BE HEARD IN THE EVENING AFTER CONSENT PENDING ORDERS OF THE DAY**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Initiate Proceedings for Annexation of Story No. 66.

Recommendation: Adopt a resolution initiating proceedings and setting February 28, 2017, at 7:00 p.m. for City Council consideration of the reorganization of territory designated as Story No. 66, which involves the annexation to the City of San José of approximately 0.78-gross acre of land located on the north side of Story Road, approximately 100 feet west of Roehampton Avenue, and the detachment of the same from the appropriate special districts, including the Central Fire Protection District, County Sanitation District 2-3, Santa Clara County Lighting Service Area, and Santa Clara County Library Services (Area No. 1). CEQA: Determination of consistency with Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Council District 5. (Planning, Building and Code Enforcement)

4.2 Report on Bids and Award of Contract for the 7756 – Chynoweth Avenue Green Street Project.

Recommendation: Report on bids and award of contract for the 7756 – Chynoweth Avenue Green Street Project to the low bidder, Granite Rock Company, for the base bid and Add Alternate No. 1 in the total amount of \$1,804,373, and approve a contingency in the amount of \$180,437. CEQA: Exempt, File No. PP14-041, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. Council District 10. (Public Works)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Report on Bids and Award of Construction Contract for the 8062 – Convention Center Exhibit Hall Lighting and Ceiling Upgrades Project.

Recommendation:

- (a) Report on bids and take appropriate action based on the evaluation of bids for the 8062 –Convention Center Exhibit Hall Lighting and Ceiling Upgrades Project, and approval of a 13 percent contingency if City Council awards a construction contract.
- (b) Adopt a resolution authorizing the Director of Public Works to issue any change orders up to the amount of the contingency if the City Council awards a construction contract.

CEQA: Exempt, File No. PP16-053, CEQA Guidelines Section 15301(a), Existing Facilities. Council District 3. (Public Works)

* **RECOMMEND DEFERRAL TO 1/31/17 PER ADMINISTRATION**

5. NEIGHBORHOOD SERVICES

5.1 Anti-Graffiti and Anti-Litter Programs Annual Report. *DEFERRED*

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on December 15, 2016, accept the 2015-2016 Annual Report on the Anti-Graffiti and Anti-Litter Programs. CEQA: Not a Project, File No. PP10-069(a), Annual Reports that involve no approval of any City Actions. (Parks, Recreation and Neighborhood Services)

[Public Safety, Finance, and Strategic Support Committee referral 12/15/17 – Item (d)(3)]
DEFERRED TO 2/14/17 PER ADMINISTRATION

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the Airport Staffing Plan.

Recommendation:

- (a) Approve the addition of the ongoing positions in the Airport Department:

Job Classification	FTE
Analyst II	1.0
Maintenance Worker II	3.0
Senior Maintenance Worker	1.0
Maintenance Superintendent	1.0
Senior Airport Operations Specialist I/II/III	6.0
Airport Operations Supervisor I/II/III	1.0
Aviation Security & Permit Specialist	1.0
Associate Engineer	1.0
Senior Property Manager I/II	1.0
Public Information Representative I/II	1.0
<i>Total Airport Department Positions</i>	<i>17.0</i>

- (b) Adopt a resolution to authorize the City Manager to negotiate and execute the First Amendment to the Agreement with GCA Services Group, Inc. for janitorial services at the Norman Y. Mineta San José International Airport (SJC) to:
- (1) Increase compensation by \$628,000 from \$2,980,003 to \$3,608,003 through October 31, 2017;
 - (2) Align all labor rates, benefits and contractual provisions for janitorial services at the Airport with other City facilities, subject to appropriation of funds; and
 - (3) Exercise options to extend the term through October 31, 2019 based on the City Living Wage Policy (Resolution No. 76653) and fluctuations in consumables usage, subject to the appropriation of funds.
- (c) Adopt the following 2016-2017 Appropriation Ordinance amendments in the Airport Maintenance and Operation Fund:
- (1) Increase the Airport Department Personal Services appropriation in the amount of \$390,000;
 - (2) Increase the Transfer to the General Fund for Police Services in the amount of \$361,000;
 - (3) Increase the Overhead appropriation in the amount of \$72,600; and
 - (4) Decrease the Operations Contingency appropriation in the amount of \$823,600.
- (d) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Increase the Police Department Personal Services appropriation in the amount of \$361,000; and
 - (2) Increase the Transfers and Reimbursements Revenue estimate by \$361,000 to recognize the transfer from the Airport Maintenance and Operation Fund.

CEQA: Not a Project, File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (Airport/City Manager)

6. TRANSPORTATION & AVIATION SERVICES

6.2 Amendments to the Airport Retail Concession Agreements with AMS-SJC JV and WDFG North America LLC.

Recommendation:

- (a) Approve the Sixth Amendment to the Airport Retail Concession Agreement with AMS-SJC-JV dba The Hudson Group (Hudson) (the “Hudson Agreement”) to add the Airport retail concession areas currently operated by WDFG North America LLC (WDFG) and expiring in 2020 on the same terms and conditions as provided in the Airport Retail Concession Agreement with WDFG (“WDFG Agreement”), provide Hudson with storage space to support its concession operations and extend the term of the Hudson Agreement from June 30, 2020, to June 30, 2026.
- (b) Approve the Fifth Amendment to the WDFG Agreement to terminate the WDFG Agreement upon incorporation of the Airport retail concession areas currently operated by WDFG into the Hudson Agreement on the same terms and conditions as the WDFG Agreement.
- (c) Adopt a resolution authorizing the Director of Aviation to negotiate and execute amendments to the Hudson Agreement at any time prior to its expiration to rebalance the two retail concession packages by revising those concession areas that will expire on either June 30, 2024, or June 30, 2026 and to revise the Minimum Annual Guaranteed Concession Fee to reflect any such revisions, to maximize revenue and customer service and to provide for an equitable bidding opportunity for the future retail solicitations.

CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts, Services that involve no physical changes to the environment. (Airport)

* **RECOMMEND DEFERRAL TO 2/14/17 PER ADMINISTRATION PENDING ORDERS OF THE DAY**

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Illegal Dumping Initiative Update. *DEFERRED*

Recommendation: As recommended by the Transportation and Environment Committee on December 5, 2016, accept a status report on the City's illegal dumping mitigation efforts. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Status Report. (Environmental Services)

[Transportation and Environment Committee referral 12/5/16 – Item (d)(4)]

DEFERRED TO 2/14/17 PER ADMINISTRATION

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 Agreement with Kennedy/Jenks Consultants, Inc. for Engineering and Architectural Services for the 7944 - Support Building Improvements Project at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Approve a Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. to provide engineering and architectural services for the 7944-Support Building Improvements Project at the San José-Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2024, in an initial total amount not to exceed \$4,800,000, subject to the appropriation of funds. CEQA: Exempt, File No. PP10-066(d), Section 15262, Feasibility and Planning Studies with respect to the scope of work that is limited to this action. Any future activities resulting in a change to the physical environment would require approval of CEQA review. (Environmental Services)

8. PUBLIC SAFETY SERVICES

8.1 Review and Discuss Independent Police Auditor's 2014 Annual Report Recommendation #2(b).

Recommendation: Review and discuss the Independent Police Auditor's 2014 Annual Report Recommendation #2(b) that would require independent civilian oversight of all Police Department-Initiated Investigations. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Annual Reports. (Independent Police Auditor/Police)

(Deferred from 10/25/16 – Item 8.1, 11/15/16 – Item 8.1, 12/6/16 – Item 8.1)

* **TO BE DROPPED AND RE-NOTICED AS A STUDY SESSION PENDING ORDERS OF THE DAY**

8.2 Actions Related to Automated License Plate Readers.

Recommendation: Accept the staff report regarding Automated License Plate Readers and invite public comment in concurrence with California Civil Code Section 1798.90.55. CEQA: Not a Project, File No. PP10-069(a), City Administrative Activities, Staff Reports that involve no approvals of City actions. (Police)
(Deferred from 1/10/17 – Item 8.2)

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Council will recess until 7:00 p.m.**

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

(a) **Conforming Rezoning for the Real Property Located at 1737 North 1st Street.**

Recommendation: Consideration of an ordinance of the City of San José rezoning certain real property on an approximately 3.6-gross acre site, located at 1737 North 1st Street from the CO(PD) Planned Development and IP Industrial Park Zoning Districts to the CP Commercial Pedestrian Zoning District (Pacific Resources First American, LLC, Owner). CEQA: Determination of Consistency with Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental EIR for the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning, Building and Code Enforcement Director recommended approval. (Planning, Building and Code Enforcement)

C16-039 – Council District 3

[Deferred from 1/10/17 – Item 11.1(a)]

(b) **Conforming Rezoning for the Real Property Located at 320 Race Street.**

Recommendation: Consideration of an ordinance of the City of San José rezoning certain real property on an approximately 2.0-gross acre site, located at 320 Race Street from the LI Light Industrial Zoning District to the CIC Combined/Industrial Commercial Zoning District (Stanley A. Cotton, Trustee, Owner). CEQA: Determination of Consistency with Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental EIR for the Envision San José 2040 General Plan (Resolution No. 77617). Planning, Building and Code Enforcement Director recommended approval. (Planning, Building and Code Enforcement)

C16-048 – Council District 6

[Deferred from 1/10/17 – Item 11.1(b)]

(Item continued on the next page)

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar. (Cont'd.)

- (c) **Planned Development Rezoning of Real Property Located on the Southeast Corner of Almaden Expressway and Chynoweth Avenue at the Almaden Ranch Shopping Center.**

Recommendation:

- (1) Adopt a resolution adopting the Addendum to the Almaden Ranch Retail Center Subsequent Environmental Impact Report, all in accordance with the California Environmental Quality Act, as amended.
- (2) Consideration of an ordinance of the City of San José rezoning certain real property on a 43.5-gross acre site, located on the southeast corner of Almaden Expressway and Chynoweth Avenue at the Almaden Ranch Shopping Center to allow changes to the previously approved development standards under Planned Development Zoning File No. PDC14-001, to allow building height increase from 50 feet to 60 feet for future hotel, add a requirement that parking for hotel use shall be provided in accordance the Zoning Ordinance, and add that parking for uses described in Municipal Code Section 20.90.220(G) can be reduced by up to 20% (Almaden Ranch, LLC, owner).

CEQA: Addendum to the Almaden Ranch Retail Center Subsequent EIR (Resolution No. 76168). Planning, Building and Code Enforcement Director recommended approval. (Planning, Building and Code Enforcement)

PDC16-049 – Council District 9

[Deferred from 1/10/17 – Item 11.4]

- (d) **Conforming Pre-zoning for the Real Property Located at 3301 McKee Road.**

Recommendation: Consideration of an ordinance of the City of San José pre-zoning a 0.49-gross acre site, located on the north side of McKee Road, approximately 400 feet east of N. White Road (3301 McKee Road) from unincorporated County (R1-10 One Family Residence), to the CP Commercial Pedestrian Zoning District (Lien Hoa Tu, Owner). CEQA: Determination of consistency with Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)

C14-053 – Council District 5

(Item continued on the next page)

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar. (Cont'd.)

(e) Conforming Rezoning for the Real Property Located at 3601 Williams Road.

Recommendation: Consideration of an ordinance of the City of San José rezoning a 15.95-gross acre site, located on the northwest corner of San Tomas Expressway and Williams Road (3601 Williams Road) from the A Agricultural Zoning District and the R-1-8 Single Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District. CEQA: Exempt, CEQA Guidelines Section 15303(c), New Construction or Conversion of Small Structures. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)
C16-046 – Council District 1

END OF CONSENT CALENDAR

- Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- Adjournment

This meeting will be adjourned in memory of Susan Davis, a beloved employee of the City of San José's City Clerk's Office for 14 years and a fixture at Committee and Council meetings. Susan is survived by her husband, Phil, her children, Heather and Phillip, and her five grandchildren.

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.
- 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.