

CITY COUNCIL AGENDA

FEBRUARY 7, 2017

AMENDED AGENDA

CHAPPIE JONES
SERGIO JIMENEZ
RAUL PERALEZ
LAN DIEP
MAGDALENA CARRASCO
VICE MAYOR

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=5322>. 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 City.Clerk@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

- **Invocation (District 2)**
 - Reverend Jethroe (Jeff) Moore, Pastor of Rehoboth Christian Center and President of the San José/Silicon Valley National Association for the Advancement of Colored People (NAACP).

- **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.

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 Presentation of a commendation to PG&E and Environmental Services Department for their work on Step Up and Power Down. (Mayor)
- 1.2 *Commendation to Rich and Jeanne Sanders for their outstanding volunteerism at the Almaden Valley Community Center. (Khamis)

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.

- * **Recommendation:** Approval of City Council Minutes:
 - (a) Regular Minutes of November 29, 2016.
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

2.2 Final Adoption of Ordinances.

- Recommendation:** Final Adoption of Ordinances:
- (a) ORD. NO. 29867 – An ordinance of the City of San José pre-zoning certain real property of approximately 0.49 gross acre situated on the north side of McKee Road, approximately 400 feet east of North White Road (3301 McKee Road) from unincorporated to the CP Commercial Pedestrian Zoning District. 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)
 - (b) ORD. NO. 29868 – An ordinance of the City of San José rezoning certain real property of approximately 15.95 acres situated on the northwest corner of San Tomas Expressway and Williams Road (3601 William 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)

2. CONSENT CALENDAR

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of January 4, 2017. (Mayor)
- (b) Rules and Open Government Committee Minutes of January 11, 2017. (Mayor)
- * (c) Ad-Hoc Committee on Development Services Minutes of November 18, 2016. (Mayor)

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 Amend the Schedule of Parkland Fees for the Downtown High-Rise Incentive Program.

Recommendation: Adopt a resolution replacing Resolution No. 78039 adopted on December 13, 2016, setting forth the Schedule of Parkland Fees charged pursuant to Chapters 14.25 and 19.38 of the San Jose Municipal Code to amend Section 2 of Exhibit B of Resolution No. 73587, as amended, temporarily setting the Parkland Fees charged for high-rise multi-family residential projects of twelve (12) stories or more located in the Downtown Core at fifty percent (50%) of the applicable Parkland Fees for multi-family 5+ units in the Downtown Area and deferring collection of Parkland Fees to the time of issuance of a Certificate of Occupancy, subject to developers meeting certain requirements. CEQA: Not a Project, File No. PP10-067(a), Non-Project Specific Funding Mechanism, Increase or Adjustments to Fees, Rates, and Fares. (City Attorney) [Rules Committee referral 11/30/16 – Item G.2.]

2.8 Actions Related to Councilmember Khamis' Travel to Washington, D.C.

Recommendation:

- (a) Approve travel by Councilmember Khamis to Washington, D.C. from March 14 – March 15, 2017 for the 2017 Spring Advocacy Trip arranged by the Silicon Valley Leadership Group. Source of Funds: Mayor and Council Travel Fund.
- (b) Request for an excused absence for Councilmember Khamis from the following meetings due to Authorized City Business:
 - (1) March 14, 2017 City Council Closed Session, City Council Open Session, and City Council Evening Session.
 - (2) March 15, 2017 Rules and Open Government Committee of the Whole.

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

2. CONSENT CALENDAR

2.9 Master Consultant Agreements with BKF Engineers and Cal Engineering & Geology, Inc. for Engineering Services for the Outfall Rehabilitation Projects.

Recommendation: Approve Master Agreements with BKF Engineers, and Cal Engineering & Geology, Inc. from the date of execution through December 31, 2026 in an amount not to exceed \$1,000,000 for each Agreement. CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design, Study, Research, Inspection, or other professional consulting services to determine feasibility of a project with no commitment to future action. (Public Works)

2.10 District 7 Community Events.

* **Recommendation:** As recommended by the Rules and Open Government Committee on February 1, 2017:

- (a) Approve the Viet Heritage Gardens Grand Re-Opening and Ribbon Cutting Ceremony on Saturday, February 25, 2017 at Viet Heritage Gardens; Clean Up with Tam on Saturday, March 4, 2017 at Ezie Street and Santa Rosa Road; Grand Re-Opening of Alma Community Center on Saturday, March 11, 2017 at Alma Community Center; Clean Up with Tam on Saturday, March 18, 2017 at the Vietnamese American Community Center; Women's History Month Celebration will be held on Saturday, March 18, 2017 at the SevenTrees Community Center; Dumpster Day at Yerba Buena High School on Saturday, March 25, 2017 at Yerba Buena High School; Black April Commemoration on Sunday, April 30, 2017 at City Hall Rotunda; World Culture Day on Saturday, May 13, 2017 at SevenTrees Community Center as City Council sponsored Special Events 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. (Nguyen)
[Rules Committee referral 2/1/17 – Item G.1.a.]

2.11 Vice Mayor Carrasco Reception.

* **Recommendation:** As recommended by the Rules and Open Government Committee on February 1, 2017:

- (a) Approve the Vice Mayor Reception scheduled on February 10, 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 2/1/17 – Item G.1.b.]

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.

3.3 Audit of Mobile Devices.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on December 15, 2016, 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)
(Deferred from 1/24/17 – Item 3.3)
[Public Safety, Finance and Strategic Support Committee referral 12/15/16 – Item (d)(2)]

3.4 Actions Related to the Approval of the Terms of an Agreement with the San José Police Officers' Association.

Recommendation:

- (a) Adopt a resolution to approve the terms of a Collective Bargaining Agreement between the City and the San José Police Officers' Association (POA), and authorize the City Manager to execute an Agreement with those terms effective January 1, 2017 through June 30, 2020.
- (b) Adopt the following 2016-2017 Appropriation Ordinance amendments in the General Fund:
 - (1) Increase the Police Department Personal Services appropriation in the amount of \$4,640,000;
 - (2) Increase the City Attorney's Office Personal Services appropriation in the amount of \$10,000;
 - (3) Decrease the Police Department Staffing/Operations Reserve appropriation in the amount of \$1,550,000;
 - (4) Decrease the Police Recruitment, Hiring and Retention City-Wide appropriation in the amount of \$1,500,000; and
 - (5) Decrease the 2017-2018 Future Deficit Reserve in the amount of \$1,600,000.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (City Manager)

3.5 Council Priority Setting Session. DEFERRED

Recommendation:

- (a) Approve removal of eight completed priorities from the Council Priority list.
- (b) Approve new items for the Council Priority list.
- (c) Rank items on Council Priority list.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Manager)

* **DEFERRED TO 2/28/17 PER ADMINISTRATION**

3. STRATEGIC SUPPORT SERVICES

3.6 Civic Engagement Through Technology.

Recommendation: As recommended by the Rules and Open Government Committee on January 25, 2017, add discussion, and possible action, on increasing civic engagement through the “ecomment” feature of Granicus on agenda items prior to the broadcast of a meeting, and the use of live streaming to multiple platforms, to potentially allow online written public comment during and after the Council meeting. 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 1/25/17 – Item G.4]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Report on Bids for the 7664 – San José Civic Auditorium HVAC Rehabilitation Project.

* **Recommendation:**

- (a) Report on bids and award of contract for the 7664 – Civic Auditorium Air Conditioning Project to the lowest responsive bidder, Mesa Energy Systems, Inc. for the base bid in the amount of \$4,095,165 and approval of a 15 percent contingency in the amount of \$614,275.
- (b) Adopt a resolution authorizing the Director of Public Works to issue any and all change orders up to the amount of the contingency.
- (c) Adopt the following 2016-2017 Appropriation Ordinance amendments in the Convention and Cultural Affairs Fund:
 - (1) Increase the San José Civic Auditorium HVAC Rehabilitation appropriation to the Public Works Department by \$959,000; and
 - (2) Decrease the Ending Fund Balance by \$959,000.

CEQA: Exempt, File No. PP16-116, CEQA Guidelines Section 15302(c), Replacement or Reconstruction and Section 15331, Historical Resource Restoration/Rehabilitation. Council District 3. (Public Works/City Manager)
(Deferred from 1/31/17 – Item 4.6)

4.2 Declaration of the County of Santa Clara as a National Heritage Area.

- * **Recommendation:** As recommended by the Rules and Open Government Committee on February 1, 2017, pass a resolution endorsing the designation of the County of Santa Clara as a National Heritage Area.
CEQA: Not a Project, File No. PP10-069, City Administrative Activities. (Jones)
[Rules Committee referral 2/1/17 – Item G.2.]

5. NEIGHBORHOOD SERVICES

5.1 Update on the Greenprint Workplan and Community Engagement Plan.

Recommendation: Accept the status report on the *Greenprint* workplan and community engagement plan. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involves no approvals of any City Actions. (Parks, Recreation and Neighborhood Services)

5.2 Update on the Alum Rock Parking Pilot Program.

Recommendation: Adopt a resolution authorizing Parks, Recreation and Neighborhood Services to extend the free parking program at two of the three parking lots located within Alum Rock Park through June 30, 2017. CEQA: Not a Project, File No. PP10-67(a), Non-Project Specific Funding Mechanism. Council District 5. (Parks, Recreation and Neighborhood Services)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Agreement with Fugro Roadware, Inc., for Engineering Services for Pavement Condition and ADA Ramp Assessments.

Recommendation: Approve an Agreement with Fugro Roadware, Inc., for engineering consultant services to perform pavement condition and curb ramp assessments on the City's street network. The Agreement is for a one-year contract not to exceed \$1,250,000 with the option for five one-year extensions, for a total compensation amount not to exceed \$2,250,000 over six years. CEQA: Not a Project, File No. PP10-066(d), Consultant services will have no effect on the environment. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Report on Bids and Award of Contract for the 8359 – Sanitary Sewer Repairs 2016-17 Package III Project.

Recommendation: Report on bids and award of contract for the 8359 – Sanitary Sewer Repairs 2016-17 Package III project to the low bidder, Nor-Cal Pipeline Services, in the amount of \$1,567,584 and approve a ten percent contingency in the amount of \$156,758. CEQA: Exempt, File No. PP17-017, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 1, 3, 6 and 9. (Public Works)

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 Report on Bids and Award of Contract for the 8303 – Cast Iron Sewer Mains Replacement FY 16-17 Package I Project.

Recommendation: Report on bids and award of contract for the 8303 – Cast Iron Replacement FY 16-17 Package I Project to the low bidder, Casey Construction, in the amount of \$1,681,976 and approval of a ten percent contingency in the amount of \$168,198. CEQA: Exempt, File No. PP17-018, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 2, 5, and 7. (Public Works)

8. PUBLIC SAFETY SERVICES

8.1 Actions Related to the Agreement with South Bay Regional Public Safety Training Consortium for Support Services for Academy Training for the Police Department.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute an Agreement between the City of San José and the South Bay Regional Public Safety Training Consortium for the provision of registration, instruction and clerical support services for academy training for the San José Police Department, for \$500,000 for the period of June 1, 2016, through May 31, 2017; and
- (b) Execute four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$2,500,000, subject to the appropriations of funds.

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

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.

- Adjournment

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council.
- 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.