



CITY COUNCIL AGENDA

JUNE 20, 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** — 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.
- **Environmental and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety** — 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 6 p.m. as needed, unless otherwise noted. On May 2, 2017, the City Council authorized combining two sections of the Council agenda, Section 10 – General Plan Amendments and Section 11 – Land Use, into a single section labeled Section 10 – Land Use. Section 10 – Land Use indicates whether an item will be heard at 1:30 p.m. or 6:00 p.m. 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 6)**
Reverend Katherine B. Doar, St. Francis Episcopal Church
- **Pledge of Allegiance**
- **Orders of the Day – *To be heard after Ceremonial Items***

ADJOURNMENT: This meeting will be adjourned in honor of the life of Doug Keller, Almaden Valley Community Leader. (Khamis)

- **Orders of the Day – *Continued***

* 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 proclamation from the City of San José supporting the “*Food Empowerment Project*”, which promotes a more sustainable world by educating the community on issues, such as access to healthy foods for low-income families, working conditions for farm workers, and depletion of natural resources. (City Manager)
- 1.2 Presentation of a proclamation recognizing Immigrant Heritage Month/World Refugee Day in the City of San José. (Carrasco/Diep)
- 1.3 Presentation of a commendation to Patricia Ernstrom for over 16 years to service with the San José Sports Authority. (Rocha/Davis)

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. 29950 – An ordinance of the City of San José amending Section 22.08.030 of Chapter 22.08 of Title 22 of the San José Municipal Code to exempt the Capital Improvement Projects for the San José Santa Clara Regional Wastewater Facility from the Capital Improvement Budget Public Art Funding Requirement. CEQA: Not a Project, File No. PP10-068(d), General Procedure & Policy Making, Preliminary Direction to Staff. (Environmental Services/Economic Development)

2. CONSENT CALENDAR

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Ad-Hoc Committee for Development Services Minutes of May 25, 2017. (Khamis)
- (b) Rules and Open Government Committee Minutes of May 31, 2017. (Mayor)
CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Clerk)

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 Actions Related to an Amendment to the Agreement with Renne Sloan Holtzman Sakai LLP for Legal Services Relating to Implementation of the Alternate Pension Reform Settlement Framework.

Recommendation:

- (a) Adopt a resolution authorizing the City Attorney to negotiate and execute a Fifth Amendment to the Continuation Agreement with Renne Sloan Holtzman Sakai LLP for legal services in connection with labor relations matters relating to implementation of the Alternate Pension Reform Settlement Framework approved by the voters at election in November 2016, increasing the amount of compensation by \$100,000 for a total amount not to exceed \$1,795,000.
- (b) Adopt the following 2016-2017 Appropriation Ordinance amendments in the General Fund:
 - (1) Increase the City-Wide appropriation to the City Attorney's Office for Fiscal Reform Plan Outside Legal Counsel by \$100,000; and
 - (2) Decrease the Fiscal Reform Plan Implementation Reserve by \$100,000.

CEQA: Not a Project; File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (City Attorney/City Manager)

2.8 Amendment to the Agreement with Santa Clara Valley Transportation Authority (VTA) for Public Art Management Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Continuation and Amendment to the Agreement for Public Art Management Services Between the City of San José and the Santa Clara Valley Transportation Authority for the Bus Rapid Transit Project to extend the term from March 31, 2017 to December 31, 2017, and to further authorize the City Manager to extend the term up to one additional year, subject to appropriation. CEQA: Exempt, File No. PP16-006. Council Districts 3, 5 & 8. (Economic Development)

2. CONSENT CALENDAR

2.9 Amendment to the Agreement with County of Santa Clara for the Household Hazardous Waste Collection Program.

Recommendation: Approve the First Amendment to the Agreement between the City of San José and County of Santa Clara (County) to include: continued City funding \$200,000 for 2017-2018 to the Countywide Household Hazard Waste (HHW) Program for residential HHW appointments; an abandoned waste disposal fee for 2017-2018 in the amount of \$0.05 per household; funding from the County of \$150,000 for a 2017-2018 public outreach campaign, streamlined language for Discretionary Fund usage; a provision allowing for electronic copies of signed contracts per County Policy; and an option allowing the City to pay for San José small business HHW appointments. CEQA: Not a Project, File No. PP10-066, Agreement & Contracts. (Environmental Services)

2.10 Report on Bids and Award of Contract for the 8241 – Paint Shop Spray Booth Replacement Project.

Recommendation: Report on bids and award of a construction contract for 8241 – Paint Shop Spray Booth Replacement Project to the low bidder Integra Construction Services, Inc. for the base bid in the amount of \$1,040,112 and approval of a construction contingency of 15 percent in the amount of \$156,017. CEQA: Exempt, File No. PP16-036, CEQA Guidelines Section 15301, Existing Facilities. (Environmental Services)

2.11 Actions Related to the Acceptance of Partnership Funds the Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection Program.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to:
 - (1) Accept award of an additional \$350,000 in partnership grant funds from the Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection Program;
 - (2) Negotiate and execute the First Amendment to the San José Watershed Community Stewardship and Engagement Project to increase the not-to-exceed amount to \$700,000, extend the term of the agreement to June 30, 2018, and add a new scope of work; and
 - (3) Execute the First Amendment to the Neighborhood Cleanup and Encampment Abatement Project Grant Agreement between the City of San José and Downtown Streets Inc., dba Downtown Streets Team (DST), that is consistent with the First Amendment to the San José Watershed Community Stewardship and Engagement Project, to fund trash and debris removal, education and outreach, and homeless services, from July 1, 2017 to June 30, 2018, in an amount not to exceed \$700,000.

(Item continued on the next page)

2. CONSENT CALENDAR

2.11 **Actions Related to the Acceptance of Partnership Funds the Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection Program. (Cont'd.)**

Recommendation:

- (b) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Increase the estimate for Revenue from Local Agencies by \$350,000; and
 - (2) Establish a City-Wide Expenses appropriation to the Environmental Services Department for San José Watershed Community Stewardship and Engagement Project by \$350,000.
- (c) Adopt the following 2017-2018 Appropriation Ordinance amendments in the Housing Trust Fund:
 - (1) Increase the appropriation to the Housing Department for Housing and Homeless Projects by \$350,000; and
 - (2) Decrease the Unrestricted Ending Fund Balance appropriation by \$350,000.

CEQA: Exempt, File No. PP13-056, CEQA Guidelines Section 15301, Existing Facilities. (Environmental Services/Housing/City Manager)

2.12 **Amendment to the Agreement with Management Partners, Inc. for Fee Study and Liability Analysis Consulting Services.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the First Amendment to the Agreement with Management Partners, Inc. for Fee Study and Liability Analysis Consulting Services, to extend the term of the Agreement through May 31, 2019, and increase maximum compensation by \$100,000, for a maximum not to exceed amount of \$512,737, subject to the appropriation of funds.

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

2.13 **Agreement with Alliance Occupational Medical, Inc. for Employee Health Services.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with Alliance Occupational Medical, Inc. to provide physician duties and overflow functions for the Employee Health Services clinic with an initial term beginning July 1, 2017 through June 30, 2018, with an option to extend annually through June 30, 2021, for a not to exceed total compensation amount of \$400,000 (\$100,000 per year). CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (Human Resources)

2. CONSENT CALENDAR

2.14 Actions Related to the Department of Parks, Recreation and Neighborhood Services 2017-2018 Agreements.

Recommendation: Adopt a resolution authorizing the following, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager:

- (a) Authorize the City Manager to negotiate and execute all agreements, amendments, and extensions for the Department of Parks, Recreation and Neighborhood Services identified in the “Compensation Paid by the City of San José” (Attachment A of the staff memorandum to Council) consistent with the 2017-2018 Adopted Budget;
- (b) Authorize the City Manager to negotiate and execute all agreements, amendments, and extensions to accept funds for the Department of Parks, Recreation and Neighborhood Services identified in the “Compensation Paid to the City of San José” (Attachment B of the staff memorandum to Council);
- (c) Authorize the City Manager to accept any funds exceeding the figures identified in Attachment B of the staff memorandum to Council for the specified programs and purposes identified as “Compensation Paid to the City” provided that the City Manager determines that the City is able to provide the services and comply with any additional requirements associated with the increased grant funds. The City Manager shall also bring forward to City Council any items that require approval for budgetary adjustments and appropriation actions necessary for such programs; and
- (d) Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2017-2018 agreements and amendments as identified in “Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director” (Attachment C of the staff memorandum to Council) consistent with Adopted Budget amounts for the following City programs or services:
 - (1) After School Education and Safety;
 - (2) BeautifySJ (formerly known as Community Action and Pride) Grants;
 - (3) Bringing Everyone's Strengths Together Grants;
 - (4) Citywide Aquatics Program;
 - (5) Community Center Reuse Program;
 - (6) Family Camp Facility Use Agreement(s);
 - (7) Happy Hollow Education Program;
 - (8) Happy Hollow Events Program;
 - (9) Leisure and Recreation Fee Class Vendor Agreements;
 - (10) Leisure and Recreation Program Facility Use Agreements;
 - (11) Little League Agreement(s);
 - (12) Mayor's Gang Prevention Task Force;
 - (a) Grant Revenue
 - (b) Related Sub-Contractor Agreements, where applicable
 - (c) Facility Use
 - (d) Memoranda of Understanding

(Item continued on the next page)

2. CONSENT CALENDAR

2.14 Actions Related to the Department of Parks, Recreation and Neighborhood Services 2017-2018 Agreements. (Cont'd.)

Recommendation:

- (d) (12) (e) Evaluation Consultant Agreements for the Mayor's Gang Prevention Task Force and Bringing Everyone's Strengths Together programs
- (13) Recreation of City Kids Program;
- (14) Safe Summer Initiative Grants;
- (15) Senior Health and Wellness Grants;
- (16) St. James / Urban Park Activation Grants; and
- (17) Summer Food Service Program.

CEQA: Exempt, File No. PP17-039, CEQA Guidelines Section 15301, Existing Facilities and File PP10-066, Agreements & Contracts. (Parks, Recreation and Neighborhood Services)

2.15 Actions Related to the Refund of Construction Taxes for Peery-Arrillaga.

Recommendation:

- (a) Approve a refund of construction taxes in the amount of \$974,257.48 paid under the incorrect rate by Vance Brown, Inc. for a project located at 60 E. Brokaw Road and 90 E. Brokaw Road.
- (b) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Building and Structure Construction Tax Fund:
 - (1) Increase the Developer Refunds appropriation to the Planning, Building and Code Enforcement Department in the amount of \$139,180; and
 - (2) Decrease the Developer Permitting Fees Refund Reserve by \$139,180.
- (c) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Construction Excise Tax Fund:
 - (1) Increase the Developer Refunds appropriation to the Planning, Building and Code Enforcement Department in the amount of \$835,078; and
 - (2) Decrease the Developer Permitting Fees Refund Reserve by \$835,078.

CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Planning, Building and Code Enforcement/City Manager)

2.16 Amendment to the Agreement with Intelliswift Software, Inc. for Project Manager Services for the Integrated Permitting System Upgrade Project.

Recommendation: Approve the First Amendment to the Agreement with Intelliswift Software, Inc. (Newark, CA) to provide Project Manager services for the implementation of the City's Integrated Permitting System upgrade project, to extend the term for an additional 19 months ending February 28, 2019, and increase compensation by \$360,000 for a revised not-to-exceed maximum compensation of \$630,000. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Planning, Building and Code Enforcement)

2. CONSENT CALENDAR

2.17 Approval of a new Council Policy for City Hall Special Event Lighting.

Recommendation: Adopt a resolution approving a new Council Policy, entitled “City Hall Special Event Lighting”, to provide a framework for eligible requests for temporarily lighting the City Hall Tower and Rotunda for public and private events. CEQA: Exempt, Section 15301 Existing Facilities, and Section 15061(b)(3) No potential for causing a significant effect on the environment, File No. PP17-040, CEQA Guidelines Section 15061(b)(3). Council District 3. (Public Works)

2.18 Amendment to the Master Agreement with Brown and Caldwell for Citywide Outfall Rehabilitation and Autumn Street Outfall 67F Rehabilitation Projects.

Recommendation: Approve the Third Amendment to the Master Agreement with Brown and Caldwell for continuing the design services on the Citywide Outfall Rehabilitation and Autumn Street Outfall 67F Rehabilitation Projects to extend the term of agreement from June 30, 2017 to June 30, 2018, at no additional cost for a total amount not to exceed \$500,000. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Public Works)

2.19 Amendment to the Master Agreement with West Yost & Associates, Inc. for the Nordale Pump Station Replacement Project.

Recommendation: Approve a Fifth Amendment to the Master Agreement with West Yost & Associates, Inc. extending the term from June 30, 2017 to June 30, 2018, and amending the Schedule of Charges, at no additional cost to the City, for the Nordale Pump Station Replacement Project. CEQA: Not a Project, File No. PP10-066(d), Agreements & Contracts, Consultant Services. (Public Works)

2.20 Report on Bids and Award of Contract for the 7216 – Trimble Road & Amberwood Lane Sanitary Sewer Improvement Project.

Recommendation: Report on bids and award of contract for the 7216 – Trimble Road & Amberwood Lane Sanitary Sewer Improvement project to the low bidder, Cratus, Inc., in the amount of \$4,384,190, and approve a contingency in the amount of \$438,419. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR, Supplemental Program EIR, and Subsequent Addendum for the Sanitary Sewer System Master Plan Update, PP17-016. Council District 4. (Public Works)

2. CONSENT CALENDAR

2.21 Report on Bids and Award of Contract for the 7471 - Willow Street Sanitary Pump Station Rehabilitation Project.

Recommendation: Report on bids and award of contract for the 7471 - Willow Street Sanitary Pump Station Rehabilitation project to the low bidder, JMB Construction, Inc., in the amount of \$1,390,911, and approve a contingency in the amount of \$139,091. CEQA: Exempt, File No. PP13-076, CEQA Guidelines Section 15282(h). Council District 6. (Public Works)

2.22 Retroactive Approval of International Travel to Medellín, Colombia.

Recommendation: Retroactively approve international travel to Medellín, Colombia for Mario Maciel, Division Manager in the Department of Parks, Recreation and Neighborhood Services, to attend the Medellín Lab – Inclusive, Safe, and Resilient Cities from May 29 through June 2, 2017. Source of Funds: USAID. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities, Travel. (Parks, Recreation and Neighborhood Services)
(Deferred from 6/13/17 – Item 2.14)

2.23 District 2 Community Events.

* **Recommendation:** As recommended by the Rules and Open Government Committee on June 14, 2017:

- (a) Retroactively approve the in-person Participatory Budget Voting process scheduled for June 3, 2017 and June 7, 2017 as a sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the Summerfest event scheduled for June 10, 2017 as a sponsored Special Event and approve the expenditure of funds.
- (c) Approve Dumpster Day scheduled on June 17, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Approve Dumpster Day scheduled on June 24, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (e) 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. (Jimenez)
[Rules Committee referral 6/14/17 – Item G.1.a.]

2. CONSENT CALENDAR

2.24 District 7 Community Events.

* **Recommendation:** As recommended by the Rules and Open Government Committee on June 14, 2017:

- (a) Retroactively approve the Great American Litter Pick Up on Saturday, April 22, 2017 at Alpha Blanca Alvarado Middle School as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the Clean Up with Tam at Nisich Park on Saturday, May 27, 2017 at Nisich Park as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:
 - (1) Take Back Our Streets Peace Walk on June 14, 2017 at the Alma Community Center;
 - (2) District 7 Youth Commission Summer BBQ on July 23, 2017 at Kelly Park;
 - (3) National Night Out on August 1, 2017 at various community centers and neighborhood associations in Council District 7;
 - (4) Mid-Autumn Celebration on September 30, 2017 at SevenTrees Community Center;
 - (5) Mid-Autumn Festival and Resource Fair on October 7, 2017 at the Vietnamese American Community Center;
 - (6) Mid-Autumn Celebration on October 7, 2017 at Tully Branch Library;
 - (7) Dumpster Day on October 21, 2017 at Ramblewood Elementary School;
 - (8) Halloween Safety Night on October 29, 2017 at Vietnamese American Community Center;
 - (9) Halloween Safety Night on October 31, 2017 at Alma Community Center;
 - (10) Bay Area Hmong New Year Festival on November 4, 2017 at History San Jose Park; and
 - (11) Dumpster Day on November 18, 2017 at Windmill Elementary School.
- (d) Approve and accept donations from various individuals, businesses, or community groups to support the events listed in paragraphs a-c.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Nguyen)
[Rules Committee referral 6/14/17 – Item G.1.b.]

2.25 Silicon Valley Shakespeare in the Park.

* **Recommendation:** As recommended by the Rules and Open Government Committee on June 14, 2017:

- (a) Retroactively approve the Silicon Valley Shakespeare in the Park Events from June 9, 2017 to June 25, 2017, Thursdays through Sundays as City Council sponsored Special Events and approve the expenditure of funds.
- (b) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Davis)
[Rules Committee referral 6/14/17 – Item G.1.c.]

3. STRATEGIC SUPPORT

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 Actions Related to Changes to the Lobbyist Ordinance Under Title 12.

Recommendation: Approve an ordinance amending Sections 12.12.400 and 12.12.430 and adding Sections 12.12.425, 12.12.450, 12.12.460 to Chapter 12.12 of Title 12 of the San José Municipal Code to require lobbyists engaged in lobbying activities to file weekly reports and to make other clerical and technical changes. CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy. (City Clerk/City Attorney)

3.4 Actions Related to Board of Fair Campaign and Political Practices Recommendations for Changes to the City's Gift Ordinance Under Title 12.

Recommendation:

- (a) Consider the recommended revisions of the Board of Fair Campaign and Political Practices to the City's Gift Ordinance and the proposed ordinance to amend Title 12 of the San José Municipal Code to align the City's Gift Ordinance with the gift regulations under the California Political Reform Act.
- (b) Approve an ordinance amending Title 12 of the San José Municipal Code to align the City's Gift Ordinance with the gift regulations under the California Political Reform Act.

CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy. (City Clerk/City Attorney)

Please note: Approval of this item requires 8 or more affirmative votes (2/3).

3.5 Approval of Various Budget Actions for Fiscal Year 2016-2017.

Recommendation: Adopt 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund attachments to the staff memorandum to Council. CEQA: Not a Project, File No PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (City Manager)

TO BE HEARD BEFORE CONSENT CALENDAR

3. STRATEGIC SUPPORT

3.6 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2017-2018 Budget, and Resolution Establishing the Fiscal Year 2017-2018 Appropriation Limit.

Recommendation:

- (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2017-2018 and the Manager’s Final Budget Addendum.
- (b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2017-2018 and the Manager’s Final Budget Addendum.
- (c) Adopt a resolution taking the following actions with respect to the City’s 2017-2018 “Gann Limit”:
 - (1) Elect the per capita income index as the inflation factor for 2017-2018 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor;
 - (2) Elect the City of San José population growth index as the population factor for 2017-2018; and
 - (3) Establish the Fiscal Year 2017-2018 Appropriation Limit at \$1,100,821,936 in compliance with Article XIII B of the State Constitution.

CEQA: Not a Project, File No. PPI0-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (City Manager)

TO BE HEARD BEFORE CONSENT CALENDAR

3.7 Actions Related to the 2017 Tax and Revenue Anticipation Note.

Recommendation:

- (a) Adopt a resolution:
 - (1) Authorizing the issuance and sale of the City of San José 2017 Tax and Revenue Anticipation Note (the “2017 Note”) in the not to exceed principal amount of \$150,000,000 to be sold through a private placement; and
 - (2) Approving, in substantially final form, the Note Purchase Agreement and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreement and other related documents, as necessary, in connection with the issuance of the 2017 Note and authorizing other related actions in connection therewith.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for Fiscal Year 2017-2018:
 - (1) Increase the estimate for Other Revenue in the amount of \$150,000,000; and
 - (2) Increase the Citywide TRANs Debt Service appropriation to the Finance Department in the amount of \$150,000,000.

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Finance/City Manager)

TO BE HEARD BEFORE CONSENT CALENDAR

3. STRATEGIC SUPPORT

3.8 Continuation of the Proclamation of the Existence of a Local Emergency, Discussion of Current Flood Recovery Efforts, and Delegation of Authority to Continue the Proclamation for July 2017.

Recommendation:

- (a) Adopt a resolution continuing the proclamation of the existence of a local emergency as a result of flooding and authorizing the City Manager or designee to continue the proclamation of the existence of a local emergency as a result of flooding during the Council's recess in the month of July 2017.
 - (b) Discussion of current flood recovery efforts.
- CEQA: Statutory Exempt, Section 15269(c), Emergency Projects, Specific actions necessary to prevent or mitigate an emergency. (City Manager)

3.9 Historic Survey Strategy.

Recommendation: As recommended by the Rules and Open Government Committee on June 7, 2017, direct City staff to develop and implement a strategy to survey structures that are potentially eligible for historic designation in the City, including:

- (a) Hiring a staff member in the Planning, Building & Code Enforcement (PBCE) Department to manage the survey.
- (b) Utilizing the \$627,000 from fines, fees and donations collected by PBCE to implement this strategy.

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Peralez/Rocha)

[Rules Committee referral 6/7/17 – Item G.4.]

3.10 AB 1408 (Calderon).

- * **Recommendation:** As recommended by the Rules and Open Government Committee on June 7, 2017, join the League of California Cities, Crime Victims United of California, and numerous law enforcement agencies and professional organizations in taking a position of support for AB 1408 (Calderon). CEQA: Not a Project, File No. PP10-069(d), Legislative Positions. (Khamis)
[Rules Committee referral 6/7/17 – Item G.3.]
(Deferred from 6/13/17 – Item 3.10)

3.11 Update on Welcoming San José Plan.

- * **Recommendation:** As recommended by the Neighborhood Services and Education Committee on June 8, 2017, accept the update by the Office of Immigrant Affairs on the *Welcoming San José Plan*. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff reports that involve no approvals of any City Actions. (City Manager)
[Neighborhood Services and Education Committee referral 6/8/17 – Item (d)(2)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Agreement with Google for Acquisition and Development of Properties in the Diridon Station Area.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Exclusive Negotiating Agreement with Google for the acquisition of properties owned by the City of San José and properties owned by the Successor Agency to the Redevelopment Agency (SARA) in the Diridon Station Area for the future construction of a mixed-use, transit-oriented development including office and R&D space. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. Council District 3. (Economic Development/Successor Agency)

* **NOT TO BE HEARD BEFORE 3:00 P.M.**

4.2 Actions Related to the Affordable Housing Funding Agreement for Leigh Avenue Apartments.

Recommendation:

(a) Adopt a resolution:

- (1) Approving up to \$9,000,000, including a construction-permanent loan of up to \$8,000,000 in Low and Moderate Income Housing Asset Funds, to First Community Housing or an affiliated development entity for the Leigh Avenue Apartments, a new, senior affordable development to be located at 1030 Leigh Avenue in order to offer rent- and income-restricted apartments for 63 extremely low-income and very low-income households (“Project”);
- (2) Approving a predevelopment loan of up to \$1,000,000, an amount that is part of the total commitment loan amount;
- (3) Approving a Loan-to-Value of greater than 100% for these loans; and
- (4) Authorizing the Director of Housing to negotiate and execute all documents required to implement development of the Project, including authority to approve any subdivision maps and related documents and any amendments or modifications.

(b) Adopt the following 2017-2018 Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:

- (1) Increase the Housing Loans and Grants appropriation by \$3,000,000; and
- (2) Decrease the Housing Project Reserve by \$3,000,000.

CEQA: Determination of Consistency to the Mitigated Negative Declaration (MND) for 1030 Leigh Avenue Mixed-Use Project, File Nos. PDC07-083, PD07-089, and PDA07-089-01. Council District 6. (Housing)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Staff Update on the Housing Department's Grantee Selection and Performance Review Process.

- * **Recommendation:** As recommended by the Neighborhood Services and Education Committee on June 8, 2017, accept the report on the grantee selection and performance review process. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff reports that involve no approvals of any City Actions. (Housing)
[Neighborhood Services and Education Committee referral 6/8/17 – Item (d)(6)]

4.4 Actions Related to the FY 2017-2018 Annual Action Plan.

Recommendation:

- (a) Hold a final Public Hearing regarding the approval of the City's FY 2017-2018 Annual Plan and take public comment.
 - (b) Adopt the FY 2017-2018 Annual Plan, including the FY 2017-2018 funding recommendations for the four federal formula grants received by the City each year including the:
 - (1) Community Development Block Grant ("CDBG") Program;
 - (2) HOME Investment Partnership Program ("HOME");
 - (3) Housing Opportunities for Persons with HIV/AIDS ("HOPWA") Program; and
 - (4) Emergency Solutions Grant ("ESG") Program.
 - (c) Approve staff recommendations to award federal funds to the two agencies selected under the CDBG-funded Senior Services Request for Proposal ("RFP") including:
 - (1) \$125,000 annually to The Health Trust to support a Meals on Wheels program for San José Senior Citizens; and
 - (2) \$75,000 annually to the Portuguese Organization for Social Services Opportunities to fund a Senior Access and Health Support program.
 - (d) Authorize the Housing Department to submit the FY 2017-2018 Annual Action Plan to the U.S. Department of Housing and Urban Development.
 - (e) Adopt a resolution authorizing the Director of Housing to negotiate and execute all non-capital project agreements to implement the projects and services identified in this memorandum not requiring CEQA review, including new agreements awarded through the federal services RFP, and to negotiate all capital project agreements and contracts including any amendments or modifications for the expenditure of CDBG, ESG, HOME and HOPWA funds on behalf of the City.
- CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Annual Report. (Housing)

- * **PREVIOUSLY ITEM 4.3**

5. NEIGHBORHOOD SERVICES

5.1 Application for 2017 Santa Clara County Grant Funding from the All-Inclusive Playgrounds Program and Partnership with Magical Bridge Foundation.

Recommendation:

- (a) Direct staff to pursue the All-Inclusive Playgrounds Program grant and a potential partnership with the Magical Bridge Foundation from the County of Santa Clara for the development of a playground at Emma Prusch Farm Park.
- (b) Provide feedback to Parks, Recreation and Neighborhood Services on which additional sites to pursue for grant funding.

CEQA: Not a Project, File No. PP10-068(a), General Procedure & Policy Making, Grant Application. (Parks, Recreation and Neighborhood Services)

5.2 Actions Related to the Guadalupe River Trail Master Plan.

Recommendation:

- (a) Adopt a resolution approving the Mitigated Negative Declaration for the Guadalupe River Trail Master Plan for which an Initial Study was prepared in accordance with the California Environmental Quality Act, as amended, and adopt a related Mitigation and Monitoring and Reporting Program; and
- (b) Approve the Guadalupe River Trail Master Plan to guide future development from Virginia Street to Chynoweth Avenue.

CEQA: Mitigated Negative Declaration for the Guadalupe River Trail Master Plan, File No. PP17-027. Council Districts 3, 6 & 9. (Parks, Recreation and Neighborhoods Services)

(Deferred from 6/13/17 – Item 5.1)

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Procurement of Insurance Products for an Owner Controlled Insurance Program for the San José-Santa Clara Regional Wastewater Facility.

Recommendation:

- (a) Adopt a resolution authorizing the Director of Finance to purchase insurance policies for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program with total cost not to exceed \$10,810,576 including estimated insurance premiums of \$8,153,181 and a cash collateral fund of \$2,657,395, to be paid in five annual installments and subject to the annual appropriation of funds, as follows:

(Item continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Procurement of Insurance Products for an Owner Controlled Insurance Program for the San José-Santa Clara Regional Wastewater Facility. (Cont'd.)

Recommendation:

- (a)
 - (1) Old Republic General Insurance Corporation: Commercial General Liability Insurance and Workers' Compensation Insurance with a Program Agreement Endorsement stipulating terms of the cash collateral fund management
 - (2) Allied World Assurance Company: Commercial Excess Liability Insurance
 - (3) Endurance Risk Solutions Assurance Company: Commercial Excess Liability Insurance
 - (4) Ironshore Specialty Insurance Company: Commercial Excess Liability Insurance
 - (5) American Fire and Casualty Company: Commercial Excess Liability Insurance
 - (6) Liberty Mutual Fire Insurance Company: Builder's Risk Insurance with special endorsement for Flood
 - (7) Ironshore Specialty Insurance Company: Contractors Pollution Liability Insurance
 - (8) Owners Protective Professional Liability Insurance with the insurance carrier to be determined pending the City's completion of the application process.
- (b) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the San José-Santa Clara Treatment Plant Capital Fund:
 - (1) Decrease the Preliminary Engineering appropriation to the Environmental Services Department by \$700,000;
 - (2) Decrease the Program Management appropriation to the Environmental Services Department by \$2,500,000; and
 - (3) Establish the Owner Controlled Insurance Program appropriation to the Environmental Services Department in the amount of \$3,200,000.

CEQA: Not a Project, File No. PP10-066, Agreements & Contracts.
(Finance/Environmental Services/City Manager)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

- **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 honor of the life of Doug Keller, Almaden Valley Community Leader. (Khamis)

- **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>
10390	Area generally bounded by Hwy. 85, Great Oaks Blvd., Raleigh Rd. and Little Ave.	2	iStar San Jose, LLC	20/0	Residential	Approve
10394	2140 Quimby Road	8	Denova Homes	110/94	SFD	Approve

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10430	641 N. Capitol Ave.	5	City Ventures Homebuilding Inc.	3 / 188	Single Family Attached

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.