



CITY COUNCIL AGENDA

JUNE 27, 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**
 - 9:00 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
 - 11:00 a.m.- Regular Session, Council Chambers, City Hall
 - 6:00 p.m. - Land Use, Council Chambers, City Hall

- **Invocation (District 6)**
Olivia Owen

- **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** Administer the Oath of Office to the Youth Commissioners. (City Clerk)
TO BE HEARD IN THE EVENING
- 1.2** Presentation of a commendation to San José Jr. Sharks Girls 19AA Ice Hockey team for winning the Girls 19U Tier II USA Hockey National Championship. (Davis)
TO BE HEARD IN THE EVENING
- 1.3** Presentation of a commendation to Expedition Rangers from The Royal Rangers Ministry of Bethel Church of San Jose for earning their Citizenship Merit. (Davis)
TO BE HEARD IN THE EVENING
- 1.4** Presentation of a commendation to San José’s first Make Music Day for bringing communities together to celebrate through music. (Arenas)
TO BE HEARD AT 1:30 P.M.
- 1.5** Commendation to the City of San José Department of Parks, Recreation and Neighborhood Services for its commitment to building healthy communities through people, parks and programs and in recognition of July as National Parks and Recreation Month. (Mayor)
TO BE HEARD AT 1:30 P.M.

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) Study Session Minutes of December 12, 2016.
- (b) Closed Session Special Meeting Minutes of December 19, 2016.
- (c) Closed Session Special Meeting Minutes of December 20, 2016.
- (d) Closed Session Special Meeting Minutes of December 29, 2016.
- (e) Closed Session Special Meeting Minutes of January 3, 2017.
- (f) Regular Minutes of February 7, 2017.
- (g) Regular Minutes of February 14, 2017.

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

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final Adoption of Ordinances:

- (a) ORD. NO. 29951 – An ordinance of the City of San José rezoning certain real property of approximately 0.2 acre, situated approximately 50 feet east of Bird Avenue on the north side of Lorraine Avenue (0 Lorraine Avenue and 543 Lorraine Avenue), from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District. CEQA: Determination of Consistency with the Final Program EIR for the Diridon Station Area Plan (Resolution No. 77096), the Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution 77617). Council District 3.
- (b) ORD. NO. 29952 – An ordinance of the City of San José rezoning certain real property of approximately 0.89 gross acre situated on the east side of South Winchester Boulevard, approximately 590 feet south of Stevens Creek Boulevard (350 South Winchester Boulevard) from the CG Commercial General Zoning District to the CG(PD) Planned Development Zoning District. CEQA: 350 S. Winchester Mixed-Use (“Volar”) Project Environmental Impact Report. Council District 6.
- (c) ORD. NO. 29953 – An ordinance of the City of San José rezoning certain real property of approximately 3.4 gross acres situated on the southwest corner of Monterey Highway and East Alma Avenue (1402 Monterey Highway) from the CIC Combined Industrial/Commercial Zoning District to the CIC(PD) Planned Development Zoning District. CEQA: Addendum to the Final Initial Study/Mitigated Negative Declaration for the Downtown College Preparatory Relocation Project. Council District 7.
- (d) ORD. NO. 29959 – An ordinance of the City of San José amending Sections 12.12.400, 12.12.430, 12.12.440 and adding Sections 12.12.450 and 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.
- (e) ORD. NO. 29960 – An ordinance of the City of San José repealing Chapter 12.08 of Title 12 of the San José Municipal Code related to the City’s Gift Ordinance. CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy.

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

2. CONSENT CALENDAR

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Smart Cities and Service Improvements Committee Minutes of June 1, 2017. (Jones)
- (b) Transportation and Environment Committee Minutes of June 5, 2017. (Carrasco)
- (c) Rules and Open Government Committee Minutes of June 7, 2017. (Mayor)
- (d) Neighborhood Services and Education Committee Minutes of June 8, 2017. (Rocha)

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 Amendment to Title 25 of the Municipal Code for Ground Transportation at the Airport.

Recommendation: Approve an ordinance to amend Section 25.08.700 of Chapter 25.08 of Title 25 of the San José Municipal Code to require Ground Transportation providers to pay fees and charges to be set by City Council, including fees, if any, for discharging passengers at the Norman Y. Mineta San José International Airport and to allow registration in lieu of permits for limited operators. CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy that involves no changes in the physical environment. (Airport)

2.8 Amendment to Agreement with Hogan Lovells US LLP for Legal Services Related to Aviation Matters.

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Fourteenth Amendment to the Agreement for Legal Services with Hogan Lovells US LLP for legal services related to aviation matters at the Norman Y. Mineta San José International Airport, extending the term of the Agreement from June 30, 2017 to June 30, 2018, with no increase in total compensation. CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (City Attorney)

2. CONSENT CALENDAR

2.9 Sponsored Travel to the Netherlands and France for Study Tour of Urban, Intermodal Transportation Hubs.

Recommendation: Authorize international travel to Rotterdam, Utrecht, and Amsterdam in the Netherlands and Lille, France for James Ortbal, Director of Transportation, and Nanci Klein, Assistant Director of Economic Development as the City Manager's designated representatives on the Knight Foundation Study Tour designed for policymakers and executive staff who are engaged in the remaking of San José's Diridon Station and the Diridon Station Area, July 9 – July 14, 2017. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Manager)

2.10 Amendment to the Agreement with the San José Downtown Association.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement for Consultant Services between the City of San José and the San José Downtown Association (SJDA) to include additional marketing, promotional, placemaking and concession services to the scope of services and increase compensation to an amount not to exceed \$475,150, subject to the appropriation of funds by the City Council. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Economic Development)

2.11 US-101/Oakland/Mabury Transportation Development Policy Industrial Incentive Fee Waiver with Cupertino Electric Inc.

Recommendation:

- (a) Conduct a Public Hearing regarding an economic development subsidy in connection with the incentive to Cupertino Electric Inc. in the amount of \$221,082, pursuant to California Government Code Section 53083; and
- (b) Approve the industrial incentive fee waiver with Cupertino Electric Inc., in which the City will provide a traffic impact fee reduction of \$36,847 per qualifying net new vehicular trip at identified Policy Interchange Intersections under the US-101/Oakland/Mabury Transportation Development Policy, for a total of six qualifying trips at a value of \$221,082, to enable expansion of the City's manufacturing and industrial base in a key employment area.

CEQA: North San José Development Policies EIR, Resolution No. 72768 and Addenda thereto; and Flea Market EIR, Resolution No. 73956 and Addenda thereto. Council District 3. (Economic Development)

2. CONSENT CALENDAR

2.12 Report On Request for Proposal for On-Call Airport Terminal Support Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute an Agreement with First Alarm Security & Patrol, Inc., doing business as First Security Services (San José, CA) to provide on-call airport terminal support services at the Norman Y. Mineta San José International Airport for an initial one-year term ending on June 30, 2018, with maximum compensation not to exceed \$405,000.
- (b) Exercise up to four one-year options to extend the term of the agreement through June 30, 2022, subject to the appropriation of funds.

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

2.13 Amendment to the Agreement with Vanderlande Industries, Inc. for Airport Baggage Handling Conveyor System Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute the First Amendment to the Agreement with Vanderlande Industries, Inc. for Airport Baggage Handling Conveyor System Services at the Norman Y. Mineta San José International Airport, to increase compensation for maintenance and repair services by \$742,016 to a revised not-to-exceed amount of \$11,988,275 for the initial five-year term, subject to the appropriation of funds; and
- (b) Execute change orders and/or amendments to the Agreement for unanticipated repairs to the baggage handling conveyor system, or to account for changes in the volume of passenger bags, subject to the appropriation of funds.

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

2.14 Amendment to the Master Agreement with Langham Consulting Services, LLC for the Business Tax System.

Recommendation: Approve the Third Amendment to the Master Service Agreement between the City of San José and Langham Consulting Services, LLC dated May 21, 2014, extending the term from July 31, 2017 to December 31, 2017, and increasing the maximum total compensation from \$1,260,000 to \$1,348,000. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Finance/Environmental Services)

2.15 Agreement with TIG Consulting Corporation for Modifications to the Hyperion Budgeting Software Platform.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with TIG Consulting Corporation (Las Vegas, NV) to reconfigure and deploy modifications to the Hyperion budgeting software platform for a term through December 31, 2018, with maximum compensation not-to-exceed \$300,000; and

(Item continued on the next page)

2. CONSENT CALENDAR

2.15 Agreement with TIG Consulting Corporation for Modifications to the Hyperion Budgeting Software Platform. (Cont'd.)

Recommendation:

- (b) Execute amendments and/or change orders for additional services that may be required to complete the modifications to the Hyperion budgeting software for up to \$75,000.

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

2.16 Actions Related to the Agreement with Innovative Interfaces for the Integrated Library System Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Innovative Interfaces Inc. (Emeryville, CA) for ongoing Integrated Library System software subscriptions and ongoing support and maintenance services, for an initial three-year term commencing on or about July 1, 2017, and ending on or about June 30, 2020, with the first year compensation of \$185,084, and a maximum compensation not-to-exceed amount of \$540,792, for the three-year term, subject to the annual appropriation of funds;
- (b) Execute change orders to cover any unanticipated changes or requirements or for future enhancements not-to-exceed amount of \$20,000, subject to the appropriation of funds; and
- (c) Execute one-year options to extend the term of the Agreement after the initial three-year term, to provide ongoing support and maintenance, subject to the annual appropriation of funds.

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

2.17 Purchase Order with San Diego Police Equipment Co. for the Purchase of Ammunition.

Recommendation: Adopt a resolution authorizing the City Manager to execute a purchase order with San Diego Police Equipment Co. (San Diego, CA) for the purchase of ammunition for a one-year term commencing on July 1, 2017 through June 30, 2018, in an amount not-to-exceed \$450,000. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Finance)

2.18 Actions Related to the Purchase Order with Advanced Helicopter Services for Inspections, Maintenance and Repair Services for the Police Helicopter.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Advanced Helicopter Services (Woodland, CA) for inspection, maintenance, and repair services for the Police Department helicopter for a twelve-month term of July 1, 2017 through June 30, 2018, in an amount not-to-exceed \$330,000;

(Item continued on the next page)

2. CONSENT CALENDAR

2.18 Actions Related to the Purchase Order with Advanced Helicopter Services for Inspections, Maintenance and Repair Services for the Police Helicopter. (Cont'd.)

Recommendation:

- (b) Approve a contingency of \$50,000 to cover any unforeseen repairs that may be required to maintain the helicopter, subject to the appropriation of funds; and
- (c) Execute up to three one-year options to extend the term through June 30, 2021, subject to appropriation of funds.

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

2.19 Actions Related to the Purchase Order with Hi Tech Emergency Vehicle Services, Inc. for Fire Apparatus Maintenance and Repair Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Amend Purchase Order 53021 with Hi Tech Emergency Vehicle Services, Inc. (Oakdale, CA) for fire apparatus maintenance and repair services including spare parts, to increase compensation by \$260,000, for a revised maximum compensation not to exceed \$550,000, for the current term ending on August 31, 2017; and
- (b) Execute the final one-year option to renew the Purchase Order for the term September 1, 2017 through August 31, 2018, for ongoing maintenance and repair services, subject to the appropriation of funds.

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

2.20 Actions Related to the Purchase Order with California Roofing and Roofline Builders for Roofing Repairs and Maintenance for City Facilities.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute Purchase Orders with California Roofing (San José, CA) and Roofline Builders (Pleasanton, CA) for roofing repairs and maintenance as required for City facilities, for an initial twelve-month period commencing July 1, 2017 through June 30, 2018, in an aggregate amount not-to-exceed \$760,000; and
- (b) Execute up to four additional purchase orders with one-year terms, with the final term ending on June 30, 2022, subject to the appropriation of funds.

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

2. CONSENT CALENDAR

2.21 Set a Public Hearing for the Fiscal Year 2017-2018 Annual Residential Solid Waste Collection Service Charges.

Recommendation: Adopt a resolution to:

- (a) Set a Public Hearing for Tuesday, August 8, 2017, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, to approve the placement of the 2017-2018 annual Residential Solid Waste Collection Service Charges on the 2017-2018 Santa Clara County Secured Property Tax Roll based upon the annual Residential Solid Waste Collection Service Charge report of the Director of Finance; and
- (b) Direct the City Clerk to publish notice of the filing of the Director's report, and the time and place of the Public Hearing.

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

2.22 Set a Public Hearing for the Fiscal Year 2017-2018 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.

Recommendation: Adopt a resolution to:

- (a) Set a Public Hearing for Tuesday, August 8, 2017, at 1:30 p.m., or as soon thereafter as the matter may be heard, to approve the placement of the 2017-2018 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2017-2018 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;
- (b) Direct the Director of Finance to file the Fiscal Year 2017-2018 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 17, 2017 instead of July 5, 2017; and
- (c) Direct the City Clerk to publish notice of the filing of the Director's reports, and the time and place of the Public Hearing.

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

2.23 Report on Request for Proposal for a Web Content Management System.

Recommendation: Report on Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Vision Technology Solutions, LLC, doing business as Vision (El Segundo, CA), for a fully hosted web content management system, including software subscription, web design, implementation and configuration, migration, training, support and maintenance, and related professional services for an initial five-year term ending on June 30, 2022, with a maximum compensation not-to-exceed \$350,000 for the initial twelve month period, and \$608,674 for the full five-year term, subject to the annual appropriation of funds;

(Item continued on the next page)

2. CONSENT CALENDAR

2.23 Report on Request for Proposal for a Web Content Management System. (Cont'd.)

Recommendation:

- (b) Negotiate and execute amendments and/or change orders to cover any additional requirements including, but not limited to, new project sub-sites, features, and future website enhancements, subject to the appropriation of funds; and
- (c) Execute up to five one-year options to extend the term of the Agreement through June 30, 2027, subject to the annual appropriation of funds.

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

2.24 Lease Amendment to the Affordability Restriction for the Vermont House and Plaza Hotel.

Recommendation: Approve Lease Amendments to modify the Affordability Restriction for the Vermont House and Plaza Hotel from 30% of the Area Median Income (AMI) to 50% of AMI. CEQA: Exempt, File No. PP15-109 (Vermont House), CEQA Guidelines Section 15302, Replacement or Reconstruction, and File No. PP15-078 (Plaza Hotel), CEQA Guidelines Section 15301, Existing Facilities. Council Districts 3 and 6. (Housing)

2.25 Amendment to the City Pay Plan for Retirement Investment Operations Supervisor.

Recommendation: Adopt a resolution to amend the City of San José Pay Plan effective July 2, 2017, to create the Retirement Investment Operations Supervisor U (7508) classification with a salary range of \$113,505.60- \$138,944.00 annually. CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy, Title 3. (Human Resources)

2.26 Amendment to the City Pay Plan for Various Classifications.

Recommendation: Adopt a resolution to amend the City of San José Pay Plan effective July 2, 2017, to change the salary range for the following classifications:

- (a) Architect/Landscape Architect I (3841) with a salary range of \$72,943.58-\$92,283.02 annually;
- (b) Architect/Landscape Architect II (3852) with a salary range of \$76,592.94-\$96,959.46 annually;
- (c) Associate Architect/Landscape Architect (3843/3848) with a salary range of \$88,633.65-\$112,234.33 annually;
- (d) Associate Structure/Landscape Designer (3855) with a salary range of \$88,633.65-\$112,234.33 annually; and
- (e) Senior Architect/Landscape Architect (3844) with a salary range of \$106,763.08-\$135,044.25 annually.

CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code, Title 3. (Human Resources)

2. CONSENT CALENDAR

2.27 **Amendment to the Agreement with CPS HR Consulting for Recruitment/Hiring and Job Classification/Compensation Analysis Projects.**

Recommendation: Adopt a resolution authorizing the City Manager to execute a Third Amendment to the Master Agreement with CPS HR Consulting, for Recruitment/Hiring and Job Classification/Compensation Analysis projects, extending the term to June 30, 2019, and increasing the amount of compensation by \$210,001 for a total compensation amount not to exceed \$500,000, with each service order subject to appropriation of funds. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Human Resources)

2.28 **Amendment to the Agreement with Hargis & Associates for Professional Assessment Services.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to the Agreement with Hargis & Associates for professional services to design, develop and validate promotional assessments for Police and Fire sworn classifications, to increase the amount of total compensation from \$269,999 to \$400,000. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Human Resources)

2.29 **Mayor's Travel to Barcelona, Holland and France.**

Recommendation:

- (a) Authorize travel for Mayor Liccardo to Barcelona on July 5, 2017 to July 8, 2017 for the VTA Transit Construction Study Trip. Source of Funds: Personal funds.
- (b) Accept travel payments and authorize travel for Mayor Liccardo to Holland and France on July 8, 2017 to July 13, 2017 for the SPUR Study Tour. Source of Funds: SPUR.

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

2.30 **Councilmember Peralez's Chief of Staff Travel to Holland and France.**

Recommendation: Accept travel payments and authorize travel for Councilmember Peralez's Chief of Staff, Christina Ramos, to Holland and France on July 8, 2017 to July 13, 2017 for the SPUR Study Tour. Source of Funds: SPUR and Council District 3 funds. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Peralez)

2. CONSENT CALENDAR

2.31 Actions Related to the 8638 - Convention Center Restrooms Upgrades Project.

Recommendation: Adopt a resolution authorizing the Director of Public Works to:

- (a) Award a construction contract for the Convention Center Restrooms Upgrades Project to the lowest responsive and responsible bidder in an amount not to exceed \$1,800,000 and to approve a fifteen percent contingency in the amount of \$270,000;
 - (b) Consider any timely bid protest(s), to make the City's final determination as to the lowest responsive bidder that is responsible, or to reject all bids and re-bid the project; and
 - (c) Execute change orders in excess of \$100,000 within the contingency amount.
- CEQA: Exempt, File No. PP16-053, CEQA Guidelines Section 15301, Existing Facilities. (Public Works)

2.32 Amendment to the Agreement with David J. Powers & Associates, Inc. for the Environmental Consultant Services for Various Projects.

Recommendation: Approve the Third Amendment to the Master Agreement with David J. Powers & Associates, Inc. for the continuation of ongoing environmental consultant services supporting various City projects by extending the term of agreement from June 30, 2017 to June 30, 2018, at no additional cost for a total amount of \$500,000. CEQA: Not a Project, File No. PP10-066(d), Agreements & Contracts, Consultant Services. (Public Works)

2.33 Maintenance District Budget Reports for Fiscal Year 2017-2018.

Recommendation: Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2017-2018 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. Council Districts 2, 3, 4 & 8. (Public Works)

2.34 Vacation of a 25-foot Light and Air Easement Located at 4886 Kingwood Way.

Recommendation: Adopt a resolution of intention to vacate a 25-foot light and air easement located at 4886 Kingwood Way and set a Public Hearing on August 8, 2017 at 1:30 p.m. CEQA: Exempt, File No. PP17-036, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)

2. CONSENT CALENDAR

2.35 Vacation of a Portion of Old West Julian Street between North Autumn Street and Autumn Parkway.

Recommendation: Adopt a resolution of intention to conditionally vacate a portion of Old West Julian Street between North Autumn Street and Autumn Parkway with the reservation of a public service easement over the entire area being conditionally vacated and set a Public Hearing on August 8, 2017 at 1:30 p.m. CEQA: Exempt, File No. PP17-032, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 3. (Public Works)

2.36 Report on Bids and Award of Contract for the 8465-Sanitary Sewer Repairs 2016-17 Package VII Project.

Recommendation: Report on bids and award of contract for the 8465-Sanitary Sewer Repairs 2016-17 Package VII to the low bidder, Southwest Pipeline & Trenchless Corp., in the amount of \$1,489,279, and approve a contingency in the amount of \$148,928. CEQA: Exempt, File No. PP17-029, CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction. Council Districts 4, 5, 7 & 8. (Public Works)

2.37 Actions Related to the Community Facilities District No. 16 (Raleigh - Coronado) Fund.

Recommendation: Adopt the following 2017-2018 Appropriation Ordinance and Funding Source Resolution amendments in the Community Facilities District No. 16 (Raleigh - Coronado) Fund:

- (a) Increase the estimate for Special Assessments in the amount of \$345,132;
- (b) Increase the Personal Services appropriation to the Department of Transportation in the amount of \$25,500;
- (c) Increase the Non-Personal/Equipment appropriation to the Department of Transportation in the amount of \$136,105;
- (d) Increase the Non-Personal/Equipment appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$57,656;
- (e) Increase the Overhead appropriation to the Department of Finance in the amount of \$11,475; and
- (f) Increase the Unrestricted Ending Fund Balance in the amount of \$114,396.

CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. Council District 2. (Public Works/City Manager)

2.38 Amendment to Title 11 for Residential Permit Parking Ordinance.

Recommendation: Approve an ordinance amending Chapter 11.48 of Title 11 of the San José Municipal Code to establish a new residential permit parking zone in the Hoffman neighborhood. CEQA: Exempt, File No. PP14-069, CEQA Guidelines Section 15301, Existing Facilities. Council District 10. (Transportation)

2. CONSENT CALENDAR

2.39 Actions Related to the Resolutions Establishing Speed Limits.

Recommendation: Adopt a resolution to repeal Resolution No. 78095 and set forth speed limits in the City of San José in compliance with State law to:

- (a) Re-establish speed limits with changes to three roadways; including portions of Cottle Road, Santa Clara Street, and San José Avenue;
 - (b) Establish a 15 mph school zone speed limit on portions of five roadways; including Cottle Avenue, Dry Creek Road, Cherry Avenue, Pine Avenue, and Willow Glen Way; and
 - (c) Make administrative corrections as described in the memorandum to Council.
- CEQA: Exempt, File No. PP14-017, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 2, 3, 6 & 7. (Transportation)

2.40 Amendment to the Parking Lot Lease Agreement with Boston Properties (dba BP Almaden Associates, LLP) for the Almaden/Woz Parking Lot.

Recommendation: Approve the Fourteenth Amendment to the Parking Lot Lease Agreement between the City of San José and Boston Properties (dba BP Almaden Associates, LLP) for the Almaden/Woz Parking Lot, to extend the term of the lease from July 1, 2017 to June 30, 2022, in the amount of \$35,020 per month for the first year with 3% annual increases thereafter, for a maximum amount of \$2,231,111 over the five-year extended term. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. Council District 3. (Transportation)

2.41 Downtown San José Property-Based Improvement District Annual Report for Fiscal Year 2017-18.

Recommendation: Adopt a resolution:

- (a) Approving the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners Association for Fiscal Year 2017-18 as filed or modified by Council;
- (b) Confirming the individual assessments as proposed by the Downtown San José Property Owners Association, or as modified by Council;
- (c) Directing that the City baseline services contribution in the amount of \$365,000 be continued in Fiscal Year 2017-18; and
- (d) Directing the Director of Public Works to deliver the assessment roll to the County for collection with the property taxes.

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Assessments & Annual Reports. Council District 3. (Transportation/Public Works)

2. CONSENT CALENDAR

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

* **Recommendation:**

- (a) 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.
- (b) Adopt the following 2016-2017 Appropriation Ordinance amendments in the San José-Santa Clara Treatment Plant Capital Fund:
 - (1) Decrease the Lagoons and Drying Beds Retirement appropriation to the Environmental Services Department by \$1,400,000; and
 - (2) Increase the Plant Infrastructure Improvements appropriation to the Environmental Services Department by \$1,400,000.
- (c) Adopt the following 2016-2017 Appropriation Ordinance amendments in the San José-Santa Clara Treatment Plant Operating Fund:
 - (1) Decrease the Non-Personal/Equipment appropriation to the Environmental Services Department by \$450,000; and
 - (2) Increase the Unrestricted Ending Fund Balance by \$450,000.

CEQA: Exempt, File No. PP16-036, CEQA Guidelines Section 15301, Existing Facilities. (Environmental Services/City Manager)
(Deferred from 6/20/17 – Item 2.10)

2.43 Councilmember Diep’s Travel to Netherlands and France.

- * **Recommendation:** Accept travel payments and authorize international travel for Councilmember Lan Diep to Rotterdam, Utrecht, and Amsterdam in the Netherlands and Lille, France from July 8, 2017 to July 14, 2017 to join a SPUR study trip of train station design and economic development centered on transit hubs. Source of Funds: SPUR, a 501(c)(3) non-profit and District 4 office budget. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Diep)

2.44 Actions Related to Councilmember Diep’s Travel to Washington, D.C.

* **Recommendation:**

- (a) Authorize travel for Councilmember Lan Diep to Washington, D.C., from September 26, 2017 to September 28, 2017 to join the Silicon Valley Leadership Group in its fall advocacy trip to speak with Members of Congress on issues important to the Bay Area generally, and San José specifically. Source of Funds: District 4 Office Budget.
- (b) Request for an excused absence for Councilmember Lan Diep from the Regular Meeting of the City Council on September 26, 2017, due to Authorized City Business: Silicon Valley Leadership Group Annual Washington, D.C. Advocacy Trip.

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

2. CONSENT CALENDAR

2.45 Councilmember Jimenez's Travel to Austin, Texas.

- * **Recommendation:** Accept travel payments and authorize travel for Councilmember Sergio Jimenez to Austin, Texas on July 27, 2017 to July 30, 2017 for the Local Progress Annual Convening. Source of Funds: Local Progress and District 2 office funds. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Jimenez)

2.46 Acceptance of Councilmember Dev Davis' Surplus Campaign Funds and Appropriation Ordinance and Related Funding Sources Resolution Amendments in the General Fund.

- * **Recommendation:** Adopt the following 2016-2017 Appropriation Ordinance and Funding Source Resolution Amendments in the General Fund:
 - (a) Increase the estimate for Other Revenue by \$1,524.98; and
 - (b) Increase the appropriation to Council District 6 by \$1,524.98.CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Clerk/City Manager)

2.47 Amendment to the Agreements for the Place-Based Rapid Rehousing and Tenant Based Rental Assistance Programs.

- * **Recommendation:** Authorize a three month extension to the current Place-Based Rapid Rehousing Program and Tenant Based Rental Assistance (TBRA) Program by adopting a resolution authorizing the Director of Housing to negotiate and execute the following:
 - (a) Third Amendment to the Place-Based Rapid Rehousing Services Agreement with San José Streets Team to increase the maximum funding by \$150,000, from \$2,180,000, to \$2,330,000 and extend the Agreement from June 30, 2017 through September 30, 2017.
 - (b) Third Amendment to the Rental Subsidy Program Administrator Place-Based Rapid Re-Housing Agreement with the Health Trust to increase the funding by \$375,000 from \$3,300,000 to \$3,675,000 and extend the Agreement from June 30, 2017 through September 30, 2017.
 - (c) Third Amendment to the TBRA Program Agreement with the Health Trust to increase the funding by \$600,000 from \$2,350,000 to \$2,950,000 and extend the Agreement from June 30, 2017 through September 30, 2017.CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Housing)

2.48 Community Code Enforcement Meeting.

- * **Recommendation:** As recommended by the Rules and Open Government Committee on June 21, 2017:
 - (a) Retroactively approve the Community Code Enforcement Meeting scheduled on June 14, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(Item continued on the next page)

2. CONSENT CALENDAR

2.48 Community Code Enforcement Meeting. (Cont'd.)

Recommendation:

- (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. (Carrasco)
[Rules Committee referral 6/21/17 – Item G.1.a.]

2.49 Small Business Recognition Lunch.

- * **Recommendation:** As recommended by the Rules and Open Government Committee on June 21, 2017:

- (a) Retroactively approve the Small Business Recognition Lunch scheduled on June 14, 2017 as a City Council sponsored Special Event 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. (Carrasco)
[Rules Committee referral 6/21/17 – Item G.1.b.]

2.50 AB 71 (Chiu) – Bring California Home Act: State Low-Income Housing Tax Credits.

- * **Recommendation:** As recommended by the Rules and Open Government Committee on June 21, 2017, adopt a position of support for AB 71 (Chiu) Bring California Home Act: State Low-income housing tax credits, so the City's legislative representatives can advocate the City's position in support of AB 71. CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Housing)
[Rules Committee referral 6/21/17 – Item G.2.]

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 9:00 A.M.

3. STRATEGIC SUPPORT

3.3 Actions Related to Salary Setting Commission Recommendations.

Recommendation: As recommended by the Salary Setting Commission on April 20, 2017:

- (a) Approve an ordinance by the San José City Council authorizing the salaries and benefits of the Mayor and City Council for the next two Fiscal Years, the period July 1, 2017 through June 30, 2019, as follows:
 - (1) For the Mayor, increase the authorized salary for FY 2017-18 and FY 2018-19 from the previously recommended \$125,000 annually to \$137,000 annually.
 - (2) For each Councilmember, increase the authorized salary for FY 2017-18 and FY 2018-19 from the previously recommended \$92,000 annually to \$102,000 annually.
 - (3) Retain the levels of health, dental, life insurance and other benefits through FY 2017-2019 in accordance with the benefits provided to management employees in Unit 99 including vision insurance, flexible spending accounts: medical reimbursement account and dependent care assistant program, deferred compensation, accidental death and disability insurance, basic life insurance, dependent life insurance, employee assistance program, long term disability insurance, personal accident insurance, and voluntary accident and critical illness insurance.
 - (4) Retain the current retirement benefits offered under the CalPERS Tier 2 Plan and the PTC 457 Defined Contribution Plan.
 - (5) Retain the current vehicle allowance of \$500 per month for the Mayor and each member of the City Council.
 - (6) Continue to require Councilmembers to pay \$250 for each unexcused absence at scheduled Council meetings, pursuant to City Charter Section 407.
- (b) Adopt a resolution approving an increase in the stipend for non-City employee members of the retirement boards from \$225 to \$250 per board meeting.

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

(Deferred from 5/9/17 – Item 3.3)

3.4 Boards and Commissions Appointments.

Recommendation: Approve the following Board and Commissions appointments:

- (a) Council Appointment Advisory Commission:
 - (1) District 4 Seat: Appoint Quynh Ho for the term 6/27/2017 to 12/31/2018.
- (b) Downtown Parking Board:
 - (1) San José State University Representative Seat: Appoint for the term 7/1/2017 to 6/30/2021.
- (c) Housing and Community Development Commission:
 - (1) District 4 Seat: Appoint Huy Tran for the term 6/27/2017 to 6/30/2019.

(Item continued on the next page)

3. STRATEGIC SUPPORT

3.4 Boards and Commissions Appointments. (Cont'd.)

Recommendation:

- (d) Human Services Commission:
 - (1) District 4 Seat: Appoint Thi Ly for the term 6/27/2017 to 12/31/2018.
- (e) Parks and Recreation Commission:
 - (1) District 4 Seat: Appoint Kelly Snider for the term 6/27/2017 to 6/30/2019.
- (f) Youth Commission:
 - (1) District 6 Seat: Appoint for the term 6/27/2017 to 5/31/2018; and
 - (2) Citywide Seat: Appoint for the term 6/27/2017 to 5/31/2019.

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

3.5 Public Hearing on Recording Liens on Properties for the Reimbursement of the Cost of Sidewalk Repairs for the Fiscal Year 2017-2018 Santa Clara County Secured Property Tax Bill.

Recommendation:

- (a) Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs.
- (b) Adopt a resolution confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report.
- (c) Direct the recording of liens and the placement of charges as set forth therein on the 2017-2018 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs.

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

3.6 Third Quarter Financial Reports for Fiscal Year 2016-2017.

- * **Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on June 15, 2017, accept the following Third Quarter Financial Reports for Fiscal Year 2016-2017:

- (a) Debt Management Report;
- (b) Investment Management Report; and
- (c) Revenue Collection Report.

CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance)

[Public Safety, Finance and Strategic Support Committee referral 6/15/17 – Item (c)1.]

3. STRATEGIC SUPPORT

3.7 Actions Related to the Request for Proposals for Banking Services.

- * **Recommendation:** Accept staff's recommendation to include socially responsible criteria in the upcoming Request for Proposals for Banking Services, including scoring of Bank's compliance with the Community Reinvestment Act (CRA) and Bank's commitment to corporate citizenship and practices which promote environmental stewardship, consumer protection, human rights, diversity, and participation in activities such as charitable programs and scholarships, with each Bank responding to be evaluated, in part, on their CRA rating. These criteria are not applicable to investment banking, underwriting, lending or trustee services related to the issuance and management of the City's and related entities debt portfolio. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Finance)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Purchase and Sale Agreement with Del Grande Properties for Real Property Located at Almaden Blvd. and Carlisle St.

Recommendation: Adopt a resolution:

- (a) Approving the use of a Purchase and Sale Agreement between the City and Del Grande Properties for the sale of the City's 6,708 square feet of vacant surplus land at the corner of Almaden Blvd. and Carlisle St., Assessor's Parcel Number 259-35-029, in the amount of \$1,341,600; and
- (b) Authorizing the City Manager or his designee to negotiate and execute the Purchase and Sale Agreement, the deed, all other documents necessary to complete the transaction, and any amendments or modifications.

CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. Council District 3. (Economic Development)

4.2 Actions Related to the Partnership Agreement with the San José Unified School District and Almaden Valley Youth Soccer for the Pioneer High School Sports Field.

Recommendation: Adopt a resolution:

- (a) Supporting an Agreement to form a partnership with the San José Unified School District and Almaden Valley Youth Soccer to support the joint public use of any existing or future sports fields at Pioneer High School; and
- (b) Directing the City Manager or his designee to negotiate an agreement with the San José Unified School District, for review and approval by the City Council, outlining the terms for the transfer or use of a surplus City parcel to the San José Unified School District.

CEQA: Exempt, File No. PP17-042, CEQA Guidelines Section 15312, Surplus Government Property Sales. Council District 10. (Economic Development/Parks, Recreation and Neighborhood Services)

- * **NOT TO BE HEARD BEFORE 4:00 P.M.**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Public Hearing on the Reorganization of McKee 137.

Recommendation: Conduct a Public Hearing and adopt a resolution ordering the reorganization of territory designated as McKee 137 which involves the annexation to the City of San José of approximately 0.46 gross acres of land generally located on the north side of McKee Road, approximately 400 feet east of N. White Road, and the detachment of the same from the appropriate special districts including Santa Clara County 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)

4.4 Amendment to Title 20 – Zoning Code for Assembly Use and Incidental Shelter for the Homeless.

Recommendation:

- (a) Consider and adopt a resolution approving the Initial Study/Negative Declaration for the Incidental Homeless Shelter Ordinance described in (b).
- (b) Approve an ordinance amending Title 20 of the San José Municipal Code (the Zoning Code), to revise land use provisions for incidental shelter of homeless people, including: 1) Amending Sections 20.80.1600, 20.80.1610 and 20.80.1620, and adding Sections 20.80.1630 and 20.80.1640 to Part 17, Chapter 20.80, adding definitions of “Assembly Use”, “Incidental Shelter”, and “Places of Assembly”, creating standards for incidental shelter of homeless individuals and families, allowing the incidental shelter as an incidental permitted use to an existing legal assembly use where the shelter is provided inside existing buildings that are constructed and operating in compliance with the San José Municipal Code; and 2) Making other technical, formatting or non-substantive changes in the Zoning Code.

CEQA: Initial Study/Negative Declaration for the Incidental Homeless Shelter Municipal Code Amendment. (Planning, Building and Code Enforcement)

PP17-015 – Citywide

* **NOT TO BE HEARD BEFORE 4:00 P.M.**

4.5 Amendment to Title 13 of the San José Municipal Code for Private Encroachments within the City’s Public Right-of-Way and Public Easements.

Recommendation:

- (a) Approve an ordinance amending Part 1 of Chapter 13.36 and adding a new Chapter 13.37 to Title 13 of the San José Municipal Code to govern private encroachments within the City’s public right-of-way and other public easements.

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Amendment to Title 13 of the San José Municipal Code for Private Encroachments within the City’s Public Right-of-Way and Public Easements. (Cont’d.)

Recommendation:

- (b) Adopt a resolution approving the form of Encroachment Agreement with owners who construct or place encroachments within the City’s public right-of-way and other public easements.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), File No. PP17-045. (Public Works/Planning, Building and Code Enforcement)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 Naming of the North San José BART Station.

Recommendation: As recommended by the Rules and Open Government Committee on June 14, 2017, discuss, and possible action on, the naming of the North San José BART station. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy Change that involves no changes in the physical environment.
[Rules Committee referral 6/14/17 – Item A.2.]

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Public Hearing on the Commercial Solid Waste Customer Service Rates.

Recommendation:

- (a) Approve the Cooperative Agreement and Fourth Amendment to the Franchises Agreement with Allied Waste Services of North America, LLC to resolve a dispute about the living wage requirements in the Commercial Solid Waste and Recyclables Collection Franchises Agreement for sorters and housekeepers at the Newby Island Recyclery.
- (b) Adopt a resolution setting Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Cooperative Agreement and Fourth Amendment to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organic processing services.

(Item continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Public Hearing on the Commercial Solid Waste Customer Service Rates. (Cont'd.)

Recommendation:

CEQA: Not a Project, File No. PP10-067(a), Non-Specific Funding Mechanism, Increase or Adjustment to Fees, Rates & Fares. (Environmental Services/Public Works/City Attorney)

8. PUBLIC SAFETY

8.1 Santa Clara County Operational Area Hazard Mitigation Plan.

Recommendation: Adopt a resolution approving Volume 1 and the City of San José Annex, part of Volume 2, of the two-volume Santa Clara County Operational Area Hazard Mitigation Plan (SCC HMP), as the City of San José's local hazard mitigation plan. This action is pursuant to the Disaster Mitigation Act (DMA; Public Law 106-390), passed in 2000, which requires state and local governments to develop hazard mitigation plans as a condition for federal disaster grant assistance. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Fire)

8.2 Amendment to the Agreement with County of Santa Clara Emergency Medical Services Agency for 911 Emergency Medical Services.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Fourth Amendment to the "911 Emergency Medical Services Agreement between the City of San José and the County of Santa Clara Emergency Medical Services Agency" (Agreement) to extend the Agreement for up to two years. CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (Fire)

8.3 2016 Independent Police Auditor Year End Report.

Recommendation: Accept the 2016 Independent Police Auditor Year End Report. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports, Assessments and Annual Reports that involve no approvals of any City Actions. (Independent Police Auditor)
NOT TO BE HEARD BEFORE 3:00 P.M.

8. PUBLIC SAFETY SERVICES

8.4 San José Police Department Internal Affairs Department Initiated Investigation Report.

Recommendation: Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for CY 2016. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports, Assessments and Annual Reports that involve no approvals of any City Actions. (Police)
NOT TO BE HEARD BEFORE 3:00 P.M.

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 6:00 p.m.

10. LAND USE

(To be heard by the City Council at 6:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 10.1) 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 10.1) and considered separately.

10.1 Public Hearing on Consent Calendar.

(a) **Conforming Rezoning for the Real Property Located at 2281 Plummer Avenue.**

Recommendation: Consideration of an ordinance of the City of San José rezoning an 8.79-gross acre site (Presentation High School), located on the East side of Booksin Avenue, approximately 550 feet southerly of Curtner Avenue (2281 Plummer Avenue) from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District (Presentation High School SJ, Owner). CEQA: Determination of Consistency with Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617). Planning Commission recommends approval (5-0-2, Abelite and Pham absent). (Planning, Building and Code Enforcement)

C17-016 – Council District 6

[Deferred from 6/13/17 – Item 10.1(d)]

(b) **Planned Development Permit and Determination of Public Convenience or Necessity for the Real Property Located at 1710 Oakland Road.**

Recommendation: Adopt a resolution approving a Planned Development Permit and a Determination of Public Convenience or Necessity, subject to conditions, to allow the off-sale of alcohol (ABC Type 21 License) of a full range of alcoholic beverages at a 42,640-square foot full-service grocery store (H-Mart) on a 7.5-gross acre site, in the A(PD) Planned Development Zoning District, located on the northeast corner of Oakland Road and Murphy Avenue (1710 Oakland Road) (ROIC California LLC, Owner). CEQA: Exempt per CEQA Guidelines Section 15303 for Existing Facilities. Planning Commission recommends approval (6-0-1; Bit-Badal absent). (Planning, Building and Code Enforcement)

PD16-038 & ABC17-001 – Council District 4

END OF CONSENT CALENDAR

10. LAND USE

10.2 Planned Development Rezoning and Planned Development Permit for Real Property Located at 5550 Cottle Road.

Recommendation:

- (a) Adopt a resolution approving the Initial Study/Addendum to the San José Lowe's Final Environmental Impact Report for which an Initial Study was prepared, and adoption of a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended.
- (b) Consideration of an ordinance of the City of San José rezoning certain real property on a 2.4 gross acre site, located at the northeast corner of Cottle Road and Poughkeepsie Road (5550 Cottle Road) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District on approximately 17.1 gross acre site (Lowe's Hiw Inc, Owner).
- (c) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow a 3867 square foot fast food restaurant with drive through use in the Lowe's Shopping Center.

CEQA: Initial Study/Addendum to the San José Lowe's Final Environmental Impact Report (Resolution No. 73814) and Addenda thereto. Planning Commission recommends approval (6-0-1; Allen absent). (Planning, Building and Code Enforcement)

PDC17-003 & PD17-001 – Council District 2

[Deferred from 6/13/17 – Item 10.4]

10.3 Conditional Use Permit and Determination of Public Convenience or Necessity for the Real Property Located at 3840 Monterey Road.

Recommendation: Adopt a resolution approving a Conditional Use Permit and Determination of Public Necessity, subject to conditions, to allow the off-sale of beer and wine only (ABC Type 20 License) as part of a full-service grocery store (up to 120 square feet dedicated) on a 2.17-gross acre site, located at the northeasterly corner of Rancho Drive and Monterey Road (3840 Monterey Road) (Jason Noghrey, Owner). CEQA: Exempt, CEQA Guidelines Section 15301(a), Existing Facilities. Planning Commission recommends approval (6-0-1, Bit-Badal absent). (Planning, Building and Code Enforcement)

CP16-010 & ABC17-003 – Council District 7

10.4 Continue General Plan Hearing from May 16, 2017 and June 13, 2017.

10. LAND USE

10.5 General Plan Amendment: Winchester and Santana Row/Valley Fair Urban Village Plans.

Recommendation: Adopt a resolution approving the Winchester and Santana Row/Valley Fair Urban Village Plans, and a General Plan Amendment modifying Plan boundaries and General Plan land use designations. CEQA: Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617). Planning Commission recommends approval 5-0-2 (Abelite and Pham absent). (Planning, Building and Code Enforcement)

GP17-008 – Council Districts 1 & 6

10.6 General Plan Amendment: Stevens Creek Urban Village Plan.

Recommendation: Adopt a resolution approving the Stevens Creek Urban Village Plan, and General Plan amendment modifying the Plan boundary and General Plan land use designations. CEQA: Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617). Planning Commission recommends approval (6-0-1; Allen absent). (Planning, Building and Code Enforcement)

GP17-009 – Council District 1

10.7 Close General Plan Hearing.

- 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.