



# CITY COUNCIL AGENDA

**JUNE 21, 2016**

## SYNOPSIS

CHAPPIE JONES  
ASH KALRA  
RAUL PERALEZ  
MANH NGUYEN  
MAGDALENA CARRASCO

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

SAM LICCARDO MAYOR

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

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

- **Call to Order and Roll Call**  
8:41 a.m. - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: Herrera.**  
  
1:32 p.m. Open Session  
**Absent Council Members: All Present.**
- **Invocation (District 6)**  
Rabbi Menachem Levine, Congregation Am Echad offered the Invocation.
- **Pledge of Allegiance**  
Mayor Sam Liccardo led the Pledge of Allegiance.
- **Orders of the Day**  
*Heard after Ceremonial Items.*  
The Orders of the Day and the Amended Agenda were approved, with two ceremonials from June 14, 2016 added to the June 21, 2016 Special Evening Meeting.

- **Closed Session Report**  
*Heard after Ceremonial Items.*

City Attorney Doyle disclosed the following Closed Session actions of June 21, 2016:

**A. Authority to Pursue Appellate Review in a Litigation Case:**

**Case Name:** Stand for San José, et al. v. City, et al.

**Adverse Party of Parties:** Stand for San José, Eileen Hannan, Michelle Brenot, Robert Brown, Karen Shirey, Fred Shirey and Robert Shields.

**Substance of Litigation:** Appeal of court’s order for attorney fees.

**Council Vote: Ayes:** Carrasco, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

**Noes:** None.  
**Abstain:** None.  
**Not Present:** Herrera.

## **1. CEREMONIAL ITEMS**

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**1.1** Presentation of a commendation to Estela Ramirez, Elena Castellon, Olga Garcia, Hector Espinoza and Victor Angeles for their 10 years of dedicated service, hard work and commitment to San José City Hall. (Peralez)

**Mayor Sam Liccardo and Council Member Raul Peralez recognized and commended Estela Ramirez, Elena Castellon, Olga Garcia, Hector Espinoza and Victor Angeles for their dedication.**

**1.2** Presentation of a proclamation recognizing June 25 and 26, 2016 as, “Radio Amateur Civil Emergency Service (R.A.C.E.S.) Field Day,” in the City of San José. (Khamis)  
**Mayor Sam Liccardo and Council Member Khamis recognized June 25 through June 26, 2016 as “Radio Amateur Civil Emergency Service (R.A.C.E.S.) Field Day.”**

## **2. CONSENT CALENDAR**

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**2.1 Approval of Minutes.**  
There were none.

## 2. CONSENT CALENDAR

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### 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29743 – An ordinance of the Council of the City of San José dedicating as public right-of-way approximately 27,000 square feet of property along the west side of Zanker Road located over a portion of the San José-Santa Clara Regional Wastewater facility for the purpose of constructing roadway improvements on Zanker Road. CEQA: Addendum to the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR, File No. PP15-120. (Environmental Services/Public Works)  
**Ordinance No. 29743 adopted.**

### 2.3 Approval of Council Committee Minutes.

**Recommendation:** Approval of Council Committee Minutes.

- (a) Community and Economic Development Committee Minutes of May 23, 2016. (Khamis)  
(b) Rules and Open Government Committee Minutes of May 25, 2016. (Mayor)  
(c) Rules and Open Government Committee Minutes of June 1, 2016. (Mayor)  
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.  
[Deferred from 6/14/16 – Items 2.3(a) and (b)]  
**Approved.**

### 2.4 Mayor and Council Excused Absence Requests. There were none.

### 2.5 City Council Travel Reports. No Report.

### 2.6 Report from the Council Liaison to the Retirement Boards. No Report.

### 2.7 Actions Related to the Agreement with ICF Jones & Stokes, Inc. to provide Financial and Strategic Planning at the Airport.

**Recommendation:**

- (a) Approve a Master Consultant Agreement with ICF Jones & Stokes, Inc. to provide Financial and Strategic Planning at Norman Y. Mineta San José International Airport for a term of three years from the date of approval, with two one-year options by the City to extend, in an amount not to exceed \$500,000, with each service order subject to appropriation of funds.

**Approved.**

## 2. CONSENT CALENDAR

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### 2.7 Actions Related to the Agreement with ICF Jones & Stokes, Inc. to provide Financial and Strategic Planning at the Airport. (Cont'd.)

- (b) Adopt a resolution authorizing the City Manager to exercise up to two one-year options to extend the Agreement, with no increase in total compensation.  
CEQA: Not a Project, File No. PP10-066(d), Consultant services for design/study/research/inspection. (Airport)  
**Resolution No. 77793 adopted.**

### 2.8 Actions Related to the Agreement with Faith Group, LLC for Airport Chief Technology Officer Services at the Airport.

**Recommendation:**

- (a) Approve a Consultant Agreement with Faith Group, LLC to provide Airport Chief Technology Officer services at the Norman Y. Mineta San José International Airport for a term of five years, effective July 5, 2016, with two one-year options by the City to extend, in an amount not to exceed \$1,189,000 for the base term and the option years, subject to the appropriation of funds.  
**Approved.**

- (b) Adopt a resolution authorizing the City Manager to exercise up to two one-year options to extend the Agreement, with no increase to the total compensation.  
CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (Airport)  
**Resolution No. 77798 adopted.**

### 2.9 Agreement with West Publishing Corporation for Online Legal Research Service.

**Recommendation:** Adopt a resolution authorizing the City Attorney to:

- (a) Negotiate and execute an Agreement with West Publishing Corporation for its Westlaw online legal research service for an initial term beginning July 1, 2016 through June 30, 2019 for a maximum compensation not to exceed \$174,480, subject to the annual appropriation of funds.
- (b) Execute up to three one-year options to extend the term of the Agreement through June 30, 2022, for an estimated maximum compensation not to exceed \$185,520, subject to the annual appropriation of funds.

CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (City Attorney)  
**Resolution No. 77799 adopted.**

## 2. CONSENT CALENDAR

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### 2.10 Revisions to the Regulations and Procedures of the San José Ethics Commission.

**Recommendation:** Adopt a resolution revising the regulation and procedures of the San José Ethics Commission, and repealing Council Resolution No. 76954, which sets forth the current regulations and procedures for the San José Ethics Commission's investigations and hearings. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney)

**Deferred to June 28, 2016 per Administration.**

### 2.11 Amendment to Title 12 of the Municipal Code in Accordance with the Amended Political Reform Act.

**Recommendation:** Approve an ordinance amending Section 12.06.040 of Chapter 12.06 of Title 12 of the San José Municipal Code to amend the definition of "committee" to increase the qualifying threshold from \$1,000 to \$2,000 to be in accordance with the Political Reform Act. CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making. (City Attorney)

**Deferred to June 28, 2016 per Administration.**

### 2.12 Amendment to Agreement with Hogan Lovells US LLP for Legal Services Related to Airport Matters.

**Recommendation:** Adopt a resolution authorizing the City Attorney to execute a Thirteenth 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, 2016 to June 30, 2017, 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)

**Resolution No. 77800 adopted.**

### 2.13 Agreement with Gonzalez, Quintana, Hunter & Cruz, LLC and California Consulting, LLC for State Legislative Advocacy Services.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Gonzalez, Quintana, Hunter & Cruz for legislative representation services in Sacramento for three years for the period July 1, 2016 to June 30, 2019, for a total amount not to exceed \$360,000, subject to the annual appropriation of funds.
- (b) Negotiate and execute an Agreement with California Consulting, LLC for grant writing services for three years for the period of July 1, 2016 to June 30, 2019, for a total amount not to exceed \$78,000, subject to the annual appropriation of funds.

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

**Resolution No. 77801 adopted.**

## 2. CONSENT CALENDAR

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### 2.14 Amendment to the Agreement with Squire Patton Boggs LLP for Federal Legislative Advocacy Services.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Amendment to the current Agreement with Squire Patton Boggs LLP for legislative representation services in Washington, D.C. to extend the term for one year for the period July 1, 2016 to June 30, 2017, in an amount not to exceed \$144,000, subject to the appropriations of funds; and
- (b) Exercise an option to extend the Agreement for an additional one-year term from July 1, 2017 to June 30, 2018, in an amount not to exceed \$144,000, 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. (City Manager)

**Resolution No. 77802 adopted.**

### 2.15 City Manager's Travel to Baltimore, Maryland.

**Recommendation:** Authorize travel for City Manager, Norberto Dueñas to Baltimore, Maryland on June 26 – 29, 2016 to participate in the National Summit on Preventing Youth Violence – *A Hopeful Future: Sustaining Our Work to End Youth Violence*. Source of Funds: City Manager's Non Personal Services Appropriation. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)

**Approved.**

### 2.16 Declaration of a 20 Percent Water Shortage.

**Recommendation:** Adopt a resolution, to be in effect through June 30, 2017, declaring a Citywide water shortage of 20 percent and limiting use of potable water for landscape and turf irrigation to three scheduled days per week, except when watering by hand or by drip irrigation, or for maintenance of public parks, playing fields, day care centers, golf course greens, and school grounds, provided such irrigation is done in a water efficient manner, or for fire protection, soil erosion control, plants/trees grown for consumption, nursery/garden center plants for sale, and environmental mitigation projects. CEQA: Exempt, File No. PP15-032. (Environmental Services)

***Item 2.16 was Renumbered to Item 7.2. Please see Item 7.2 for Action.***



## 2. CONSENT CALENDAR

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### 2.17 Set a Public Hearing for the Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessment.

**Recommendation:** Adopt a resolution to:

- (a) Set a Public Hearing for Tuesday, August 9, 2016, at 1:30 p.m. to approve the placement of the 2016-2017 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessment on the 2016-2017 Santa Clara County Secured Property Tax Roll, and direct the City Clerk to publish notice of the time and place of the Public Hearing.
- (b) Allow the Director of Finance to file the Fiscal Year 2016-2017 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Report with the City Clerk on or before July 15, 2016 instead of July 5, 2016.

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

**Deferred to June 28, 2016 per Administration.**

### 2.18 Set a Public Hearing for the Annual Residential Solid Waste Collection Service Charges.

**Recommendation:** Adopt a resolution to set a Public Hearing for Tuesday, August 9, 2016, at 1:30 p.m. to approve the placement of the 2016-2017 Annual Residential Solid Waste Collection Service Charges and any previously unbilled Residential Solid Waste Collection Service Charges on the 2016-2017 Santa Clara County Secured Property Tax Roll, and direct the City Clerk to publish notice of the time and place of the Public Hearing. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (Finance)

**Deferred to June 28, 2016 per Administration.**

### 2.19 Actions Related to the Purchase Order with Tucker Construction, Inc.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Tucker Construction, Inc. (San José, CA) to provide all labor, material and equipment to perform expansion joint and concrete maintenance and repair services at the Regional Wastewater Facility for the term June 22, 2016 through June 21, 2017, in an amount not-to-exceed \$300,000.
- (b) Approve a contingency of \$50,000 in the event that additional repairs are required.
- (c) Exercise up to four, one-year options to extend the term through June 30, 2021, with any price increases subject to approval by the City and subject to the annual appropriation of funds.

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

**Resolution No. 77803 adopted.**

## 2. CONSENT CALENDAR

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### 2.20 Purchase Order with Pierce Manufacturing, Inc. for Tractor Drawn Aerial Ladder Fire Truck.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Pierce Manufacturing, Inc. for the purchase of one Tractor Drawn Aerial Ladder Fire Truck, in an amount not to exceed \$1,239,287 excluding applicable sales tax and license fees.
- (b) Approve a contingency of \$20,000 to fund any additional costs for final design or configuration changes.

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

**Resolution No. 77804 adopted.**

### 2.21 Grant Application for National Endowment for the Humanities for the Library.

**Recommendation:** Adopt a resolution authorizing the City Manager to submit a grant application, not to exceed \$350,000, to the National Endowment for the Humanities to support the Library Department's California Room Digitization project, and authorizing the City Manager to negotiate and execute all related agreements subject to accepting an award and the appropriation of funds. CEQA: Not a Project, File No. PP10-068(a), General Procedure and Policy Making. (Library)

**Resolution No. 77805 adopted.**

### 2.22 Downtown High-Rise Development Incentive Parkland Fee Reduction.

**Recommendation:** Adopt a resolution amending Exhibit B of Resolution No. 73587, as amended, to remove the sunset date of June 30, 2016, for the deferral of payment of parkland fees charged pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code for high-rise multi-family residential projects located in the Downtown Core area. CEQA: Not a Project, File No. PP10-067, Section No. 15273, Rates, Tolls, Fares, and Charges. Council District 3. (Parks, Recreation and Neighborhood Services)

*Item 2.22 was Renumbered To Item 4.2. See Item 4.2 for Action.*

### 2.23 Bond-Funded Softball Project Update (Arcadia Softball Facility).

**Recommendation:** Accept the report on the status of the development of the proposed Citywide softball facility. CEQA: Evergreen East Hills Vision Strategy and Supplemental EIR, Resolution No. 74742, File No. PP14-088. Council District 8. (Parks, Recreation and Neighborhood Services)

**Accepted.**

## 2. CONSENT CALENDAR

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### 2.24 Amendment to the Parkland Agreement with the Flea Market, Inc., Bumb & Associates, BGT Development, LLC, and KB Home South Bay Inc.

**Recommendation:** Approval of a First Amendment to Parkland Agreement with The Flea Market, Inc., Bumb & Associates, BGT Development, LLC, and KB Home South Bay Inc., to extend the date of parkland dedication from May 31, 2016 to three years from the effective date of this amendment and amend Exhibit C to reflect the current surplus of 1.445 acres in parkland credit. CEQA: San José Flea Market EIR, File No. PDC03-108, Resolution No. 73956, for park site. (Parks, Recreation and Neighborhood Services)

**Approved.**

### 2.25 Amendment to the Agreement with Compass Group USA, Inc. for Senior Nutrition Services.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute a First Amendment to the Agreement between the City of San José and Compass Group USA, Inc. by and through its Bateman division for senior nutrition services at multiple City-owned community centers to add an additional \$89,534 for a total contract not to exceed amount of \$2,149,534. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

**Resolution No. 77806 adopted.**

### 2.26 Actions Related to the Request for Qualifications for Community Services.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute all grant agreements, amendments and extensions with San José Conservation Corps and San José Streets Team for the following departments and terms:

- (a) Parks, Recreation and Neighborhood Services Department with a term of one year, beginning on or after July 1, 2016, with the option to extend the agreement for up to four additional one-year terms through June 30, 2021, with the first year compensation in an amount not to exceed \$360,000 and with compensation for subsequent years subject to City Council appropriation.
- (b) Environmental Services Department with a term of one year, beginning on or after July 1, 2016, with the option to extend the agreement for up to four additional one-year terms through June 30, 2021, with the first year compensation in an amount not to exceed \$300,000 and with compensation for subsequent years subject to City Council appropriation.
- (c) Housing Department with a term of one year, beginning on or after July 1, 2016, with the option to extend the agreement for up to four additional one-year terms through June 30, 2021, with the first year compensation in an amount not to exceed \$365,000 and with compensation for subsequent years subject to City Council appropriation.

## 2. CONSENT CALENDAR

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### 2.26 Actions Related to the Request for Qualifications for Community Services. (Cont'd.)

- (d) Department of Transportation with a term of one year, beginning on or after July 1, 2016, with the option to extend the agreement for up to four additional one-year terms through June 30, 2021, with the first year compensation in an amount not to exceed \$50,000 and with compensation for subsequent years subject to City Council appropriation.

CEQA: Exempt, Section 15301 Existing Facilities, File No. PP16-042. (Parks, Recreation and Neighborhood Services)

**Resolution No. 77807 adopted.**

### 2.27 Actions Related to the Department of Parks, Recreation and Neighborhood Services 2016-2017 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 in the staff memorandum) consistent with the 2016-2017 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 in the staff memorandum).
- (c) Authorize the City Manager to accept any funds exceeding the figures identified in Attachment B in the staff memorandum 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 which require approval for budgetary adjustments and appropriations actions necessary for such programs.
- (d) Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2016-2017 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment C in the staff memorandum) consistent with Adopted Budget amounts for the following City programs or services:
  - (1) After School Education and Safety;
  - (2) Bringing Everyone's Strengths Together;
  - (3) Children's Health Program;
  - (4) Citywide Aquatics Program;

## 2. CONSENT CALENDAR

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### 2.27 Actions Related to the Department of Parks, Recreation and Neighborhood Services 2016-2017 Agreements. (Cont'd.)

- (d) (5) Community Center Reuse Program;
- (6) Family Camp Facility Use Agreement(s);
- (7) Grace Baptist Church;
- (8) Happy Hollow Education Program Leisure and Recreation Fee Class Vendor Agreements;
- (9) Leisure and Recreation Programs;
- (10) Little League Agreement(s);
- (11) Mayor's Gang Prevention Task Force;
  - (a) Grant Revenue
  - (b) Related Sub-Contractor Agreements where applicable
  - (c) Facility Use
  - (d) Memoranda of Understanding
- (11) (e) Evaluation Consultant Agreements for the Mayor's Gang Prevention Task Force and Bringing Everyone's Strengths Together programs
- (12) Recreation of City Kids Program;
- (13) Safe Summer Initiative Grant;
- (14) Senior Education and Outreach Grants;
- (15) Senior Health and Wellness Grants;
- (16) Senior Transportation Services; and
- (17) Summer Food Service Program.

CEQA: Not a Project, File PP10-066(e), Services that involve no change to the environment and any future actions would require further environmental review. (Parks, Recreation and Neighborhood Services)

**Resolution No. 77808 adopted.**

### 2.28 Agreements with the Santa Clara Valley Open Space Authority for the Coyote Creek Trail and Thompson Creek Trail.

**Recommendation:** Adopt a resolution authorizing the City Manager to submit, negotiate and execute Grant Agreements with the Santa Clara Valley Open Space Authority for an amount up to \$1,040,000 for the following projects:

- (a) Coyote Creek Trail (Singleton Road Crossing) for \$200,000; and
- (b) Thompson Creek Trail (Tully Road to Quimby Road) for \$840,000.

CEQA: Coyote Creek Trail (Singleton Road Crossing) – Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR and Final Supplemental EIR, File No. PP16-055 and Thompson Creek Trail - Mitigated Negative Declaration, File No. PP04-283. Council Districts 7 and 8. (Parks, Recreation, and Neighborhood Services)

**Resolution No. 77809 adopted.**

## 2. CONSENT CALENDAR

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### 2.29 Amendment to Title 24 of the Municipal Code Relating to Fee Refunds.

**Recommendation:** Approve an ordinance amending Section 24.02.450 of Chapter 24.02 of Title 24 of the San José Municipal Code to facilitate the fee refund process. CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making Resulting in No Physical Change in the Environment. (Planning, Building and Code Enforcement)  
**Ordinance No. 29749 passed for publication.**

### 2.30 Contract Change Order for 6736 – Large Trash Capture Device Installation - Phase III Project.

**Recommendation:** Approve Contract Change Order No. 1 for 6736 – Large Trash Capture Device Installation - Phase III project in the amount of \$289,100 and extension of 10 working days for a total contract time of 130 working days. CEQA: Citywide Large Trash Capture Device Installation Addendum to a Mitigated Negative Declaration, File No. PP15-081. Council Districts 2 and 7. (Public Works)  
**Approved.**

### 2.31 Maintenance District Budget Reports for Fiscal Year 2016-2017.

**Recommendation:** Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2016-2017 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: Exempt, File No. PP13-057, Landscape maintenance. Council Districts 2, 3, 4 and 8. (Public Works)  
**Resolution Nos. 77810, 77811, 77812, 77813, 77814, 77815, 77816, 77817, 77818, 77819, 77820, 77821 and 77822 adopted.**

### 2.32 Amendment to the Agreement with AECOM Technical Services, Inc. for Design and Construction City Projects.

**Recommendation:** Approve the Second Amendment to the Master Agreement with AECOM Technical Services, Inc., for various City projects to extend the term of the Agreement from June 30, 2016 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 and Contracts. (Public Works)  
**Approved.**

## 2. CONSENT CALENDAR

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### 2.33 Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2016-2017.

**Recommendation:** Adopt a resolution:

- (a) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2016-2017 as filed or modified by Council;
- (b) Confirming the individual assessments as proposed, or modified by Council.
- (c) Directing the City to pay the assessment on City-owned property within the district in the amount of approximately \$10,047.
- (d) Directing the Director of Public Works to deliver the assessment role to the County for collection with the property taxes.

CEQA: Exempt, File No. PP13-057, Landscape maintenance in the public right-of-way and public facilities. Council District 6. (Public Works)

**Resolution No. 77823 adopted.**

### 2.34 Summary Vacation of a Building Setback Line Easement Located at 1026 Woodview Place.

**Recommendation:** Adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of an approximately 2,498 square foot portion of the 20-foot Building Setback Line Easement (“BSL”) at 1026 Woodview Place.
- (b) Summarily vacating a portion of the BSL which is in excess and no longer necessary for public purposes.
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Exempt, File No. PDA81-029-01. Council District 10. (Public Works)

**Resolution No. 77824 adopted.**

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

**Recommendation:** Approve the Second 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, 2016 to June 30, 2017 at no additional cost for a total amount not to exceed \$500,000. CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design with no commitment to future action. (Public Works)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.36 Report on Bids and Award of Contract for the 6325 – Thompson Creek Trail (Tully Road – Quimby Road) Rebid Project.

**Recommendation:**

- (a) Report on bids and award of construction contract for the 6325 – Thompson Creek Trail (Tully Road – Quimby Road) Rebid Project to the low bidder, Bridgeway Civil Constructors, Inc., for the base bid and Bid Alternate No. 1 for a total of \$1,174,068, and approval of a contingency in the amount of \$117,406.

**Approved.**

- (b) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction and Conveyance Tax Fund: Parks Purposes Council District 8:
- (1) Increase the appropriation Trail: Thompson Creek (Tully Road to Quimby Road) appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$834,000.
  - (2) Decrease the Infrastructure Backlog Reserve by \$700,000.
  - (3) Decrease the Unrestricted Ending Fund Balance by \$134,000.

CEQA: Mitigated Negative Declaration, File No. PP14-057. Council District 8. (Public Works/Parks, Recreation, and Neighborhood Services/City Manager)

**Ordinance No. 29759 adopted.**

**Resolution No. 77793 adopted.**

### 2.37 Actions Related to the Agreement with Santa Clara Valley Transportation Authority for the Santa Clara-Alum Rock Bus Rapid Transit Project.

**Recommendation:**

- (a) Approve a Second Amendment for Final Design Services with the Santa Clara Valley Transportation Authority for the Santa Clara-Alum Rock Bus Rapid Transit (SC/AR BRT) Project in an amount not to exceed \$375,000 compensation from the VTA and extend the term to December 31, 2016.

**Approved.**

- (b) Adopt the following 2015-2016 Appropriation Ordinance and Funding Source Resolution amendments in the Construction Excise Tax Fund:
- (1) Increase the estimate for Earned Revenue by \$375,000.
  - (2) Increase the SC/AR BRT appropriation to the Department of Transportation by \$375,000.

**Ordinance No. 29760 adopted.**

**Resolution No. 77794 adopted.**



## 2. CONSENT CALENDAR

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### 2.37 Actions Related to the Agreement with Santa Clara Valley Transportation Authority for the Santa Clara-Alum Rock Bus Rapid Transit Project. (Cont'd.)

- (c) Adopt a resolution authorizing the City Manager to negotiate and execute a Third Amendment for the Final Design Services with the Santa Clara Valley Transportation Authority for the SC/AR BRT Project to increase the City's compensation by up to \$100,000 and to extend the term of the agreement for up to one year.

CEQA: Bus Rapid Transit on Santa Clara Avenue and Alum Rock Avenue Final EIR.  
(Public Works / City Manager)

**Resolution No. 77825 adopted.**

### 2.38 Sponsored Travel to Toronto for Big Transportation Data for Big Cities Conference.

#### **Recommendation:**

- (a) Retroactively accept an invitation from the City of Toronto, Ontario, Canada, to participate in the Big Transportation Data for Big Cities Conference in Toronto on June 12-15, 2016. In collaboration with the City of Toronto, the University of Toronto will be partially reimbursing invited cities for the cost of attending the conference.
- (b) Retroactively approve travel to Toronto for Kevin O'Connor, Assistant Director of Transportation, Chris Mills, Transportation Department IT Manager, and Nhon Nguyen, DOT Data Analyst, as San José's representatives at the conference.

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

**Approved.**

### 2.39 Actions Related to the Resolution Establishing Speed Limits.

**Recommendation:** Adopt a resolution to repeal Resolution No. 77339 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 two roadways, including portions of First Street and Gish Road.
- (b) Establish a 15 mph school zone speed limit on Plummer Avenue between Maxine Avenue and Minardi Avenue.

CEQA: Exempt, File No. PP10-113. Council Districts 3, 6, and 7. (Transportation)

**Resolution No. 77826 adopted.**

## 2. CONSENT CALENDAR

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### 2.40 Report on Bids and Award of Contract for the 7722 – North First Street Safety Enhancement Project.

**Recommendation:**

(a) Report on bids and award of a construction contract for the 7722 – North First Street Safety Enhancement Project, to the low bidder, Graham Contractors, Inc. in the amount of \$758,470.

(b) Approve a 10% contingency in the amount of \$75,847.

CEQA: Exempt, File No. PP13-069. Council District 4. (Transportation)

**Approved.**

### 2.41 Actions Related to the Parking Agreement with WeWork for Parking Facilities.

**Recommendation:** Adopt a resolution:

(a) Authorizing the City Manager or designee to negotiate and execute the Parking Agreement with WeWork, for the issuance of up to 219 parking permits for use at various City owned and/or operated parking facilities for up to five years.

(b) Authorizing the City Manager, or designee, to approve amendments to the parking agreement.

CEQA: Not a Project, File No. PP10-066(f), Agreement for lease of existing space. Council District 3. (Transportation)

**Dropped.**

### 2.42 Amendment to the Agreement with Mark Thomas & Company, Inc. for the US 101/Mabury Road Interchange Project.

**Recommendation:** Approve the First Amendment to the Agreement between the City of San José and Mark Thomas & Company, Inc. for engineering consultant services for the US 101/Mabury Road interchange project to extend the term from July 1, 2016 to December 31, 2018, at no additional cost. CEQA: Oakland/Mabury Transportation Development Policy EIR (“TDP EIR”) (Resolution 74195.1 adopted 12/18/2007, as addended in September 2009 by File No. PDC09-006) and Addenda thereto. Council Districts 3 and 4. (Transportation)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.43 Actions Related to the Grant Application for the Santa Clara Valley Water District for a Habitat Restoration Grant.

**Recommendation:** Adopt a resolution authorizing the City Manager or designee to:

- (a) Execute and submit a grant application to the Santa Clara Valley Water District for a Habitat Restoration Grant entitled “Safe, Clean Water and Natural Flood Protection Program D3 Grants and Partnerships to Restore Wildlife Habitat” in the amount not to exceed \$191,040 for a total project cost of \$502,039 in the Evergreen Specific Plan area.
- (b) Certify that the City of San José has allocated sufficient funds to construct and maintain the creek as identified in the project scope, that funds are available to begin the project, and that the City of San José will expend the funds prior to January 2018.
- (c) Conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, and payment requests which may be necessary for the completion of the grant application and project.

CEQA: Exempt, File Nos. PP16-029 & PP16-030. Council District 8. (Transportation)  
**Resolution No. 77827 adopted.**

### 2.44 Actions Related to Mayor Liccardo’s Travel to Baltimore, Maryland.

**Recommendation:** Approve travel for Mayor Liccardo’s travel to Baltimore, Maryland from June 26, 2016 to June 27, 2016 for the opening portion of the U.S. Department of Justice, Summit on Preventing Youth Violence. Source of Funds: U.S. Department of Justice, Office of the Assistant Attorney General. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities, Travel. (Mayor)

**Approved.**

### 2.45 Approval of an Olympic Flag Raising Ceremony.

**Recommendation:** Approve the Olympic Flag Raising Ceremony on June 23, 2016, in recognition of the 2016 US Olympic Trials – Gymnastics. CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Economic Development)

**Approved.**

### 2.46 National Night Out.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 15, 2016:

- (a) Approve the National Night Out scheduled for August 2, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (City Clerk)  
[Rules and Open Government Committee referral 6/15/16 – Item G.1.a.]

**Approved.**

### 3. STRATEGIC SUPPORT SERVICES

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

City Manager Norberto Dueñas announced that Rob Lloyd has been appointed as Chief Information Officer. Rob Lloyd provided a brief background of his achievements. City Manager Norberto Dueñas recognized and thanked Vijay Sammeta for his outstanding service and dedication as Chief Information Officer.

Council Member Pierluigi Oliverio requested the City Manager to provide information about whether the property owners that would be affected by the Riparian Corridor Ordinance were contacted.

#### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.

**Heard at 8:41 a.m.**

**No Report.**

#### 3.3 Approval of Various Actions for Fiscal Year 2015-2016.

**Recommendation:** Adopt 2015-2016 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund attachments to this memorandum. CEQA: Not a Project, File No PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (City Manager)

*Heard before the Consent Calendar.*

**Ordinance No. 29761 adopted.**

**Resolution No. 77795 adopted.**

#### 3.4 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2016-2017 Budget, and Resolution Establishing the Fiscal Year 2016-2017 Appropriation Limit.

**Recommendation:**

(a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2016-2017 and the Manager's Final Budget Addendum.

**Ordinance No. 29762 adopted.**

(b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2016-2017 and the Manager's Final Budget Addendum.

**Resolution No. 77796 adopted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2016-2017 Budget, and Resolution Establishing the Fiscal Year 2016-2017 Appropriation Limit. (Cont'd.)

- (c) Adopt a resolution taking the following actions with respect to the City's 2016-2017 "Gann Limit":
- (1) Elect the per capita income index as the inflation factor for 2016-2017 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 County of Santa Clara population growth index as the population factor for 2016-2017.
  - (3) Establish the Fiscal Year 2016-2017 Appropriation Limit at \$1,051,760,606 in compliance with Article XIII B of the State Constitution.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager)  
**Resolution No. 77828 adopted.**

- (d) Adopt a resolution amending the Schedule of Fees and Charges for Use of City Hall and City Hall Plaza, and superseding Resolution No. 76968, to add a lighting fee for the City Hall Rotunda, effective July 1, 2016, as follows:
- (1) \$1,000 per day for one color.
  - (2) \$1,500 per day for two colors.
  - (3) \$2,000 per day for three or more colors.

**Resolution No. 77829 adopted.**

CEQA: Not a project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates & Fares. (Public Works/City Manager)

- (e) Adopt a resolution to repeal Resolution No. 77377 and set forth the Schedule of Parking Penalties and Late Payment Penalty for Parking Violations to increase the penalty for non-permitted cars parked and stored in residential permit zones from \$65 to \$70, effective July 1, 2016. CEQA: Not a project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates & Fares. (Transportation)

*Heard before the Consent Calendar.*

**Resolution No. 77830 adopted.**

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.5 Actions Related to the 2016 Tax and Revenue Anticipation Note.**

**Recommendation:**

- (a) Adopt a resolution:
  - (1) Authorizing the issuance and sale of the City of San José 2016 Tax and Revenue Anticipation Note (the “2016 Note”) in the not to exceed principal amount of \$100,000,000 to be sold through a private placement.
  - (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 2016 Note and authorizing other related actions in connection therewith.

**Resolution No. 77831 adopted.**

- (b) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
  - (1) Increase the estimate for Other Revenue in the amount of \$100,000,000.
  - (2) Increase the Citywide TRANs Debt Service appropriation to the Finance Department in the amount of \$100,000,000.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts and File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance / City Manager)

*Heard before the Consent Calendar.*

**Ordinance No. 29763 adopted.**

**Resolution No. 77797 adopted.**

#### **3.6 Planning Commission Interviews.**

**Recommendation:**

- (a) Interview applicants for appointment to the Planning Commission.
- (b) Appoint up to four (4) applicants to the Planning Commission to an unexpired term ending June 30, 2020.
- (c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

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

*Heard Last.*

**Michelle Yesney and Shiloh Ballard were appointed unanimously. (11-0.)**

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.7 Approve Policy and Municipal Code Updates for Boards and Commissions.**

**Recommendation:**

- (a) Adopt a resolution to approve Council Policy 0-4, “Consolidated Policy Governing Boards and Commissions,” updating and combining Council Policy 0-4 (Consolidated Board and Commission Policies) and Council Policy 0-36 (City Council/Commission Code of Conduct).
- (b) Approve an ordinance amending various sections of Chapter 2.08 of Title 2 of the San José Municipal Code to update and clarify provisions such as voting and appointment processes for various boards and commissions, Retirement Board and Youth Commission term limits, and deleting sections relating to eliminated commissions.
- (c) Approve an ordinance amending Sections 2.08.1600, 12.02.010, 12.04.025, 12.04.080, 12.04.100, 12.05.080, 12.06.920, and 12.21.430 of the San José Municipal Code renaming the Ethics Commission to Title 12 Commission to reflect the commission’s duties and responsibilities regarding Title 12 as set forth in Section 12.04.070 of the Municipal Code.

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (City Clerk)  
**Deferred To August 9, 2016 Per Rules & Open Government Committee.**

#### **3.8 Actions Related to an Initiative Ordinance Amending Title 4 of the San José Municipal Code to Require Employers to Offer Additional Work Hours to Existing Qualified Part-Time Employees Before Hiring New Staff or Contracted Services.**

**Recommendation:**

- (a) Accept staff’s report analyzing “Initiative Ordinance Amending Title 4 of the San José Municipal Code to Require Employers to Offer Additional Work Hours to Existing Qualified Part-Time Employees Before Hiring New Staff or Contracted Services” (Initiative) pursuant to California Elections Code Section 9212;

**Accepted.**

- (b) Adopt the proposed ordinance as submitted;

**Ordinance No. 29750 passed for publication.**

- (c) Adopt a resolution calling an election to submit the Initiative to the voters at the next General Election on Tuesday, November 8, 2016.

**Resolution No. 77832 adopted.**

- (d) Direct staff to return on June 28, 2016, to approve one of the following options:

- (1) Adopt the proposed ordinance as submitted; OR
- (2) Adopt a resolution calling an election to submit the Initiative to the voters at the next General Election on Tuesday, November 8, 2016.

CEQA: Not a Project, File No. PP10-069(c), Potential actions under Election Code Section 9215, in response to voter-sponsored initiative. (City Manager/City Attorney/City Clerk)

**Not Approved.**

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.9 Actions Related to the GIS Migration Agreement with Environmental Systems Research Institute, Inc.**

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute the First Amendment to the GIS Migration Agreement with Environmental Systems Research Institute, Inc. (ESRI) to implement data migration to ESRI's Local Government Information Model for the Planning, Building and Code Enforcement Department and the Environmental Services Department Municipal Water Systems, to increase maximum compensation by \$293,000 for a revised maximum compensation of \$510,300, and to extend the initial term through January 31, 2018.
- (b) Execute change orders to cover any additional requirements for a not-to-exceed contingency amount of \$50,000, subject to the appropriation of funds.
- (c) Negotiate and execute subsequent amendments to the Agreement to increase the maximum compensation by up to \$500,000 for a revised maximum compensation not to exceed \$1,010,300, to implement the GIS data migration for other City Departments, and to extend the term if necessary to complete the work, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a) Agreements and Contracts. (Finance)  
**Resolution No. 77837 adopted.**

#### **3.10 Report on Request for Proposal to Provide Medical Insurance Plans for City Employees, Retirees and Their Dependents.**

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to:
  - (1) Negotiate and execute an Agreement or Agreements with Blue Shield of California to provide a City-funded PPO medical insurance plan for employees, pre-65 retirees and their dependents; to provide fully-funded HMO and PPO medical insurance plans for post-65 only Medicare retirees and their dependents; provide wellness and support services to plan participants/enrollees; assist the City with claims administration and management; and coordinate Medicare plans for the period from January 1, 2017 through December 31, 2017, and to exercise up to three one-year options to renew the Agreements through December 31, 2020, for premium costs not to exceed \$30,332,537 for calendar year 2017 and with annual cost adjustments for each subsequent year based on the annual premiums as determined by Blue Shield of California, number of enrollees in the group insurance plans, coverage elected by participants, and pursuant to collective bargaining agreements, for a maximum amount not to exceed \$140,773,306 for a potential four year term, subject to the annual appropriation of funds by the City Council.



### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.10 Report on Request for Proposal to Provide Medical Insurance Plans for City Employees, Retirees and Their Dependents. (Cont'd.)**

- (a) (2) Negotiate and approve annual premium renewal rates, and negotiate and execute any annual group health plan or policy contracts and any ancillary documents, such as Evidences of Coverage (EOC) documents and Business Associate Agreements, with Blue Shield of California that are necessary to facilitate the medical insurance services Agreements for the period of January 1, 2017 through December 31, 2017, and any of the three one-year options to renew the Agreements through December 31, 2020.
- (3) In the event that Blue Shield's proposed annual renewal rates are not acceptable to the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager to terminate the agreement(s) or group plan contract(s).

#### **Resolution No. 77838 adopted.**

- (b) Adopt a resolution authorizing the City Manager to:
  - (1) Negotiate and execute an Agreement or Agreements with Sutter Health Plus to provide fully-funded HMO medical insurance plans, wellness services, and support services to the City for employees, pre-65 retirees, and their dependents for the period from January 1, 2017 through December 31, 2017, and to exercise up to three one-year options to renew the Agreements through December 31, 2020, for premium costs not to exceed \$13,640,082 for calendar year 2017 and with annual cost adjustments for each subsequent year based on the annual premiums as determined by Sutter Health Plans, number of enrollees in the group insurance plans, coverage elected by participants, and pursuant to collective bargaining agreements, for a maximum amount not to exceed \$58,215,869 for a potential four year term, subject to the annual appropriation of funds by the City Council.
  - (2) Negotiate and approve annual premium renewal rates, and negotiate and execute any annual group health plan or policy contracts and any ancillary documents, such as Evidences of Coverage (EOC) documents and Business Associate Agreements, with Sutter Health Plus that are necessary to facilitate the medical insurance services Agreements for the period of January 1, 2017 through December 31, 2017, and any of the three one-year options to renew the Agreements through December 31, 2020.
  - (3) In the event that Sutter Health Plus's proposed annual renewal rates are not acceptable to the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager to terminate the agreement(s) or group plan contract(s).

#### **Resolution No. 77839 adopted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.10 Report on Request for Proposal to Provide Medical Insurance Plans for City Employees, Retirees and Their Dependents. (Cont'd.)

- (c) Authorize the City Manager to select and purchase individual and aggregate stop loss insurance policy(ies) (fiduciary liability coverage as may also be required) with the best value carrier to risk finance potential losses on claims associated with the City-funded PPO medical insurance plan for employees, pre-65 retirees and their dependents for the period from January 1, 2017 through December 31, 2017, and to exercise up to three one-year options to renew the policy(ies) through December 31, 2020, for premium costs not to exceed \$1,236,000 for calendar year 2017 and with annual cost adjustments for each subsequent year based on number of enrollees in the group insurance plans and coverage elected by participants, for an estimated maximum amount not to exceed of \$6,500,000 for a potential four year policy term, subject to the annual appropriation of funds by the City Council.

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

**Approved.**

#### 3.11 Amendment to the Agreement with Athens Insurance Services, Inc. for Workers' Compensation Comprehensive Services.

**Recommendation:** Approve the Fourth Amendment to the Agreement with Athens Insurance Services, Inc., DBA Athens Administrators, to increase compensation by \$1,401,960 for a total amount not to exceed \$8,334,460 subject to appropriation of funds, modify the scope of services to transfer approximately 200 additional workers compensations claims, and extend the term through December 31, 2016. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Human Resources)

**Approved.**

#### 3.12 Potential Business Tax Modernization Measure.

**Recommendation:** Council discussion and direction on staff's recommendations and options for a November 8, 2016, ballot measure to update and modernize the current Business Tax. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Finance)

**Staff was directed to return to Council on August 2, 2016 with the structure and ballot language including the additional analysis as outlined by Mayor Liccardo, particularly looking at comparable taxes and fees for other cities. Staff was further directed to include in the analysis contract employees and to expand exemptions by including a household adjusted gross income at four times the poverty level (\$47,520).**

**Noes: Khamis.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.1 Actions Related to the Industrial Project Completion Agreement with Super Micro Computer, Inc.**

**Recommendation:**

- (a) Conduct a Public Hearing regarding an economic subsidy in connection with an Industrial Project Completion Agreement with Super Micro Computer, Inc., pursuant to California Government Code Section 53083;

**The Public Hearing was Held.**

- (b) Approve the Industrial Project Completion Agreement with Super Micro Computer, Inc., in which the City will provide a traffic impact fee reduction from \$14.44 per square foot to \$5 per square foot for up to 446,500 square feet of construction at Super Micro Computer's industrial development project in North San José.

CEQA: North San José Area Development Policy FPEIR, Resolution No. 72768 and Addenda thereto; and Supermicro Green Park Master Plan Project Addendum to the NSJ FPEIR and GP2040 FPEIR, File No. H15-012. (Economic Development)

**Approved.**

### **4.2 Downtown High-Rise Development Incentive Parkland Fee Reduction.**

**Recommendation:** Adopt a resolution amending Exhibit B of Resolution No. 73587, as amended, to remove the sunset date of June 30, 2016, for the deferral of payment of parkland fees charged pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code for high-rise multi-family residential projects located in the Downtown Core area. CEQA: Not a Project, File No. PP10-067, Section No. 15273, Rates, Tolls, Fares, and Charges. Council District 3. (Parks, Recreation and Neighborhood Services)

*Item 4.2 was Renumbered From Item 2.22.*

**Resolution No. 77840 adopted.**

## **5. NEIGHBORHOOD SERVICES**

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## **6. TRANSPORTATION & AVIATION SERVICES**

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## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Actions Related to the San José Municipal Water System 2015 Urban Water Management Plan Update.**

**Recommendation:**

- (a) Hold a Public Hearing to allow community input regarding the implementation plan for complying with requirements of Senate Bill X7-7, Water Conservation Bill of 2009.
- (b) Hold a Public Hearing to allow community input regarding the draft Urban Water Management Plan prior to its adoption.
- (c) Adopt a resolution approving the San José Municipal Water System 2015 Urban Water Management Plan update and directing staff to file the Plan with the California Department of Water Resources.

CEQA: Statutory Exemption Section 15282 (v), the preparation and adoption Urban Water Management Plans pursuant to the provisions of Section 10652 of the Water Code. Council Districts 2, 4, 7, 8. (Environmental Services)

**Deferred to June 28, 2016 Per Administration.**

*Items 7.2, 7.3, 7.4, 7.5 and 7.6 Were Heard Immediately Following Consent Calendar.*

### **7.2 Declaration of a 20 Percent Water Shortage.**

**Recommendation:** Adopt a resolution, to be in effect through June 30, 2017, declaring a Citywide water shortage of 20 percent and limiting use of potable water for landscape and turf irrigation to three scheduled days per week, except when watering by hand or by drip irrigation, or for maintenance of public parks, playing fields, day care centers, golf course greens, and school grounds, provided such irrigation is done in a water efficient manner, or for fire protection, soil erosion control, plants/trees grown for consumption, nursery/garden center plants for sale, and environmental mitigation projects. CEQA: Exempt, File No. PP15-032. (Environmental Services)

***Item 7.2 was Renumbered From Item 2.16.***

**Resolution No. 77833 adopted.**

### **7.3 Agreements with Hazen and Sawyer, and Value Management Strategies, Inc. for Engineering and Peer Review Services Capital Improvement Program at the Regional Wastewater Facility.**

**Recommendation:** Approve Master Consultant Agreements with Hazen and Sawyer, and Value Management Strategies, Inc. to provide value engineering and peer review services for the Capital Improvement Program at the San José-Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2021, in a total amount not to exceed \$5,000,000 for each agreement, subject to the appropriation of funds. CEQA: Statutory Exemption, File No. PP10-066(d), Consultant Services. (Environmental Services) (Deferred from 6/14/16 – Item 7.1)

**Approved.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.4 Agreement with Brown and Caldwell for Engineering Services for 8001 – Aeration Tanks Rehabilitation Project and 8073 – Blower Improvements Project at the San José-Santa Clara Regional Wastewater Facility.**

**Recommendation:** Approve a Master Consultant Agreement with Brown and Caldwell to provide engineering services for the 8073 – Blower Improvements Project and 8001 – Aeration Tanks Rehabilitation Project at the San José-Santa Clara Regional Wastewater Facility from the date of execution through December 31, 2024, in an initial total amount not to exceed \$7,900,000, subject to the appropriation of funds. CEQA: Statutory Exemption, File No. PP10-066(d), Section 15262, Feasibility and Planning Studies with respect to the scope of work that is limited to this action. Any future activities resulting in a change to the physical environment would require approval of CEQA review.

(Environmental Services)

(Deferred from 6/14/16 – Item 7.2)

**Approved.**

### **7.5 Report on Bids and Award of Contract for the 7987- Construction-Enabling Improvement Project.**

**Recommendation:**

- (a) Adopt a resolution approving the Construction-Enabling Improvements Project Addendum to the San José / Santa Clara Water Pollution Control Plant Master Plan Environmental Impact Report (SCH# 2011052074) and related Mitigation Monitoring and Reporting Program (File No. PP15-120).

**Resolution No. 77834 adopted.**

- (b) Report on bids and award of contract for the 7987 – Construction-Enabling Improvements Project to the low bidder, Teichert Construction, Inc., for the base bid of \$3,124,885 and Add Alternate No. 2 in the amount of \$11,025 for a total amount of \$3,135,910 and approval of a 10 percent construction contingency in the amount of \$314,000.

**Approved.**

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

**Resolution No. 77835 adopted.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.5 Report on Bids and Award of Contract for the 7987- Construction-Enabling Improvement Project. (Cont'd.)**

- (d) Adopt the following 2015-2016 Appropriations Ordinance amendments in the San José-Santa Clara Treatment Plant Capital Fund:
- (1) Decrease the Urgent and Unscheduled Treatment Plant Rehabilitation appropriation to the Environmental Services Department by \$455,000; and
  - (2) Increase the Construction-Enabling Improvements appropriation to the Environmental Services Department by \$455,000.

CEQA: Addendum to the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR (SCH# 2011052074), File No. PP15-120. (Environmental Services/Public Works/City Manager)

(Deferred from 6/14/16 – Item 7.3)

**Ordinance No. 29764 adopted.**

### **7.6 Agreements with Kennedy/Jenks Consultants, Inc. and MNS Engineers, Inc. for Construction Management Services for the San José- Santa Clara Regional Wastewater Facility Capital Improvement Program.**

**Recommendation:** Approve Master Consultant Agreements with Kennedy/Jenks Consultants, Inc. and MNS Engineers, Inc., for construction management and inspection services for various capital improvement projects at the San José-Santa Clara Regional Wastewater Facility, from the date of execution through June 30, 2024, in a total amount not to exceed \$8,000,000 for each agreement, subject to the appropriation of funds.

CEQA: Statutory Exemption, File No. PP10-066(d), Section 15262, Feasibility and Planning Studies with respect to the scope of work that is limited to this action. Any future activities resulting in a change to the physical environment would require approval of CEQA review. (Environmental Services/Public Works)

(Deferred from 6/14/16 – Item 7.4)

**Approved.**

## **8. PUBLIC SAFETY SERVICES**

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## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

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- **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>
10249	180 W. Saint James Street	3	Full Power Properties, LLC	1 Lot / 643 units	MFA	Approval

- **Open Forum**

- (1) **Blair Beekman opined about surveillance technology, UAS Drone Program and transparency and openness about the stationary camera program.**
- (2) **Mark Dobson stated there may have been a violation of a disabled person’s rights in San José.**

- **Adjournment**

**The Council of the City of San José was adjourned at 6:05 p.m.**



**JOINT CITY OF SAN JOSE CITY COUNCIL/  
FINANCING AUTHORITY AGENDA**

**3:27 p.m.**

**TUESDAY, JUNE 21, 2016**

**CHAMBERS**

- 1. Call to Order and Roll Call**
- 2. Issuance of Commercial Paper Notes for Purchase of Energy Conservation Equipment.**

**Recommendation:**

- (a) City Council to take the following actions:
  - (1) Conduct a Public Hearing concerning the approval of the issuance by the City of San José Financing Authority of commercial paper notes in order to finance certain public capital improvements of the City, consisting of energy conservation equipment and certain related costs (the “Conservation Projects”).

**The Public Hearing was Held.**

- (2) Adopt a resolution to approve the issuance of commercial paper notes pursuant to the previously established commercial paper program designated as “City of San José Financing Authority Lease Revenue Commercial Paper Notes” to provide financing for the Conservation Projects in an amount not to exceed \$10.0 million and to state the City Council’s determination that there will be significant public benefits accruing from such financing.

**Resolution No. 77836 adopted.**

- (b) City of San José Financing Authority Board adopt a resolution to approve the issuance of City of San José Financing Authority Commercial Paper Notes to provide financing for the Conservation Projects in an amount not to exceed \$10.0M. CEQA: Exempt, Streetlight Conversions from low-pressure sodium to LED lighting, File No. PP11-002 and Building Energy Upgrades File Nos. PP13-111 through PP13-117, PP14-003, and PP14-004. (Finance)

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

**San José Financing Authority Resolution No. 130 adopted.**

- 3. Open Forum**  
**Mark Trout spoke off topic.**
- 4. Adjourn the Joint City Council/San José Financing Authority.**  
**Mayor Sam Liccardo adjourned the Joint Meeting at 3:40 p.m.**