

## MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, JANUARY 29, 2019

The Council of the City of San José convened in Regular Session at 9:35 a.m. in the Council Chambers at City Hall.

**9:35 a.m.-** Closed Session, Call to Order in Council Chambers

**Absent Councilmembers: All Present.**

**Councilmember Foley (10:18 a.m.)**

**Vice Mayor Jones (10:02 a.m.)**

**1:33 p.m.-** Regular Session, Council Chambers, City Hall (special time)

**Absent Councilmembers: All Present.**

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:35 a.m. to a Closed Session in Room W133; (A) To confer with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(d)(1): (1) Sutter’s Place, Inc. dba Bay 101 v. City of San José; Names Of Partie(s) Involved: Sutter’s Place, Inc. dba Bay 101; City of San José; the Division of Gaming Control; Court: Superior Court of California, County of Santa Clara; Case No1-13-CV-258057; Amount of Money or Other Relief Sought: Damages according to proof; (2) Cooper v. City, et al.; Names Of Partie(s) Involved: Benjamin Cooper, City of San José, a municipal corporation; and Does 1-30, inclusive; Court: U.S. District Court, Northern District of California, San José Division; Case No. 16-CV-06237-BLF; Amount of Money or Other Relief Sought: Damages according to proof; (B) To confer with Legal Counsel – Anticipated Litigation/Initiated Litigation Pursuant to Government Code Section 54956.9(d)(4): Matter(s) to be discussed: 2 (two); (C) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI; (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) International

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/city> or <http://www.sanjoseca.gov/civiccenterv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

## **CLOSED SESSION (Cont'd.)**

Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (6) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (7) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (8) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (9) San José Police Officers' Association (SJPOA); Nature of negotiations: wages/salaries, hours, working conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement - City of San José and San José Police Association; (10) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

Documents Filed: Email correspondence from Sheila Dawkins, PACT, dated January 28, 2019, regarding the Closed Session for expanding the role of the IPA.

By unanimous consent, Council recessed from the Closed Session at 12:34 p.m.; Council reconvened to Regular Session at 1:33 p.m. in the Council Chambers.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers - All Present.

## **INVOCATION (District 8)**

Rabbi Menachem Levine from Congregation Am Echad provided the Invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Sam Liccardo led the Pledge of Allegiance, accompanied by students from de Vargas Elementary School.

## **ORDERS OF THE DAY**

Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Pam Foley and carried unanimously, the Orders of the Day and the Amended Agenda were approved.  
(9-0-2. Absent: Arenas, Carrasco.)

## CLOSED SESSION REPORT

City Attorney Richard Doyle noted that the City has been given authority to file litigation in one matter. The name will be revealed upon filing.

## CEREMONIAL ITEMS

- 1.1 Mayor Sam Liccardo and Councilmember Dev Davis presented a commendation to the San José State Women's Soccer Team for their accomplishments during the 2018 Season. (Davis)
- 1.2 Mayor Sam Liccardo and Councilmember Sergio Jimenez presented a proclamation recognizing January 29, 2019 as International Holocaust Remembrance Day. (Jimenez)

## CONSENT CALENDAR

Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Pam Foley and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

### 2.1 Approval of City Council Minutes.

None provided.

### 2.2 18-1845 Final Adoption of Ordinances.

(a) Ord No. 30209 - An Ordinance of the City of San José Amending Section 20.10.040 of Chapter 20.10, Section 20.50.100 of Chapter 20.50, and Section 20.80.760 Of Chapter 20.80, Adding a New Part 9.76 to Chapter 20.80, and Amending Sections 20.100.1530, 20.100.1535, and 20.100.1540 of Chapter 20.100 of Title 20 of the San José Municipal Code to add Cannabis Manufacturing, Cannabis Testing, and Cannabis Distribution as Newly Enumerated Restricted Uses in Specified Industrial Zoning Districts, and Making Other Technical, Non-Substantive, or Formatting Changes.

Action: Ordinance No. 30209 was adopted. (11-0.)

(b) Ord No. 30210 - An Ordinance of the City of San José Amending Chapter 6.88 of Title 6 of the San José Municipal Code to add Cannabis Manufacturing, Cannabis Testing, and Cannabis Distribution to the Categories of Regulated Cannabis Businesses and Making Other Technical, Non-Substantive, or Formatting Changes.

Action: Ordinance No. 30210 was adopted. (11-0.)

### 2.3 Approval of Council Committee Minutes.

None provided.

## 2.4 Mayor and Council Excused Absence Requests.

### (a) 18-1844 Mayor and Council Excused Absence Requests.

Request for an excused absence for Mayor Liccardo for the Regular Meeting of Rules and Open Government Committee Meeting on Wednesday, January 9, 2019, due to illness.

Documents Filed: Memorandum from Mayor Sam Liccardo, dated January 15, 2019, requesting an excused absence.

Action: The absence request was approved. (11-0.)

## 2.5 City Council Travel Reports.

Councilmember Lan Diep spoke on a personal trip he took to Hong Kong and offered his observations that may be applicable to the City of San José for high-density building and planning.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sylvia Arenas and carried unanimously, the travel report was accepted. (11-0.)

## 2.6 Report from the Council Liaison to the Retirement Boards.

Councilmember Dev Davis reported on information offered at January's Federated City Employees' Retirement System and Federated City Employees' Health Care Trust meeting.

### 2.7 18-1828 Actions Related to the Purchase Order for Towing and Roadside Services for City-Owned Vehicles and Equipment.

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with Unique Towing, Inc. (Santa Clara, CA) for towing and roadside services for city-owned vehicles and equipment on behalf of the Public Works Department for an initial twelve-month period, starting on or about February 1, 2019 and ending on or about January 31, 2020 for an amount not to exceed \$120,000; and

(b) Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about January 31, 2024 subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Finance)

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated January 17, 2019, recommending adoption of a resolution.

Public Comments: Scott Largent spoke on the tow audit. Blair Beekman addressed a number of Consent Item issues, including the tow audit.

**2.7 (Cont'd.)**

Action: Resolution No. 78958 entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to 1) Execute a Purchase Order with Unique Towing, Inc. (Santa Clara, CA) for Towing and Roadside Services for City-Owned Vehicles and Equipment on Behalf of the Public Works Department for an Initial Twelve-Month Period, Starting on or About February 1, 2019 and Ending on or About January 31, 2020 for an Amount not to Exceed \$120,000; and 2) Exercise up to Four One-Year Options to Extend the Term of the Purchase Order with the Last Option Year Ending on or About January 31, 2024 Subject to the Appropriation of Funds”, was adopted. (11-0.)

**2.8 18-1829 Amendment to the Agreement with Transdev Services, Inc. for Airport Shuttle Bus Service.**

Approve the Second Amendment to the Agreement with Transdev Services, Inc. for Airport Shuttle Bus Service to increase compensation by 6.91% beginning February 1, 2019 through August 31, 2019 for an estimated increase in the amount of \$418,636 and an estimated maximum annual amount of \$6,477,588.49.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Finance)

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated January 18, 2019, recommending approval of a Second Amendment to an Agreement.

Action: The Amendment to the Agreement with Transdev Services, Inc. for Airport Shuttle Bus Service was approved. (11-0.)

**2.9 18-1830 Amendment to the City Pay Plan for Various Classifications.**

(a) Adopt a resolution to amend the City of San José Pay Plan effective January 29, 2019, to create the Mayor’s Chief Economic Development and Land Use Officer U (8050) classification with a salary range of \$150,000.00 - \$195,000.00 annually.

(b) Adopt a resolution to amend the City of San José Pay Plan effective February 10, 2019, to:

(1) Change the salary range for the Apprentice Mechanic (3321) classification with a salary range of \$55,182.40 - \$68,972.80 to a new salary range of \$56,555.20 - \$70,740.80 annually.

(2) Retitle and change the salary range of the following classifications:

(a) Mechanic I (3323) (formerly Mechanic) with a salary range of \$65,436.80 - \$79,580.80 to a new salary range of \$67,142.40 - \$81,640.00 annually; and

(b) Senior Mechanic I (3322) (formerly Senior Mechanic) with a salary range of \$70,096.00 - \$85,196.80 to a new salary range of \$72,883.20 - \$88,608.00 annually.

(3) Create the following classifications:

(a) Mechanic II (3320) with a salary range of \$74,360.00 - \$90,625.60 annually; and

**2.9 (Cont'd.)**

(b) (3) (b) Senior Mechanic II (3328) with a salary range of \$80,745.60 - \$98,384.00 annually.

(4) Delete the following classifications:

(a) Workers Compensation Claims Adjuster I/II (1431/1434) with a salary range of (I) \$62,067.20 - \$75,483.20 and (II) \$68,120.00 - \$82,804.80 annually; and

(b) (4) (b) Workers Compensation Claims Adjuster, Senior (1433) with a salary range of \$81,952.00 - \$99,694.40.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Human Resources)

Documents Filed: Memorandum from Director of Employee Relations/Human Resources, Jennifer Schembri, dated January 18, 2019, recommending adoption of resolutions.

Action: Resolution No. 78959, entitled: "A Resolution of the Council of the City of San José Amending the City of San José Pay Plan"; and Resolution No. 78960, entitled: "A Resolution of the Council of the City of San José Amending the City of San José Pay Plan" were adopted. (11-0.)

**2.10 18-1831 Actions Related to the 2018 One Bay Area Grant Safe Routes to School Project.**

(a) Approve award of a construction contract for the 2018 One Bay Area Grant Safe Routes to School Project, to the lowest responsive bidder, Rosas Brothers Construction, Inc. in the amount of \$692,675.

(b) Approve a ten percent contingency in the amount of \$69,268.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301 (c), Existing Facilities, File No. PP14-069. (Transportation)

Documents Filed: Memorandum from John Ristow, Acting Director of Department of Transportation, dated January 17, 2019, recommending approval of an award of a construction contract.

Action: Actions related to the 2018 One Bay Area Grant Safe Routes to School Project were approved. (11-0.)

**2.11 18-1832 Actions Related to the Resolution Establishing Speed Limits.**

Adopt a resolution to repeal Resolution No. 78680 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 four roadways; including portions of Charcot Avenue, Edenvale Avenue, Leyland Park Drive, and Oakland Road;

(b) Establish speed limits on portions of the following three roadways: Brokaw Road, Great Oaks Parkway/Boulevard, and Lean Avenue; and

(c) Make administrative corrections as described in the memorandum to Council.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP14-017. Council Districts 2, 3, 4, 10. (Transportation)

## 2.11 (Cont'd.)

Documents Filed: Memorandum from John Ristow, Acting Director of Department of Transportation, dated January 17, 2019, recommending adoption of a resolution.

Public Comments: Robin Roemer offered support.

Action: Resolution No. 78961, entitled: “A Resolution of the Council of the City of San José (1) Establishing Speed Limits with Changes on Four Roadway Segments; (2) Establishing Speed Limits on Three Roadway Segments; (3) Making Technical Corrections; And (4) Repealing Resolution No. 78680”, were adopted. (11-0.)

## 2.12 18-1847 **Retroactive Approval of the South Bay Clean Creeks Coalition Team 222 Cleanup as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on January 16, 2019:

(a) Retroactively approve the South Bay Clean Creeks Coalition Team 222 cleanup scheduled on January 12, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor)

[Rules Committee referral 1/16/19 - Item G.1.a]

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated January 29, 2019, transmitting the recommendations of the Rules and Open Government Committee.

Action: The City Council Sponsored Special Event was approved. (11-0.)

## 2.13 18-1848 **Retroactive Approval of the Cadillac Winchester Neighborhood Association Appreciation Dinner Sponsored by the Mayor's Office and the District 1 Office as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on January 16, 2019:

(a) Retroactively approve the CWNA Appreciation Dinner scheduled on Wednesday, December 19, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor and Jones)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated January 29, 2019, transmitting the recommendations of the Rules and Open Government Committee.

Action: The City Council Sponsored Special Event was approved. (11-0.)

**2.14 18-1849 Retroactive Approval of Small Business Advocacy Task Force (SBATF) Membership Recognition Event Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on January 16, 2019:

- (a) Retroactively approve the SBATF Membership Recognition Event scheduled on December 17, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
  - (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
- CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jones)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated January 29, 2019, transmitting the recommendations of the Rules and Open Government Committee.

Action: The City Council Sponsored Special Event was approved. (11-0.)

**2.15 18-1850 Approval of African American History Month Flag Raising Ceremony and Reception Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on January 16, 2019:

- (a) Approve the African American History Month Flag Raising Ceremony and Reception scheduled on February 1, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
  - (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
- CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jones)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated January 29, 2019, transmitting the recommendations of the Rules and Open Government Committee.

Action: The City Council Sponsored Special Event was approved. (11-0.)

**2.16 18-1870 Approval of Vietnamese Heritage and Freedom Flag Raising Ceremony Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on January 23, 2019:

- (a) Approve the Vietnamese Heritage and Freedom Flag Raising Ceremony scheduled on February 5, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.



## 2.16 (Cont'd.)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated January 29, 2019, transmitting the recommendations of the Rules and Open Government Committee.

Action: The City Council Sponsored Special Event was approved. (11-0.)

## STRATEGIC SUPPORT

### 3.1 Report of the City Manager, David Sykes (Verbal Report)

City Manager Dave Sykes discussed the upcoming priority-setting process and indicated the deadline for submissions. He noted a special March 1 meeting of Council for this process.

### 3.3 18-1846 Appeals Hearing Board Appointment.

- a. Interview applicant(s) for appointment to the Appeals Hearing Board;
- b. Appoint one (1) applicant to the Attorney-at-Law Seat on the Appeals Hearing Board for a term ending December 31, 2022;
- c. Appoint one (1) applicant to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2019;
- d. Appoint one (1) applicant to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2022;
- e. If Rajwant Bains is appointed to a third term on the Appeals Hearing Board, make a finding that the reappointment is necessary under San José Municipal Code Section 2.08.150.F in order to maintain a functioning quorum or to retain valuable experience on the Board; and
- f. 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. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

[Deferred from 1/15/19 - Item 3.4 (18-1788)]

*Heard Last*

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated January 10, 2019, providing recommendations for appointments for the Appeals Hearing Board.

Applicants were interviewed, and the Council voted for appointments to the Appeals Hearing Board.

Action: Thomas Skinner was appointed to the Attorney-at-Law Seat on the Appeals Hearing Board for a term ending December 31, 2022. Rajwant Bains was appointed as a Public Member to a third term on the Appeals Hearing Board for a term ending December 31, 2019. The finding was made that the reappointment is necessary under San José Municipal Code Section 2.08.150.F in order to maintain a functioning quorum or to retain valuable experience on the Board.

**3.4 18-1833**

**Actions Related to the Funding and Reimbursement Agreement for Macro Cell Site Permitting Costs with T-Mobile West, LLC.**

(a) Adopt a resolution authorizing the City Manager to negotiate and execute a Funding and Reimbursement Agreement between the City of San José and T-Mobile West, LLC, to cover approximately \$800,000 in permitting costs and \$500,000 process improvements related to the licensing of macro sites.

(b) Direct City staff to study the following:

(1) Identify and prioritize macro site people, process, technology, and regulation improvements, to deliver better speed and predictability for macro site permitting;

(2) Analyze and return to City Council with recommendations for wireless facility pricing on City-owned property including small cells, macro cells, and other antenna systems for a holistic pricing policy approach to accelerate broadband deployment; and

(3) Investigate Distributed Antenna System competitive access at large City facilities and report back to City Council with recommendations to ensure an accessible, non-discriminatory market place for in-building antenna systems. CEQA: Not a Project, PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

Documents Filed: Joint memorandum from Director of the Office of Civic Innovation, Dolan Beckel; Deputy City Manager/Director of Economic Development Kim Walesh and Rosalynn Hughey, Director, Planning, Building and Code Enforcement, dated January 16, 2019, recommending adoption of a resolution with direction to City staff.

Deputy City Manager, Civic Innovation and Digital Strategy, Kip Harkness offered an introduction, and Director of the Office of Civic Innovation, Dolan Beckel, continued with details of the proposed agreement.

Public Comments: Blair Beekman Offered favorable comments on allowing public to weigh in on the review process.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, Resolution No. 78962, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Funding and Reimbursement Agreement with T-Mobile West, LLC to Cover the Permitting Costs and Process Improvements Related to the Licensing of Macro Sites”, was adopted. (11-0.)

**3.5 18-1842**

**Acceptance of the Retirement Plans’ Comprehensive Annual Financial Reports for Fiscal Years Ending June 30, 2018 and June 30, 2017.**

Accept the following annual reports:

(a) Police and Fire Department Retirement Plan Comprehensive Annual Financial Report for the Fiscal Years ended June 30, 2018 and June 30, 2017; and

(b) Federated City Employees’ Retirement System Comprehensive Annual Financial Report for the Fiscal Years ended June 30, 2018 and June 30, 2017.

### 3.5 (Cont'd.)

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Retirement Services)

Documents Filed: Memorandum from Director of Retirement Services Roberto Peña, dated January 14, 2019, recommending acceptance of annual reports.

Director of Retirement Services Roberto Peña and Assistant Director and Chief Investment Officer Prabhu Palani presented the report.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Johnny Khamis and carried unanimously, the Retirement Plans' Comprehensive Annual Financial Reports for Fiscal Years Ending June 30, 2018 and June 30, 2017 were accepted. (10-0-1. Absent: Jimenez.)

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.1 18-1834 **Overruling Objections to the 2019-2020 Hazardous Vegetation Commencement Report.**

Conduct a Public Hearing and adopt a resolution:

- (a) Overruling any and all objections to the 2019-2020 Hazardous Vegetation Commencement Report; and
- (b) Directing the Santa Clara County Consumer and Environmental Protection Agency to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and County of Santa Clara.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301(h) Existing Facilities, File No. PP18-094. (Planning, Building, and Code Enforcement)

Documents Filed: Memorandum from Rosalynn Hughey, Director, Planning, Building and Code Enforcement, dated January 15, 2019, recommending conducting a public hearing and adoption of a resolution.

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Pam Foley and carried unanimously, Resolution No. 78963, entitled: "A Resolution of the Council of the City of San José Overruling Objections to the 2019-2020 Hazardous Vegetation Commencement Report and Directing the Santa Clara County Consumer and Environmental Protection Agency to Abate the Seasonal and/or Recurrent Public Nuisances on those Properties Identified in the Report Pursuant to Chapter 9.12 Of Title 9 Of The San Jose Municipal Code And The Weed Abatement Agreement Between the City Of San Jose and the County Of Santa Clara", was adopted. (10-0-1. Absent: Jimenez.)

## NEIGHBORHOOD SERVICES

### 5.1 18-1835 **Actions Related to the Landmark Site Selection for the San José Light Tower. - DROP**

(a) Accept Guadalupe River Park at Arena Green as the highest-ranking location from the site selection analysis completed for the San José Light Tower Corporation in coordination with the Department of Parks, Recreation and Neighborhood Services, Public Works, and Office of Economic Development/Office of Cultural Affairs.

(b) Endorse the San José Light Tower Corporation's plan to proceed with an International Ideas Competition to solicit concepts for a world-class iconic landmark at Guadalupe River Park Arena Green. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council District 3. (Parks, Recreation and Neighborhood Services)

[Deferred from 12/11/18 - Item 5.2 (18-1647)]

**Item Dropped.**

### 5.2 18-1836 **Actions Related to the Agreements with County of Santa Clara for the All-Inclusive Playground Program Grant.**

Adopt a resolution authorizing the City Manager to negotiate and execute a grant agreement with County of Santa Clara for the All-Inclusive Playground Program Grant for an amount of \$1,671,250 for the following projects:

(a) Almaden Lake Park for \$671,250; and

(b) Rotary Playgarden for \$1,000,000.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, Files No. PP19-001 and PP19-002. Council Districts 3 & 10. (Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Acting Director of Parks, Recreation and Neighborhood Services, John Cicirelli, dated January 17, 2019, recommending adoption of a resolution.

Public Comments: Blair Beekman urged accountability when utilizing technology.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sylvia Arenas and carried unanimously, Resolution No. 78964, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Grant Agreements with the County of Santa Clara for the All-Inclusive Playground Program Grant for an Amount of \$1,671,250 for the Following Projects: 1) Almaden Lake Park For \$671,250; and 2) Rotary Playgarden For \$1,000,000", was adopted. (11-0.)

**5.3 18-1837 Actions Related to the 8087 - Trail: Coyote Creek (Mabury Road to Empire Street) Project.**

(a) Adopt a resolution authorizing the City Manager to negotiate and execute a standard consultant agreement and related amendments with CH2M HILL, Inc. in the amount not to exceed \$1,400,000 for the 8087 - TRAIL: Coyote Creek (Mabury Road to Empire Street) Project.

(b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

(1) Establish the TRAIL: Coyote Creek (Mabury Road to Empire Street) appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,720,000; and

(2) Decrease the TRAIL: Coyote Creek (Mabury Road to Empire Street) Reserve by \$1,720,000.

CEQA: Mitigated Negative Declaration for the Coyote Creek Trail Master Plan, File No. PP09-218. Council Districts 3 & 4.

(Public Works/Parks, Recreation and Neighborhood Services/City Manager)

Documents Filed: Joint memorandum from Director of Public Works, Matt Cano, Acting Director of Parks, Recreation and Neighborhood Services, John Cicirelli, and Budget Director Margaret McCahan, dated January 17, 2019, recommending adoption of a resolution and an appropriation ordinance amendment.

Director of Public Works, Matt Cano and City Manager, David Sykes responded to questions from Council.

Public Comments: Blair Beekman urged accountability when utilizing technology.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Lan Diep and carried unanimously, Resolution No. 78965, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Standard Consultant Agreement and Related Amendments with CH2M HILL, Inc. in an Amount not to Exceed \$1,400,000 for the Trail: Coyote Creek (Mabury Road to Empire Street) Project”; and Ordinance No. 30213, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Subdivision Park Trust Fund for the Trail: Coyote Creek (Maybury Road To Empire Street); and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (11-0.)

## **TRANSPORTATION & AVIATION SERVICES**

**6.1 18-1838 Actions Related to the Installation of Stop Signs.**

(a) Adopt a resolution amending Council Policy 8-1, Criteria for the Installation of Stop Signs.

(b) Approve an ordinance amending City of San José Municipal Code Chapter 11.18, Stop Sign Installation.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.

(Transportation)

## 6.1 (Cont'd.)

Documents Filed: Memorandum from John Ristow, Acting Director of Department of Transportation, dated January 17, 2019, recommending adoption of a resolution and approval of an ordinance.

Public Comments: Blair Beekman offered comments on Vision Zero.

Acting Assistant Director of the Department of Transportation, Laura Wells, offered a presentation, and she and John Ristow, Acting Director of Department of Transportation responded to questions.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, Resolution No. 78966, entitled: “A Resolution of the Council of the City of San José Approving Amendments to City Council Policy 8-1, “Criteria for the Installation of Stop Signs” was adopted; and Ordinance No. 30214, entitled “An Ordinance of the City of San José Amending Chapter 11.18 Of Title 11 Of The San Jose Municipal Code Related to the Installation of Stop Signs”, was passed for publication.

(11-0.)

## PUBLIC SAFETY

### 8.1 18-1840 Park Ranger Program Status Report.

As recommended by the Public Safety, Finance, & Strategic Support Committee on December 13, 2018, accept the Park Ranger Program Status Report.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services) [Public Safety, Finance, & Strategic Support Committee referral 12/13/18 - Item (d)(4)]

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated January 29, 2019, recommending acceptance of the report with additional discussion during the Budget process. (2) Joint memorandum from Acting Director of Parks, Recreation and Neighborhood Services, John Cicirelli, and Chief of Police Edgardo Garcia, dated November 26, 2018, recommending acceptance of the Park Ranger Program Status Report.

Deputy Director Justin Long, Assistant to City Manager, Michele McGurk offered the status report, and Division Manager, Mike Will discussed the park ranger hazard analysis. Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. responded to questions.

Public Comments: Discussing Rangers’ safety concerns, need for additional protective equipment and offering comments on the report, were: Jonathan Fleming, Kirsten Struve, Blair Beekman, Jane Lawson, Mary Blanco, Roger Aba, Deb Kramer, Leslee Hamilton.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Status Report was accepted, including the memorandum from Mayor Sam Liccardo, dated January 29, 2019, to:

*(Item Continued on the Next Page)*

## 8.1 (Cont'd.)

- (1) Accept the Park Ranger Program Status report and direct the City Manager to add Saturdays/weekend hours to the Joint Patrols routine, or at least to SJPD-only patrols in the creeks.
  - (2) Return to Council during the Budget process to discuss and determine whether to shift Joint Patrols out of voluntary assignment via Secondary Employment Unit, and into standard patrol.
- (11-0.)

## LAND USE

### 10.1 Land Use on Consent Calendar

(a) **18-1839**      **HL18-002/MA18-002 - Historic Landmark Designation and Historical Property Contract for the “Carrie and Frank Dreischmeyer House” Located at 1195 Willow Street.**

(1) Adopt a resolution designating the “Carrie and Frank Dreischmeyer House” located at 1195 Willow Street as a City Landmark of special historic, architectural, aesthetic or engineering interest, or value of a historic nature.

(2) Adopt a resolution approving the Historical Property Contract (California Mills Act Contract) between the City of San José and property owners, Jacqueline and Todd Courtney, for the “Carrie and Frank Dreischmeyer House” located at 1195 Willow Street (APN: 264-58-101), on the subject 0.28-gross acre site.

CEQA: Categorically Exempt, CEQA Guidelines Section 15331. File No. HL18-002. Historic Landmarks Commission recommends approval (6-0-0). (Planning, Building and Code Enforcement)

HL18-002/MA18-002 - Council District 6

(b) **18-1841**      **C18-033 - Conforming Rezoning for Real Property Located at 5260 Monterey Road.**

1. Determination of Consistency with the Envision San José 2040 General Plan Supplemental EIR (Resolution 77617), and Addenda thereto.

2. Consideration of an ordinance rezoning certain real property of a 0.54-gross acre site located at 5260 Monterey Road from the CN Commercial Neighborhood Zoning District to the CP Commercial Pedestrian Zoning District.

CEQA: Determination of Consistency with the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building, and Code Enforcement)

C18-003 - Council District 2

*Heard at 1:30 p.m. Immediately Following Regular Consent Calendar*

## 10.1 Land Use on Consent Calendar (Cont'd.)

Documents Filed: (1) Memorandum from Planning Commission Secretary, Rosalynn Hughey, dated January 17, 2019, transmitting the Planning Commission recommendations for File No. HL18-002 and MA18-002, including the Planning Commission Staff Report, dated November 26, 2018. (2) City Council Staff Report for File No. C18-033, dated January 17, 2019.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, Resolution No. 78967, entitled: “A Resolution of the Council of the City of San José Designating, Pursuant to the Provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, the Carrie and Frank Dreischmeyer House, Located at 1195 Willow Street Avenue as a City Landmark of Special Historical, Architectural, Cultural, Aesthetic or Engineering Interest or Value of a Historic Nature”; and Resolution No. 78968, entitled: “A Resolution of the Council of the City of San José Approving a Historical Property Contract with Jacqueline and Todd Courtney for the Carrie and Frank Dreischmeyer House Located at 1195 Willow Street (APN: 264-58-101)”, were adopted; and Ordinance No. 30215, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.54-Gross Acre Situated at the Northwest Corner of Monterey Road and Roeder Road (5260 Monterey Road), from the CN Commercial Neighborhood Zoning District to the CP Commercial Pedestrian Zoning District”, was passed for publication. (11-0.)

### END OF CONSENT CALENDAR

## OPEN FORUM

Blair Beekman offered comments on law enforcement issues.

## ADJOURNMENT

The Council Meeting of the City of San José was adjourned at 6:00 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

*draft*

Toni J. Taber, CMC  
City Clerk

rmk/1-29-2019 MIN