



City Council Meeting Synopsis

Tuesday, April 30, 2019

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



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

• Call to Order and Roll Call

9: 07 a.m.- Closed Session, Call to Order in Council Chambers

Absent: Jones, Jimenez, Carrasco, Esparza

1:32 p.m.- Regular Session, Council Chambers, City Hall

All present

2:15 p.m.- Joint Meeting of the San José City Council and the Retirement Boards, Wing 118-120, City Hall

All present

• Invocation

Katherine Hauge, Children's Musical Theater provided the Invocation.

• Pledge of Allegiance

Mayor Sam Liccardo led the Pledge of Allegiance.

• Orders of the Day

The Orders of the Day and the Amended Agenda were approved with notation and no further changes that Council will recess at 2:00 p.m. and reconvene at 2:15 p.m. for the Joint Meeting of the San Jose City Council and The Retirement Boards.

(11-0.)

• Closed Session Report

No report.

1. CEREMONIAL ITEMS

1.3 Mayor Liccardo and Councilmember Dev Davis presented a Proclamation to the Stroke Awareness Foundation in recognition of the month of May 2019 as Stroke Awareness Month in the City of San José.

1.1 Mayor Liccardo and Councilmember Raul Perez presented a Proclamation recognizing the month of May 2019 as 2019 Green Trip Challenge to support its goals to help reduce greenhouse gas emissions, pollution, traffic congestion and improve mobility, safety, and the community's health.

1.2 Mayor Liccardo and Councilmember Magdalena Carrasco presented a Commendation to El Dia del Niño.

2. CONSENT CALENDAR

The Consent Calendar was approved as recommended with no changes, and the below listed actions taken as indicated. 11-0

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 19-278 Agreement with FUSE Corps for Placement Services.

Recommendation: Adopt a resolution authorizing the City Manager to execute a Master Agreement for Placement Services between the City of San José and FUSE Corps retroactive to April 1, 2019 through June 30, 2022 in an amount not to exceed \$950,000 per year for a total contract amount not to exceed \$2,850,000, subject to City Council appropriation of funds.

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

Resolution No. 79061 Adopted.

2.8 19-279 Amendment to Title 3 of the San José Municipal Code for Loan Repayment Plans in the City's Deferred Compensation Plan.

Recommendation: Approve an ordinance to amend the Deferred Compensation Plan in Chapter 3.48 of Title 3 of the San José Municipal Code to allow for loan repayment plans after severance from employment.

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

Ordinance No. 30264 Adopted.

2.9 19-280 Actions Related to the Vacation of Setback Easements Located within Tract No. 662.

Recommendation:

- (a) Adopt a resolution of intention to vacate the 35-foot and 20-foot light and air easements located within Tract No. 662.
 - (b) Set a Public Hearing on Tuesday, May 21, 2019, at 1:30 p.m., for consideration of the vacation.
 - (c) Direct the City Clerk to file the vacation map and advertise said public hearing.
- CEQA: Categorically Exempt, File No. PP19-026, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)
Resolution No. 79062 Adopted.

2.10 19-310 Approval of District 8 Volunteer Appreciation Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation:

- As recommended by the Rules and Open Government Committee on April 24, 2019:
- (a) Approve the District 8 Volunteer Appreciation Event scheduled on May 4, 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. (Arenas)
[Rules Committee referral 4/25/19 - Item G.1.a]
Approved as Recommended.

2.11 19-311 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Request for an excused absence for Vice Mayor Jones, from the Regular Meeting of Rules and Open Government Committee on April 25, 2019 due to authorized City business at the California League of Cities Legislative Action Day in Sacramento, CA.
 - (b) Request for an excused absence for Councilmember Carrasco, from the City Council Meeting on April 23, 2019 due to illness.
- CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Jones/Carrasco)
Approved as Recommended.

2.12 19-312 Approval of City Hall Free Use on Saturday May 4, 2019 By District 10 Office for a Memorial Observance by the Vietnamese Voluntary Foundation, Inc. (VIVO).

Recommendation:

- (a) Adopt a resolution authorizing “Free Use” for a Memorial Observance in the Rotunda to recognize Ly Van Tong’s advocacy for the Vietnamese-American community in San José and throughout the United States, for promoting citizen engagement by naturalized citizens from Vietnam, and for his activism on behalf of Human Rights throughout the world, hosted by the Vietnamese Voluntary Foundation, Inc. (VIVO) and the Council District 10 office.

(Item Continued on the Next Page)

2.12 19-312 Approval of City Hall Free Use on Saturday May 4, 2019 By District 10 (Cont'd)

(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. (Khamis)

Resolution No. 79063 Adopted.

Approved as Recommended.

3. STRATEGIC SUPPORT**3.1 Report of the City Manager, David Sykes (Verbal Report)**

No report.

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.

Heard at 9:00 a.m.

Council Meeting recessed at 1:57 p.m. and reconvened at 2:15 p.m. for the study session of the Joint Meeting of the San Jose City Council and The Retirement Boards at the Wing 118-120, City Hall.

The Joint Meeting session of the San Jose City Council and The Retirement Boards ended at 5:08 p.m. Council recessed and moved back to the Chambers.

4. COMMUNITY & ECONOMIC DEVELOPMENT**4.1 19-281 Public Hearing on the Affordable Housing Impact Fee or the Inclusionary Housing Ordinance Exempted Projects Report.****Recommendation:**

(a) Conduct a Public Hearing pursuant to California Government Code Section 53083 in order to provide disclosure of economic development subsidies via previously approved exemptions from the Affordable Housing Impact Fee or the Inclusionary Housing Ordinance.

(b) Accept the report providing the required disclosure of information on the economic development subsidies and the cost/ benefit evaluation for public subsidies required by City of San José Resolution No. 77135

("Open Government Resolution") Section 2.3.2.6 C.

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

Approved as Recommended.

11-0

4.2 19-304**Actions Related to the Lease Extension and Naming Rights for the San José Municipal Stadium.****Recommendation:**

(a) Conduct a Public Hearing in accordance with City Council Policy 7-5 on the renaming of the San José Municipal Stadium in exchange for a three-year sponsorship and naming rights agreement with Excite Credit Union in the amount of \$275,000 to the City of San José.

(b) Adopt a resolution:

(1) Authorizing the City Manager to negotiate and execute an amendment to the Amended and Restated Lease between the City of San José and the San José Giants, dba., Baseball Acquisition Company, Inc., regarding the San José Municipal Stadium located at 588 E. Alma Avenue, in order extend the existing lease for three years, with a new expiration date of December 31, 2021, update parking use and management, and include the terms of the agreement with Excite Credit Union and Baseball Acquisition, Inc., for the sponsorship and naming rights at the San José Municipal Stadium, for a period of three years resulting in a contribution of \$275,000 with these funds specifically dedicated to the San José Municipal Stadium for capital needs to support the activation and long-term use of the facility; and

(2) Approving the renaming of the San José Municipal Stadium to Excite Ballpark Home of the San José Giants.

CEQA: Categorically Exempt, File No. PP07-217. Council District 7.

(Economic Development)

[Deferred from 4/23/19 - Item 4.3 (19-254)]

Approved as Recommended.

Resolution No. 79064 Adopted.

11-0

5. NEIGHBORHOOD SERVICES**5.1 19-288****Report on Citywide Expanded Learning Programs.****Recommendation:**

As recommended by the Neighborhood Services & Education Committee on April 11, 2019:

(a) Review and provide feedback on the application of the California Afterschool Network Quality Standards in all City-funded, operated, or endorsed Expanded Learning programs; and

(b) Accept the Expanded Learning Quality Standards report and adopt a resolution adopting the California Afterschool Network Quality Standards for all City-funded, operated, or endorsed Expanded Learning programs;

(c) Direct staff to return to the Neighborhood Services and Education Committee in Spring 2020 to report on progress implementing the California Afterschool Network Quality Standards, as well as plans for the 2020 Summer programs.

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

[Neighborhood Services & Education Committee referral 4/11/19 - Item (d)(1)]

Deferred to 5/7/19 Per Administration

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 19-282 Amendment to the Revolving Credit Agreement with Barclays Bank PLC for the Community Energy Implementation Plan.

Recommendation:

(a) Adopt a resolution authorizing the City Manager, the Director of Finance, the Assistant Director of Finance or their authorized designees to negotiate, execute and deliver the First Amendment to the Revolving Credit Agreement with Barclays Bank PLC to increase the sublimit for the line of credit facility thereunder from an aggregate principal amount not to exceed \$20,000,000 to \$30,000,000, increase the sublimit for the standby letter of credit facility thereunder from an aggregate principal amount not to exceed \$35,000,000 to \$65,000,000, increase the aggregate commitment to issue revolving loans and standby letters of credit from an aggregate principal amount not to exceed \$50,000,000 to \$80,000,000 outstanding at any one time, and increase certain fees payable by the City to Barclays Bank PLC in connection with the credit facilities under the revolving credit agreement to finance start-up cost of the City of San José's Community Energy Program, purchase power, and secure payments under power purchase agreements, and other costs associated and consistent with the Community Energy Implementation Plan, and to take other related actions in connection therewith.

Resolution No. 79066 Adopted.

11-0

(b) Adopt the following Fiscal Year 2018-2019 Appropriation Ordinance amendments in the San José Clean Energy Fund:

(1) Increase the Cost of Energy appropriation to the Community Energy Department in the amount of \$23,000,000;

(2) Decrease the Debt Service - Principal - Revolver appropriation to the Finance Department in the amount of \$20,000,000; and

(3) Decrease the Ending Fund Balance - Community Energy Rate Stabilization Reserve in the amount of \$3,000,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Community Energy/Finance/City Manager)

Ordinance No. 30266 passed for publication.

11-0

8. PUBLIC SAFETY

8.1 19-283 Amendment to Title 10 of the San José Municipal Code for Street Races and Reckless Driving Exhibitions.

Recommendation: Approve an ordinance amending Title 10 of the San José Municipal Code to add Chapter 10.50 which prohibits spectators at Street Races and Reckless Driving Exhibitions.
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Police)
Ordinance No. 30267 passed for publication, with the following direction:
1. Accept staff's recommendation to approve an ordinance amending Title 10 of the San Jose Municipal Code to include Chapter I 0.50 which prohibits spectators at Street Races and Reckless Driving Exhibitions.
2. Direct the City Manager to explore possible funding sources for the Police Department in a manner to give the Police Department greater flexibility and
3. Direct staff to return to Council in six months with a report on implementation, including data on the number of arrests, citations, calls, geographic distribution of incidents, and possible additional tools or measures to improve enforcement and discourage participation in street racing and sideshows.
11-0

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

None provided.

10 Land Use - Regular Agenda

- Open Forum**

No cards.

- Adjournment**

JOINT MEETING OF THE CITY OF SAN JOSE CITY COUNCIL AND THE FINANCING AUTHORITY BOARD AGENDA

1:30 p.m.

April 30, 2019

CHAMBERS

• Call to Order and Roll Call

1. **19-284 Issuance of City of San José Financing Authority's Commercial Paper Notes for Office Space located at the 4th Street and San Fernando Garage.**

Recommendation:

(a) City Council take the following actions:

(1) Conduct a Public Hearing concerning the approval of the issuance by the City of San José Financing Authority of City of San José Financing Authority Lease Revenue Commercial Paper Notes ("CP Notes") in order to finance certain public capital improvements of the City of San José, consisting of a full build-out of existing space within the 4th and San Fernando Garage for office space which will initially be occupied by the San José Community Energy Department (the "SJCE Department") and other City operations.

Approved as Recommended.

11-0

(2) Adopt a resolution to approve the issuance of CP Notes to provide financing for the construction of a full build-out of existing space within the 4th and San Fernando Garage for office space which will initially be occupied by the SJCE Department and other City operations in an amount not to exceed \$6.5 million.

Resolution No. 79067 Adopted.

11-0

(3) Adopt the following Fiscal Year 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(i) Increase the Other Revenue estimate by \$4,800,000; and

(ii) Establish the City Hall Campus Expansion capital project appropriation to the Public Works Department in the amount of \$4,800,000.

Ordinance No. 30268 Adopted.

Resolution No. 79068 Adopted.

11-0

(b) City of San José Financing Authority Board adopt a resolution to approve the issuance of the CP Notes to provide financing for the construction of a full build-out of existing space within the 4th and San Fernando Garage for office space which will initially be occupied by the SJCE Department and other City operations in an amount not to exceed \$6.5 million.

CEQA: Categorically Exempt, File No. PP19-030, CEQA Guidelines Section 15301, Existing Facilities. (Finance/City Manager)

SJFA Resolution No. 146 Adopted.

11-0

• Open Forum:

1. Brian Darby commented on the recent Board of Retirement meeting and the shooting at Charlotte, NC.

THE SAN JOSE CITY COUNCIL MEETING OF TUESDAY, APRIL 30, 2019 ENDED FINAL SESSION AT 7:16 P.M.

• ADJOURNMENT: 7:16 P.M.

JOINT MEETING OF THE CITY OF SAN JOSE CITY COUNCIL AND THE RETIREMENT BOARDS AGENDA

2:15 p.m.

April 30, 2019

WING 118-120

• Call to Order and Roll Call**19-285**

STUDY SESSION PRESENTATION: Joint Meeting of the San José City Council and Retirement Boards.

Recommendation:

- (a) Provide status update of City Retirement costs and Budget projections, a background for general discussion on Plan Sponsor's risk tolerance.
- (b) Presentation by Retirement Plans Actuary, Cherion on Plans demographics and level of maturity compared to other Public Retirement Plans throughout CA.
- (c) Presentation on Plans current asset allocations including how the Plans data, demographics and maturity impact the asset allocation decisions, Plans performance and investment fees.

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

(City Manager/Retirement Services)

Status update and presentation provided as Recommended.

• Open Forum:

No cards.

The Joint Meeting session of the San Jose City Council and The Retirement Boards adjourned at 5:08 pm. Council recessed and moved back to Chambers.

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

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

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.