



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, JUNE 6, 2017

The Council of the City of San José convened in Regular Session at 9:40 a.m. in the Council Chambers at City Hall.

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

Absent: Councilmembers - T. Nguyen. (Excused)

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:45 a.m. to a Closed Session in Room W133; (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(4) with respect to anticipated litigation in two (2) matters; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(2) with respect to anticipated litigation in one (1) matter; Facts: Purchase Agreement for Hayes Mansion; (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) Stand for San José v. City, et al.; Names Of Partie(s) Involved: Stand for San José and Eileen Hannon, City of San José, City Council of the City of San José, Redevelopment Agency of the City of San José, and Diridon Development Authority, Athletics Investment Group, LLC.; Court: California Court of Appeal, Sixth Appellate District; Case No.: H042415 and H044016; Amount of Money or Other Relief Sought: Appeal from Order; (2) San Francisco Baykeeper v. City, et al.; Names Of Partie(s) Involved: San Francisco Baykeeper; City of San José, San José Department of Transportation; San José Public Works Department; San José Environmental Services Department; Court: U.S. District Court, Northern District, San José Division; Case No.

CLOSED SESSION (Cont'd.)

15-CV-00642-BLF; Amount of Money or Other Relief Sought: Declaratory Relief; (3) City of San José v. City of Santa Clara; Names Of Partie(s) Involved: City of San José, City of Santa Clara; Court: Superior Court of California, County of San Mateo; Case No. 16-CIV-02303; Amount of Money or Other Relief Sought: Writ of Mandate and Complaint for Declaratory Relief; (4) City of Santa Clara v. City of San José ; Names Of Partie(s) Involved: City of Santa Clara, City of San José, City of San José City Council, Does I through X; Federal Realty and Investment Trust, and Does 1-20; Court: Superior Court of California, County of San Mateo; Case No.: 17-CIV-00547; Amount of Money or Other Relief Sought: Petition for Writ of Mandate and Complaint for Declaratory Relief; (5) San José Police Officers' Association v. City, et al; Names Of Partie(s) Involved: San José Police Officers' Association, City of San José, Board of Administration for Police and Fire Department Retirement Plan of the City of San José and Does 1-10; Court: Superior Court of California, County of Santa Clara, Sixth District Court of Appeal; Case No.: 1-12-CV-225926; H0402979; H042074; Amount of Money or Other Relief Sought: Declaratory and injunctive relief; (6) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; H040979; H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (7) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (8) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (9) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: City of San José, John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B; (10) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B; (11) Peter Constant, Steven Haug and Silicon Valley Taxpayers' Association v. Superior Court; Names Of Partie(s) Involved: Peter Constant, Steven Haug, Silicon Valley Taxpayers' Association, a California non-profit Corporation,

CLOSED SESSION (Cont'd.)

Proposed Intervenors, Appellants and Petitioners, Superior Court of California, County of Santa Clara, Respondent, the People of the State of California ex. Rel. San José Police Officers Association, Plaintiff, Respondent and Real Party in Interest, City of San José, City Council of San José, Defendants, Respondents and Real Parties in Interest; Court: Sixth District Court of Appeal; Case No.: H043540; Amount of Money or Other Relief Sought: Petition for Writ of Mandate or, In the Alternative, Supersedeas, or Other Appropriate Relief; (12) San José Retired Employees Association, et al. v. City of San José, et al; Names of Partie(s) Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City of San José, the Board of Administration for the Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-268085; Amount of Money or Other Relief Sought: Change to City medical plan; (D) 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) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) International 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. (7) 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; (8) 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; (9) 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. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc.; Name of Existing Wages Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc;

CLOSED SESSION (Cont'd.)

Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 10:45 p.m. and reconvened to Regular Session at 1:35 p.m. in the Council Chambers.

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

Absent: Councilmembers - T. Nguyen. (Excused)

INVOCATION

Rainbow Women's Chorus sang "I am Willing" by Holly Near for the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

CEREMONIAL ITEMS

1.1 Presentation of a commendation to Rainbow Women's Chorus celebrating 20 years of performance. (Davis)

Mayor Sam Liccardo and Councilmember Dev Davis provided a commendation to the Rainbow Women's Chorus for their 20 years of musical excellence, entertainment and education.

1.2 Presentation of a commendation to Carlo Pedron and the Elks Lodge 522 highway litter pick up team. (Rocha)

Mayor Sam Liccardo and Councilmember Donald Rocha offered a commendation to Carlo Pedron and the Elks Lodge 522 highway litter pick up team who, through their dedicated efforts, have helped beautify District 9 every month for the last two decades.

ORDERS OF THE DAY

Upon motion by Councilmember Donald Rocha, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Orders of the Day and the Amended Agenda were approved with Items 3.6 and 3.7 deferred to June 13, 2017, and Item 4.1 deferred to August 2017. (10-1. Absent: Nguyen.)

CONSENT CALENDAR

Upon motion by Councilmember Donald Rocha, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-1. Absent: Nguyen.)

2.1 Approval of City Council Minutes.

- (a) **Regular Minutes of January 10, 2017.**
- (b) **Regular Minutes of January 17, 2017.**

Documents Filed: Regular Council Minutes dated January 10 and January 17, 2017.

Action: The Council Meeting Minutes were approved. (10-1. Absent: Nguyen.)

2.2 Final Adoption of Ordinances.

- (a) **ORD. NO. 29945 – An ordinance of the City of San José amending Part 2 of Chapter 20.120 and Section 20.80.460 of Part 5 of Title 20 to provide for a more comprehensive review of development proposals for property with existing multi-family housing and mobilehome parks. CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making that involves no changes in the physical environment or Exempt pursuant to Section 15061(b)(3). (Planning, Building and Code Enforcement/Housing)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29945 executed on May 26, 2017 by the City Clerk.

Action: Ordinance No. 29945 was adopted. (10-1. Absent: Nguyen.)

- (b) **ORD. NO. 29910 – An ordinance of the City of San José amending Chapter 11.48 of Title 11 of the San José Municipal Code to establish new residential permit parking zones in the Cadillac, Lynhaven, Via Monte, and West Berryessa neighborhoods. CEQA: Exempt, File No. PP14-069. Council Districts 1, 4 and 10. (Transportation)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29910 executed on May 26, 2017 by the City Clerk.

Action: Ordinance No. 29910 was adopted. (10-1. Absent: Nguyen.)

- (c) **ORD. NO. 29946 – An ordinance of the City of San José rezoning certain real property of approximately 0.15 acre situated on the west side of North 8th Street approximately 230 feet north of East Empire Street (539 North 8th Street) from the LI Light Industrial Zoning District to the R-2 Two-Family Residence Zoning District. CEQA: Addendum to the Envision San José 2040**

2.2(c) (Cont'd.)

General Plan Final Program EIR (Resolution No. 76041, SCH#2004102067) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning Commission recommends approval (5-0-2, Ballard and Bit-Badal absent). (Planning, Building and Code Enforcement)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29946 executed on May 26, 2017 by the City Clerk.

Action: Ordinance No. 29946 was adopted. (11-0.)

2.3 Approval of Council Committee Minutes.

- (a) **Rules and Open Government Committee Minutes of May 10, 2017. (Mayor)**
- (b) **Rules and Open Government Committee Minutes of May 17, 2017. (Mayor)**
- (c) **Public Safety, Finance and Strategic Support Committee Minutes of May 18, 2017. (Peralez)**

Documents Filed: (1) Rules and Open Government Committee Minutes dated May 10 and May 17, 2017. (2) Public Safety, Finance and Strategic Support Committee Minutes of May 18, 2017.

Action: The Council Committee Minutes were accepted. (10-1. Absent: Nguyen.)

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards

None provided.

2.7 Approve Consultant Master Services Agreements with Landrum & Brown, Inc. & HNTB Corporation for On-Call Airport Planning Services at the Norman Y. Mineta San José International Airport, each with a maximum compensation of up to \$1,000,000 and a five-year term. CEQA: Not a Project, File No. PP10-066(d), Agreements and Contracts, Consultant services for design, study, research, inspection, to other professional consulting services to determine the feasibility of a project with no commitment to future action. (Airport)

Documents Filed: City Council Action Request from Interim Director of Aviation, John Aitken, A.A.E, dated June 6, 2017, recommending approval of agreements.

2.7 (Cont'd.)

Action: The Consultant Master Services Agreements with Landrum & Brown, Inc. & HNTB Corporation for On-Call Airport Planning Services at the Norman Y. Mineta San José International Airport, each with a maximum compensation of up to \$1,000,000 and a five-year term was approved. (10-1. Absent: Nguyen.)

2.8 Setting Public Hearings on the Downtown Business Improvement District, Hotel Business Improvement District, and Japantown Business Improvement District for FY 2017-2018 Budget Reports.

- (a) **Preliminary approval of the report as filed by the Hotel Business Improvement District Advisory Board, or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2017-2018 and set June 6, 2017 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.**
- (b) **Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2017-2018 and set June 6, 2017 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.**
- (c) **Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2017-2018, to suspend collection of the Downtown BID assessments for businesses that qualify for the business tax financial hardship exemptions under the City's general business tax ordinance and set June 6, 2017 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.**

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. Council District 3. (Economic Development)

Documents Filed: Memorandum from Vice Mayor Magdalena Carrasco, dated May 22, 2017, requesting authorization to travel for city-related business.

Action: The travel authorization was approved. (10-1. Absent: Nguyen.)

2.9 Report on bids and award of contract for the 8448 – Muni Yard Fence Replacement Project to the low bidder, Cal West Fence, in the amount of \$149,316 and approve a 10 percent contingency in the amount of \$14,931. CEQA: Exempt, File No. PP17-020, CEQA Guidelines Section 15302, Replacement or Reconstruction. Council District 7. (Environmental Services)

Documents Filed: Memorandum from Director, Environmental Services, Kerrie Romanow, dated May 15, 2017, recommending acceptance of a report.

Action: The Report on bids and award of contract for the 8448 – Muni Yard Fence Replacement Project to the low bidder, Cal West Fence, in the amount of \$149,316.10, with a related contingency, was approved. (10-1. Absent: Nguyen.)

- 2.10 Adopt a resolution authorizing the City Manager to:**
- (a) Execute a Purchase Order with Cummins West (Bakersfield, CA) for the purchase of Cummins engine repair services for emergency generators and fire apparatus, for the initial term of June 12, 2017 through June 11, 2018, in an amount not-to-exceed \$250,000.**
 - (b) Exercise up to four, one-year options to extend the term of the Purchase Order through June 11, 2022, subject to the annual appropriation of funds.**
- CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Finance)**

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated June 6, 2017, recommending adoption of a resolution.

Action: Resolution No. 78186, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to: (1) Execute a Purchase Order with Cummins West for the Purchase of Cummins Engine Repair Services for Emergency Generators and Fire Apparatus, for an Initial Term of June 12, 2017 through June 11, 2018, in an Amount Not-To-Exceed \$250,000; and (2) Exercise up to Four, One-Year Options to Extend the Term of the Purchase Order Through June 11, 2022, Subject to the Annual Appropriation of Funds”, was adopted. (10-1. Absent: Nguyen.)

- 2.11 Retroactively approve travel by Mayor Liccardo to Los Angeles, CA from April 21, 2017 to April 23, 2017 to attend the National Meeting of Rodel Mayor and Councilmembers. Source of Funds: Aspen Institute (cost of travel, lodging and food). CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Mayor)**

Documents Filed: Memorandum from Mayor Sam Liccardo, dated May 22, 2017, recommending retroactive acceptance of travel payments and authorization to travel.

Action: Travel by Mayor Liccardo to Los Angeles, CA from April 21, 2017 to April 23, 2017 to attend the National Meeting of Rodel Mayor and Councilmembers was retroactively accepted. (10-1. Absent: Nguyen.)

- 2.12 Adopt a resolution requesting funding from the County of Santa Clara for the Bill’s Backyard: Bridge to Nature project at Discovery Meadow Park pursuant to Government Code section 25551 in the amount of \$50,000. CEQA: Addendum to Downtown Strategy 2000 Final Program Environmental Impact Report, File No. PP06-067. (Parks, Recreation and Neighborhood Services)**

Documents Filed: City Council Action Request from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated June 6, 2017, recommending adoption of a resolution.

Action: Resolution No. 78187, entitled: “A Resolution of the Council of the City of San José Requesting Funding from the County of Santa Clara in the Amount of \$50,000 for the Construction of Bill’s Backyard Outdoor Play Space at the Children’s Discovery Museum; and Making Findings Pursuant to Government Code Section 25551”, was adopted. (10-1. Absent: Nguyen.)

- 2.13 Retroactively approve international travel for Recreation Superintendent Ed Solis, Event Coordinator II Brian Clampitt, Recreation Program Specialist Zacharias Mendez, and Assistant to City Manager Zulma Maciel, to travel to Guadalajara, Mexico, from May 4, 2017 to May 8, 2017, to serve as the City Manager’s designated representatives for the Guadalajara Study Tour 2017. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities, Travel. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated May 15, 2017, recommending retroactive approval for international travel for staff.

Action: International travel for Recreation Superintendent Ed Solis, Event Coordinator II Brian Clampitt, Recreation Program Specialist Zacharias Mendez, and Assistant to City Manager Zulma Maciel, was retroactively approved. (10-1. Absent: Nguyen.)

- 2.14 Report on bids and award of contract for the 8430 – Sanitary Sewer Repairs 2016-17 Package IV project to the low bidder, Southwest Pipeline & Trenchless Corp., in the amount of \$1,429,818 and approve a contingency in the amount of \$142,982. CEQA: Exempt, File No. PP17-029, CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction. Council District 1, 6, 9 & 10. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 1, 2017, recommending acceptance of a report on bids and award of a contract.

Action: The report bids and award of contract for the 8430 – Sanitary Sewer Repairs 2016-17 Package IV project to the low bidder, Southwest Pipeline & Trenchless Corp., in the amount of \$1,429,818, with related contingencies, was approved. (10-1. Absent: Nguyen.)

- 2.15 Report on bids and award of contract for the 8515 – Sanitary Sewer Repairs 2016-17 Package VI project to the low bidder, Southwest Pipeline & Trenchless Corp., in the amount of \$1,076,264, and approve a contingency in the amount of \$107,626.**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 15, 2017, recommending acceptance of a report on bids and award of a contract.

Action: The report on bids and award of contract for the 8515 – Sanitary Sewer Repairs 2016-17 Package VI project to the low bidder, Southwest Pipeline & Trenchless Corp., in the amount of \$1,076,264, with related contingencies, was approved. (10-1. Absent: Nguyen.)

- 2.16 Approve the master agreements with the following firms for city-wide storm and sanitary sewer flow monitoring services:**

- (a) **ADS Corp. from the date of execution to June 30, 2020 in an amount not to exceed \$1,750,000; and**
- (b) **V&A Consulting Engineers from the date of execution to June 30, 2020, in an amount not to exceed \$750,000.**

2.16 (Cont'd.)

CEQA: Not a Project, File No. PP10-066(d), Agreements & Contracts, Consultant Services for Design, Study, Research, Inspection, or other professional consulting services to determine the feasibility of a project with no commitment to future action. (Public Works)

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 15, 2017, recommending acceptance of a report on bids and award of a contract.

Action: The master agreements with the following firms for city-wide storm and sanitary sewer flow monitoring services: (a) ADS Corp. from the date of execution to June 30, 2020 in an amount not to exceed \$1,750,000; and (b) V&A Consulting Engineers from the date of execution to June 30, 2020, in an amount not to exceed \$750,000, was approved. (10-1. Absent: Nguyen.)

- 2.17 (a) Accept report on bids and award of a contract for 6327- Trail: Guadalupe River/Coleman Under-Crossing Project to the low bidder, Bridgeway Civil Constructors, Inc., in the amount of \$576,700, and approve a contingency in the amount of \$57,670.**
- (b) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:**
- (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the TRAIL: Guadalupe River/Coleman Under-Crossing by \$172,000;**
 - (2) Establish a new appropriation to the Parks, Recreation and Neighborhood Services Department for the TRAIL: Guadalupe River/Coleman Under-Crossing Riparian Habitat Mitigation/Restoration Plan for \$93,000; and**
 - (3) Decrease the Future PDO/PIO Projects Reserve by \$265,000.**

CEQA: Mitigated Negative Declaration for the Almaden Lake Park Improvement Project, File No. PP04-02-051. Council District 10. (Public Works/Parks, Recreation, Neighborhood Services/City Manager)

Documents Filed: Joint memorandum from Director of Public Works Barry Ng, Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., and Senior Deputy City Manager/Budget Director Jennifer Maguire, dated May 15, 2017, recommending acceptance of a report and adoption of an ordinance.

Action: The report on bids and award of a contract for 6327- Trail: Guadalupe River/Coleman Under-Crossing Project to the low bidder, Bridgeway Civil Constructors, Inc., in the amount of \$576,700 was accepted; and Ordinance No. 29947, entitled “An Ordinance of the City of San José Amending Ordinance No. 29762 to Appropriate Moneys in the Subdivision Park Trust Fund For the Trail: Guadalupe River/Coleman Under-Crossing Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (10-1. Absent: Nguyen.)

2.18 Adopt the following 2016-2017 Appropriation Ordinance amendments in the General Fund:

- (a) Decrease the Urban Forestry Services Reserve in the amount of \$200,000;**
- (b) Increase the Non-personal/Equipment appropriation to the Transportation Department in the amount of \$200,000.**

CEQA: Exempt, File No. PP13-073, CEQA Guidelines Section 15304(b) Minor Alterations to Land. Council District 4. (Transportation/City Manager)

Documents Filed: Joint memorandum from Director of Transportation Jim Ortbal and Senior Deputy City Manager/Budget Director Jennifer Maguire, dated May 15, 2017, recommending adoption of an ordinance.

Action: Ordinance No. 29948, entitled “An Ordinance of the City of San José Amending Ordinance No. 29762 To Appropriate Moneys in the General Fund for the Non-Personal/Equipment Appropriation to the Department of Transportation; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (10-1. Absent: Nguyen.)

2.19 As recommended by the Rules and Open Government Committee on May 24, 2017:

- (a) Approve the National Night Out scheduled for Tuesday, August 1, 2017 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.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 25, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The National Night Out as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-1. Absent: Nguyen.)

2.20 As recommended by the Rules and Open Government Committee on May 24, 2017:

- (a) Retroactively approve the Mount Pleasant Neighborhood Dumpster Day scheduled on Saturday, May 13, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) Retroactively approve and accept donations from various individuals, businesses or community groups to support the event.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 25, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Mount Pleasant Neighborhood Dumpster Day scheduled on Saturday, May 13, 2017 as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-1. Absent: Nguyen.)

- 2.21 As recommended by the Rules and Open Government Committee on May 24, 2017:**
- (a) Retroactively approve Parks Community Meeting scheduled on Wednesday, May 17, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
 - (b) Retroactively approve and accept donations from various individuals, businesses or community groups to support the event.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 25, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Parks Community Meeting scheduled on Wednesday, May 17, 2017 as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-1. Absent: Nguyen.)

- 2.22 As recommended by the Rules and Open Government Committee on May 24, 2017:**
- (a) Retroactively approve the Community Pancake Breakfast scheduled on Saturday, June 3, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
 - (b) Retroactively approve and accept donations from various individuals, businesses or community groups to support the event.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 25, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Community Pancake Breakfast scheduled on Saturday, June 3, 2017 as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was retroactively approved. (10-1. Absent: Nguyen.)

- 2.23 As recommended by the Rules and Open Government Committee on May 24, 2017:**
- (a) Approve the Capitol Park Neighborhood Beautification Day scheduled on Saturday, June 17, 2017 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.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 25, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Capitol Park Neighborhood Beautification Day scheduled on Saturday, June 17, 2017 as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-1. Absent: Nguyen.)

- 2.24 As recommended by the Rules and Open Government Committee on May 24, 2017:**
- (a) Retroactively approve Welch Park Clean Up scheduled on Saturday, June 3, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
 - (b) Approve Senior Health Fair and Walk scheduled on Friday, June 9, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
 - (c) Approve the Philippine Flag Raising scheduled on Monday, June 12, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
 - (d) Retroactively approve and accept donations from various individuals, businesses or community groups to support the event (a).**
 - (e) Approve and accept donations from various individuals, businesses or community groups to support the events (b) to (c).**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 25, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Welch Park Clean Up scheduled on Saturday, June 3, 2017 as a City Council Sponsored Special Event was retroactively approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was retroactively approved. The Senior Health Fair and Walk scheduled on Friday, June 9, 2017, and the Philippine Flag Raising scheduled on Monday, June 12, 2017 were approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, were approved. (10-1. Absent: Nguyen.)

- 2.25 (a) Approve the Strive San José job fair scheduled on Tuesday, June 13, 2017 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.**

Documents Filed: Memorandum from Mayor Sam Liccardo, dated May 31, 2017, recommending approval of the Strive San José job fair as a City Council Sponsored Special Event.

Action: The Strive San José job fair scheduled on Tuesday, June 13, 2017 as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-1. Absent: Nguyen.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

- 3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).**
City Manager Norberto Dueñas welcomed Apple's Worldwide Developer's Conference to San José and thanked the City's strong team and strong team of partners that are making this event a success.

3.3 Approve the following Board and Commission appointments:

- (a) Airport Commission:**
 - (1) District 1 Seat: Appoint Ken Pyle for the term 7/1/2017 to 6/30/2021;**
 - (2) District 3 Seat: Appoint Julie Matsushima for the term 7/1/2017 to 6/30/2021;**
 - (3) District 5 Seat: Appoint Ernest Blake for the term 7/1/2017 to 6/30/2021;**
 - (4) District 7 Seat: Appoint Allison Stember for the term 7/1/2017 to 6/30/2021;**
 - (5) District 9 Seat: Appoint Catherine Hendrix for the term 7/1/2017 to 6/30/2021;**
 - (6) Citywide Seat: Appoint Joe Head for the term 7/1/2017 to 6/30/2021;**
- (b) Arts Commission:**
 - (1) District 1 Seat: Appoint Smita Garg for the term 7/1/2017 to 6/30/2020;**
- (c) Council Appointment Advisory Commission:**
 - (1) District 2 Seat: Appoint Albert Rios for the term 6/6/2017 to 12/31/2018;**
 - (2) District 5 Seat: Appoint Ken Kelly for the term 6/6/2017 to 12/31/2020;**
 - (3) District 7 Seat: Appoint for the term 6/6/2017 to 12/31/2020;**
- (d) Downtown Parking Board:**
 - (1) Downtown Resident Seat: Appoint Wolfram Lerman for the term 7/1/2017 to 6/30/2021;**
- (d) Downtown Parking Board:**
 - (2) Owner/Representative of Downtown Parking Facility Seat: Appoint Michael Lerman for the term 6/6/2017 to 6/30/2020;**
 - (3) Member Representing Downtown Arts/ Special Events Seat: Appoint Harvard sung for the term 7/1/2017 to 6/30/2021;**
- (e) Historic Landmarks Commission:**
 - (1) One Seat: Appoint Edward Saum for the term 7/1/2017 to 6/30/2021;**
 - (2) One Seat: Appoint Stephen Polcyn for the term 7/1/2017 to 6/30/2021;**
 - (3) One Seat: Appoint Harriett Arnold for the term 6/6/2017 to 6/30/2018;**
- (f) Housing and Community Development Commission:**
 - (1) District 1 Seat: Appoint Martha O'Connell for the term 7/1/2017 to 6/30/2021;**
 - (2) District 3 Seat: Appoint Barry DelBuono for the term 7/1/2017 to 6/30/2021;**
 - (3) District 5 Seat: Appoint Ruben Navarro for the term 6/6/2017 to 6/30/2021;**
 - (4) District 7 Seat: Appoint Melissa Medina for the term 7/1/2017 to 6/30/2021;**
 - (5) District 9 Seat: Appoint Julie Quinn for the term 6/6/2017 to 6/30/2021;**
 - (6) Citywide Seat: Appoint Nhi Nguyen for the term 7/1/2017 to 6/30/2021;**

3.3 (Cont'd.)

- (g) Human Services Commission:**

 - (1) District 5 Seat: Appoint Daisy Barocio for the term 6/6/2017 to 12/31/2020;**
- (h) Library and Early Education Commission:**

 - (1) District 1 Seat: Appoint Michael Synder for the term 7/1/2017 to 6/30/2021;**
 - (2) District 2 Seat: Appoint Kristin Rivers, PhD for the term 7/1/2017 to 6/30/2019;**
 - (3) District 3 Seat: Appoint Daniel Newell for the term 7/1/2017 to 6/30/2021;**
 - (4) District 5 Seat: Appoint Jose Magana for the term 7/1/2017 to 6/30/2021;**
 - (5) District 6 Seat: Appoint Hillary Thorsen for the term 7/1/2017 to 6/30/2019;**
 - (6) District 7 Seat: Appoint Wendi Mahaney-Gurahoo for the term 7/1/2017 to 6/30/2021;**
 - (7) District 8 Seat: Appoint Giao Tran for the term 7/1/2017 to 6/30/2019;**
 - (8) District 9 Seat: Appoint Tiffany Chu for the term 7/1/2017 to 6/30/2021;**
 - (9) District 10 Seat: Appoint Patrick McMahon for the term 7/1/2017 to 6/30/2019;**
 - (10) Citywide Seat: Appoint Elena Jolly for the term 7/1/2017 to 6/30/2021;**
 - (11) CAAC- Early Education/Childcare Seat: Appoint Janice Allen for the term 6/6/2017 to 6/30/2020;**
- (i) Parks and Recreation Commission:**

 - (1) District 2 Seat: Appoint Charles Dougherty for the term 7/1/2017 to 6/30/2019;**
 - (2) District 3 Seat: Appoint Frank Ponciano for the term 7/1/2017 to 6/30/2021;**
 - (3) District 5 Seat: Appoint Gregory Lovely for the term 7/1/2017 to 6/30/2021;**
 - (4) District 7 Seat: Appoint Trami Con for the term 7/1/2017 to 6/30/2021;**
 - (5) District 8 Seat: Appoint Chet Mandair for the term 7/1/2017 to 6/30/2019;**
 - (6) Citywide Seat: Appoint George Adas for the term 7/1/2017 to 6/30/2021;**
- (j) Senior Citizens Commission:**

 - (1) District 1 Seat: Appoint Warren Gannon for the term 7/1/2017 to 6/30/2021;**
 - (2) District 3 Seat: Appoint Robert VanCleaf for the term 7/1/2017 to 6/30/2021;**
 - (3) District 5 Seat: Appoint Chittoor Subramanian for the term 7/1/2017 to 6/30/2021;**
 - (4) District 7 Seat: Appoint Milan Balinton for the term 7/1/2017 to 6/30/2021;**

3.3 (Cont'd.)

- (5) **District 9 Seat: Appoint Robert Winsor for the term 7/1/2017 to 6/30/2021;**
- (6) **Citywide Seat: Appoint May Miller for the term 7/1/2017 to 6/30/2021;**
- (k) **Youth Commission:**
 - (1) **District 1 Seat: Appoint Deepankar Joshi for the term 6/6/2017 to 5/31/2019;**
 - (2) **District 3 Seat: Appoint Lika Khoperia for the term 6/6/2017 to 5/31/2019;**
 - (3) **District 5 Seat: Appoint Elizabeth Plancarte for the term 6/6/2017 to 5/31/2019;**
 - (4) **District 7 Seat: Appoint Julia Nguyen for the term 6/6/2017 to 5/31/2019;**
 - (5) **District 9 Seat: Appoint Aruni Areti for the term 6/6/2017 to 5/31/2019.**

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

Documents Filed: (1) Memorandum from the San José Youth Commission, dated May 20, 2017, providing recommendations of the San José Youth Commission. (2) Memorandum from City Clerk Toni J. Taber, dated May 26, 2017, transmitting recommendations for Board and Commission appointments. (3) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated June 2, 2017, transitioning a recommendation of nominations and modifying the start date for the Housing and Community Development Commissioners.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Board and Commission appointments were approved. (10-1. Absent: Nguyen.)

3.4 **Make a finding that the reappointment of the current chair, Rudy Flores Jr., to a third term on the Parks and Recreation Commission is necessary in order to retain valuable experience on the Commission. CEQA: Not a Project, File No. PP10-069, City Administrative Activities. (City Clerk)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated May 26, 2017, providing a recommendation to the Parks and Recreation Commission.

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Sergio Jimenez and carried unanimously, the reappointment of the current Chair, Rudy Flores Jr., to a third term on the Parks and Recreation Commission, was approved. (10-1. Absent: Nguyen.)

3.5 Interview applicants for the Attorney-at-Law position on the Appeals Hearing Board and consider appointment to fill a term expiring December 31, 2018. CEQA: Not a Project, File No. PP10-069, City Administrative Activities. (City Clerk)

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated May 26, 2017, regarding Appeals Hearing Board Interviews. (2) Paper ballots providing Councilmembers' votes.

Applicants Amy Carlson and Thomas Skinner were interviewed, and Council vote was taken.

Action: Thomas Skinner was appointed for the Attorney-at-Law position on the Appeals Hearing Board to fill a term expiring December 31, 2018. (10-1. Absent: Nguyen.)

- 3.6**
- (a) Reject all proposals submitted for the Innovative LED Streetlight Replacement Request for Proposal.**
 - (b) With respect to LED streetlight conversion: Direct the City Manager to return to Council following completion of the City's Broadband Strategy with requirements, financing strategies, and procurement recommendations for converting the approximately 40,000 remaining streetlights to LED luminaires.**
 - (c) With respect to LED streetlight controller units: Direct the City Manager to evaluate alternatives regarding the deployment of LED streetlight controller units citywide, which may include potential demonstration and testing of emerging technologies.**
 - (d) With respect to the Broadband Strategy: Direct the City Manager to include in the Broadband Strategy:**
 - (1) Recommendations regarding technology, governance, process, and policy for the City's broadband digital infrastructure including fiber/coax, streetlight poles, and small cells, including an analysis of the costs and benefits of combining proactive streetlight pole make-ready activities with installation; and**
 - (2) Requirements, policy considerations, and procurement recommendations for Internet of Things network, platform, and devices.**

**CEQA: Exempt, File No. PP11-002, Street Lighting Design Guidelines, CEQA Guidelines Section 15301, Existing Facilities. (City Manager)
(Deferred from 1/24/17 – Item 3.4)**

Action: Deferred to June 13, 2017 per Orders of the Day.

3.7 Adopt a resolution to:

- (a) Amend the City of San José Pay Plan effective June 18, 2017, to create the following classifications:
 - (1) Enterprise Information Technology Engineer I/II (8558/8559) with a salary range of \$89,107.20- \$108,388.80 (I) and \$94,411.20- \$115,003.20 (II) annually;
 - (2) Enterprise Supervising Technology Analyst (8560) with a salary range of \$103,833.60- \$126,505.60 annually;
 - (3) Enterprise Principal Technology Analyst (8561) with a salary range of \$114,275.20- \$139,152.00 annually;
 - (4) Assistant Independent Police Auditor U (8022) with a salary range of \$120,739.69- \$188,210.00 annually; and
 - (5) Records Specialist (1115) with a salary range of \$62,753.60 - \$76,419.20 annually.
- (b) Amend the City of San José Pay Plan effective June 18, 2017, to change the salary range and retitle the following classifications:
 - (1) Geographic Information Systems Specialist I/II (1381/1383) (formerly Geographic Systems Specialist I/II) with a salary range of \$56,763.20- \$69,139.20 (I) and \$69,347.20- \$84,489.60 annually; and
 - (2) Senior Geographic Information Systems Specialist (1385) (formerly Senior Geographic Systems Specialist) with a salary range of \$76,252.80- \$92,934.40.
- (c) Amend the City of San José Pay Plan effective June 18, 2017, to change the salary range for the following classifications:
 - (1) Enterprise Technology Manager (1373) with a salary range of \$119,620.80- \$146,411.20 annually;
 - (2) Budget Director U (1656) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (3) City Librarian U (6245) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (4) Director Aviation U (3546) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (5) Director City Manager's Office U (1701) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (6) Director Economic Development U (1999) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (7) Director Employee Relations U (1430) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (8) Director Environmental Services U (1696) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (9) Director Finance U (1258) with a salary range of \$148,677.23- \$232,379.00
 - (10) Director Housing U (3989) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (11) Director Human Resources U (1429) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (12) Director Information Technology U (1375) with a salary range of \$148,677.23- \$232,379.00 annually;

3.7 (Cont'd.)

- (13) Director of Transportation U (3199) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (14) Director Parks, Recreation, and Neighborhood Services U (3996) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (15) Director Planning, Building, and Code Enforcement U (4154) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (16) Director Public Works U (3867) with a salary range of \$148,677.23- \$232,379.00 annually;
 - (17) Director of Communication U (1671) with a salary range of \$135,404.46- \$211,325.00 annually;
 - (18) Assistant Director U (8048) with a salary range of \$129,969.69- \$202,591.00 annually;
 - (19) Assistant Director of Economic Development U (1998) with a salary range of \$129,969.69- \$202,591.00 annually;
 - (20) Deputy Director U (1640) with a salary range of \$113,488.73- \$176,781.00 annually;
 - (21) Division Manager (8074) with a salary range of \$100,215.02- \$153,065.00 annually;
 - (22) Chief of Police U (2227) with a salary range of \$168,815.16- \$263,860.00 annually;
 - (23) Assistant Police Chief U (2225) with a salary range of \$148,418.99- \$231,351.00 annually;
 - (24) Fire Chief U (2334) with a salary range of \$148,677.23 - \$232,379.00 annually;
 - (25) Assistant Fire Chief U (2333) with a salary range of \$129,962.00- \$202,591.00 annually;
 - (26) Assistant City Attorney U (2154) with a salary range of \$186,946.49- \$265,225.00 annually;
 - (27) Chief Trial Attorney U (2155) with a salary range of \$186,946.49- \$265,225.00 annually;
 - (28) Chief Deputy City Attorney U (2138) with a salary range of \$153,435.85- \$232,379.00 annually; and
 - (29) Assistant City Clerk U (1613) with a salary range of \$101,976.74- \$141,157.00 annually.
- (d) Amend the City of San José Pay Plan effective June 18, 2017, to change the title of the following classification:
- (d) (1) Digital Media Technician (3731) (formerly Darkroom Technician).
- (e) Amend the City of San José Pay Plan effective June 18, 2017, to delete:
- (1) Assistant to the City Manager-IR (1664); and
 - (2) Capital Projects Program Coordinator (3433).
- (f) Approve a 4.0% ongoing non-pensionable retention premium pay for the Assistant Police Chief U (2225), effective June 18, 2017.

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

Action: Deferred to June 13, 2017 per Orders of the Day.

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Accept the progress report on the implementation of the Urban Village component of the Envision San José 2040 General Plan, and provide comments on the proposed approach for implementation. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Report. (Economic Development/Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 5, 2017, recommending deferral of Council action to August, 2017.

Action: Deferred to August 2017 per Orders of the Day.

- 4.2 (a) Conduct a Public Hearing and adopt a resolution to approve the Hotel Business Improvement District budget report for fiscal year 2017-2018, as filed or as modified by the Council, and to levy the Hotel BID assessments for 2017-2018.**
- (b) Conduct a Public Hearing and adopt a resolution to approve the Japantown Business Improvement District budget report for fiscal year 2017-2018, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2017-2018.**
- (c) Conduct a Public Hearing and adopt of a resolution to approve the Downtown Business Improvement District budget report for fiscal year 2017-2018, as filed or modified by Council, to levy the Downtown BID assessments for 2017-2018, and to suspend collection of the Downtown BID assessments for the businesses that qualify for the business tax financial hardship exemptions under the City's general business tax ordinance.**
CEQA: Exempt, File No. PP08-048, Section 15061(b)(3), No potential for causing a significant effect on the environment. (Economic Development)

Documents Filed: (1) Three memoranda from Deputy City Manager/Director of Economic Development Kim Walesh, each dated May 23, 2017, recommending adoption of resolutions. (2) Mayor and City Clerk's script, FY 2017-2018 Assessments. (3) Proof of Publication of Notice of Public Hearing, executed on May 30, 2017, submitted by the City Clerk.

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

City Clerk Toni J. Taber, CMC reported that no written protests had been received.

Action: Upon motion by Councilmember Raul Peralez, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, Resolution No. 78188, entitled: "A Resolution of the Council of the City of San José Approving the Budget Report of the Hotel Business Improvement District for Fiscal Year 2017-2018 and Levying Assessments in the Bid for Fiscal Year 2017-2018"; Resolution No. 78189, entitled: "A Resolution of the Council of the City of San José Approving The Budget Report of the Japantown Business Improvement District for Fiscal Year 2017-2018 and Levying

4.2 (Cont'd.)

Assessments in the Bid for Fiscal Year 2017-2018”; and Resolution No. 78190, entitled: “A Resolution of the Council of the City of San José Approving the Budget Report of the Downtown Business Improvement District for Fiscal Year 2017-2018, Levying Assessments in the Bid for Fiscal Year 2017-2018, and Suspending the Collection of Assessments for Businesses that Qualify for the Business Tax Financial Hardship Exemptions Under the City’s General Business Tax Ordinance”, were adopted. (10-1. Absent: Nguyen.)

4.3 **As recommended by the Community and Economic Development Committee on May 22, 2017, accept the report and provide comments on the Housing Department’s Affordable Housing Investment Plan for expenditure of affordable housing funds covering the current and upcoming fiscal year. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Report. (Housing)**

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo and Councilmember Donald Rocha, dated June 2, 2017, recommending approval of the staff report with additional direction. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated May 26, 2017, providing recommendations from the Community and Economic Development Committee.

Director of Housing Jacky Morales-Ferrand and staff provided a presentation and responded to questions from Council.

Motion: Councilmember Donald Rocha moved approval of the memorandum he co-authored with Mayor Sam Liccardo, dated June 2, 2017, recommending approval of staffs’ recommendations, with additional direction. The motion was seconded by Councilmember Dev Davis.

Action: On a call for the question, the motion carried unanimously, and the staff recommendations were accepted, including the joint memorandum from Mayor Sam Liccardo and Councilmember Donald Rocha, dated June 2, 2017, to:

(1) Approve the staff report; (2) Direct the City Manager to continue prioritizing funds for the development of very low and low income rental housing. (3) Return to Community and Economic Development Committee with a moderate-income housing strategy that focuses on policy development options such as:

- Legislative actions that could facilitate development; and
- Encouraging "affordable by design" housing that is smaller and more efficient;
- Densification in key opportunity development areas; and
- Leverage private corporate funds, particularly with anticipation of new federal tax

(4) Direct the City Manager to draft a letter to the County providing input on Measure A implementation. Staff should present their recommendations to the City Council for approval and secondly, send the letter to the Board of Supervisors and appropriate County of Santa Clara staff before the July legislative break.

(5) Direct the City Manager to return to Council with a baseline affordable housing stock analysis for each Urban Village. Information collected as part of that baseline could include:

4.3 (Cont'd.)

- Total number of deed-restricted affordable housing and their dates of expiration;
- Total number of rent-controlled units; and
- Total number of mobile homes; and
- Other information that staff believes useful.

(6) Direct the City Manager to provide in the next Housing Element an analysis, to the extent feasible, that compares the projected need for affordable housing (according to RHNA or so other source) with the projected number of affordable units that that we could reasonably expect to produce with existing funding sources, for the purpose of trying to understand whether additional funding sources are needed to fully meet demand, and if so, what the magnitude that additional funding need would be. (10-1. Absent: Nguyen.)

4.4 Conduct a Public Hearing, a Special Election, and take the following actions related to the formation of Community Facilities District No. 16 (Raleigh - Coronado).

- (a) **Adopt a resolution:**
- (1) **Establishing Community Facilities District No. 16 (Raleigh - Coronado);**
 - (2) **Authorizing the levy of a special tax;**
 - (3) **Preliminarily establishing an appropriations limit; and**
 - (4) **Submitting the levy of special tax to the qualified electors.**
- (b) **Adopt a resolution:**
- (1) **Declaring the results of the special election;**
 - (2) **Contingent upon two-thirds qualified voter approval, determining to form Community Facilities District No. 16 (Raleigh - Coronado); and**
 - (3) **Directing the City Clerk to record a notice of special tax lien.**

If approved by the qualified voters in Community Facilities District No. 16 (Raleigh - Coronado):

- (c) **Approve an ordinance imposing the levy of special taxes for Community Facilities District No. 16 (Raleigh - Coronado).**

CEQA: Great Oaks Mixed Use Project EIR (Resolution No 77219), File No. PDC12-028. Council District 2. (Public Works)

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 15, 2017, recommending conducting a public hearing and adoption of resolutions and approval of an ordinance.

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

City Clerk Toni J. Taber, CMC reported that no written protests had been received.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Chappie Jones and carried unanimously, Resolution No. 78191, entitled: "A Resolution of the Council of the City of San José Of Formation Of Community Facilities District No. 16 (Raleigh - Coronado), Authorizing the Levy of a Special Tax Therein, Preliminarily Establishing an Appropriations Limit Therefor and Submitting Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors Thereof";

4.4 (Cont'd.)

Resolution No. 78192, entitled: “A Resolution of the Council of the City of San José Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien for Community Facilities No. 16 (Raleigh - Coronado)”, were adopted; and Ordinance No. 29949, Entitled “an Ordinance of the City of San José Levying Special Taxes Within Community Facilities District No. 16 (Raleigh - Coronado)”, was passed for publication. (10-1. Absent: Nguyen.)

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) **Hold a Public Hearing on proposed San José Municipal Water System 2017-2018 potable water rates and charges.**
- (b) **Adopt a resolution updating San José Municipal Water System potable water rates and charges, effective July 1, 2017.**
- (c) **Adopt a resolution superseding Resolutions Nos. 67667, 68377 and 72756 with respect to recycled water meter charges and continuing in effect the current meter charges for recycled water users.**

CEQA: Not a Project, File No. PP10-067(a), Non-Project Specific Funding Mechanism, Increase or Adjustment to Fees, Rates & Fares. Council Districts 2, 4, 7, & 8. (Environmental Services)

Documents Filed: (1) Memorandum from Director, Environmental Services, Kerrie Romanow, dated May 15, 2017, recommending holding a public hearing and adoption of resolutions. (2) Supplemental memorandum from Director, Environmental Services, Kerrie Romanow, dated June 6, 2017, reporting on written protests received. (3) Proof of Publication of Notice of Public Hearing, executed on May 17, 2017, submitted by the City Clerk. (4) City Clerk’s script for Municipal Water System Water Rate Increase. (5) Letter from Bryan Le, dated May 11, 2017, offering opposition to the increases.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Greg Lytle offered a history of the rate increases and expressed opposition.

Mayor Sam Liccardo closed the public hearing.

City Attorney Richard Doyle and Environmental Services Department Deputy Director Jeff Provenzano responded to questions from Council and addressed the speaker’s concerns.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Sylvia Arenas and carried unanimously, Resolution No. 78193, entitled: “A Resolution of the Council of the City of San José to Establish New Charges for Potable Water Service Effective July 1, 2017”; Resolution No. 78194, entitled: “A Resolution of the Council of the City of San José Authorizing Superseding Resolutions Nos. 67667, 68377 And 72756 with Respect to Recycled Water Meter Charges and Continuing in Effect the Provisions of Resolution No. 68377 Related To The Calculation Of Recycled Water Quantity Charges (10-1. Absent: Nguyen.)

7.2 (a) **Conduct a Public Hearing on proposed 2017-2018 Recycle Plus rates and proposed maximum possible rate increases for 2018-2019 and 2019-2020.**

(b) **Adopt a resolution to amend the current Recycle Plus rate resolution effective July 1, 2017, as follows:**

(1) **Increase rates for single-family households by 3.5 percent; and**

(2) **Increase rates for multi-family households by 4.5 percent.**

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

Documents Filed: Memorandum from Director, Environmental Services, Kerrie Romanow, dated May 24, 2017, recommending holding a public hearing and adoption of a resolution.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Offering opposition to rate increases, lack of service and comparison to other geographical areas, were: Laura Robleco, Ray Perez, Maria Montiel, David Vandever, Catherine Sweat, Thomas Zhu, Alberto Alvarez, Hubert Barnes-Ross, Kimberly Lowe, Michael Overholt, Leon Dryden and Maria Renee Castillo.

Mayor Sam Liccardo closed the public hearing.

Staff offered background information, and extensive Council discussion ensued.

City Clerk Toni J. Taber, CMC reported that subsequent to the memorandum from the Environmental Services Department, the City Clerk's Office had received valid written protest representing nine additional customers, and the total number of valid written requests is 53 for the proposed Municipal Water System rate increase. City Clerk Taber continued that the total of all written protest received during the public protest period represents one half of one percent (0.5%) of all customers impacted by the change in water retail rates; therefore the Council may consider the Staff recommendations for the Municipal Water System rate increase.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones and carried unanimously, Resolution No. 78195, entitled: "A Resolution of the Council of the City of San José Adopting Service Rates for the Recycle Plus Program Effective July 1, 2017 and Superseding Resolution No. 77775", was adopted. (10-0-1. Absent: Nguyen.)

- 7.3 (a) **Approve an ordinance amending Section 22.08.030 of Chapter 22.08 (Public Art Program) of Title 22 of the San José Municipal Code to exempt capital improvement projects for the San José-Santa Clara Regional Wastewater Facility from the one percent public art assessment of the capital improvement budget.**

AND, if Council approves part (a);

- (b) **As recommended by the Arts Commission on April 17, 2017, direct the Administration to research public art funding alternatives and report back to the Council by the end of November 2017 with recommendations to backfill the reductions in Public Art revenue that an exemption of Regional Wastewater Facility Capital Improvement Projects from the 1% for art public art ordinance would create.**

CEQA: Not a Project, File No. PP10-068(d), General Procedure & Policy Making, Preliminary Direction to Staff. (Environmental Services/Economic Development)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 5, 2017, recommending dropping 7.3(b). (2) Memorandum from Treatment Plant Advisory Committee Chair, Sam Liccardo, dated May 26, 2017, providing the Committee's recommendations.

Assistant City Manager Environmental Services, Ashwini Kantak and Director of Cultural Affairs/Deputy Director Economic Development, Kerry Adams Hapner provided a presentation.

Public Comments: Ron Muriera, San José Arts Commission and Patty McDonald offered support to the staff recommendation.

Motion: Councilmember Raul Peralez moved approval of staff recommendations as amended, allowing more time for the significant amount of policy work to be completed, as indicated below, in 'Action'. Councilmember Dev Davis seconded the motion.

Action: On a call for the question, the motion carried, and Ordinance No. 29950, entitled "An Ordinance of the City of San José Amending Section 22.08.030 of Chapter 22.08 of Title 22 of the San José Municipal Code to Exempt the Capital Improvement Projects for the San José Santa Clara Regional Wastewater Facility from the Capital Improvement Budget Public Art Funding Requirement", was passed for publication, with direction that the public art funding alternatives work follow the Urban Village Framework and Downtown Sign District work, rather than adhering to the November 2017 deadline. The City Manager's office to return with recommendations if a significant amount of policy work is required for prioritization of the public art funding alternatives. (10-1. Absent: Nguyen.)

The Meeting of the City Council was recessed at 4:03 p.m., and the Successor Agency to the Redevelopment Agency of the City of San José was convened.

REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Successor Agency Board:

- (a) **Approve a Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and Imwalle Properties as buyer to allow the sale of 1343 The Alameda (“Property”) for a purchase price of \$363,000, subject to an extension of the close of escrow for an additional sixty (60) days in addition to the thirty (30) days required under the Purchase and Sale Agreement.**
- (b) **Adopt a resolution terminating the Successor Agency’s use of the adjacent property located at 1345 The Alameda for parking purposes and authorizing the Managing Director to execute a Quitclaim Deed to terminate the Easement Agreement, dated May 19, 2009, between the former Redevelopment Agency of the City of San José and Lydia Tai (“Tai Property”) which allows the Tai Property to use two (2) parking spaces on the Property.**

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 6. (Successor Agency)

Documents Filed: Memorandum from Successor Agency Managing Director Richard A. Keit, dated May 24, 2017, recommending approval of an agreement and adoption of a resolution.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Raul Peralez and carried unanimously, the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and Imwalle Properties as buyer to allow the sale of 1343 The Alameda was accepted, and Successor Agency Resolution No. 7062, entitled “A Resolution of the Successor Agency to the Redevelopment Agency of the City of San José: (1) Terminating The Successor Agency’s Use of the Property Located at 1345 The Alameda for Parking Purposes; and (2) Authorizing the Managing Director to Execute a Quitclaim Deed to Terminate the Easement Agreement, Dated May 19, 2009, between the Former Redevelopment Agency of the City of San José and Lydia Tai (“Tai Property”) Which Allows the Tai Property to Use Two Parking Spaces on the Successor Agency’s Adjacent Property Located at 1343 The Alameda”, was adopted. (10-1. Absent: Nguyen.)

- ### 9.2 Successor Agency Board approve the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and TC Agoge Associates, LLC as buyer to allow the sale of 551 West Julian Street for a purchase price of \$650,000, subject to an extension of the close of escrow for an additional sixty (60) days in addition to the thirty (30) days required under the Purchase and Sale Agreement. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 3. (Successor Agency)

Documents Filed: Memorandum from Successor Agency Managing Director Richard A. Keit, dated May 24, 2017, recommending approval of a Purchase and Sale Agreement.

9.2 (Cont'd.)

Action: Upon motion by Councilmember Raul Peralez, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and TC Agoge Associates, LLC as buyer to allow the sale of 551 West Julian Street for a purchase price of \$650,000, subject to an extension of the close of escrow for an additional sixty (60) days in addition to the thirty (30) days required under the Purchase and Sale Agreement, was approved. (10-1. Absent: Nguyen.)

9.3 **Successor Agency Board approve the Purchase and Sale and Assignment Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and Germania Verein Inc. as buyer to allow the sale of the Revenue Participation Interest for the property located at 261 North Second Street for the purchase price of \$32,360, subject to an extension of the close of escrow for an additional sixty (60) days in addition to the thirty (30) days required under the Purchase and Sale Agreement. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 3. (Successor Agency)**

Documents Filed: Memorandum from Successor Agency Managing Director Richard A. Keit, dated May 24, 2017, recommending approval of an agreement and approval of a Purchase and Sale Agreement.

Action: Upon motion by Councilmember Raul Peralez, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Purchase and Sale and Assignment Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and Germania Verein Inc. as buyer to allow the sale of the Revenue Participation Interest for the property located at 261 North Second Street for the purchase price of \$32,360, subject to an extension of the close of escrow for an additional sixty (60) days in addition to the thirty (30) days required under the Purchase and Sale Agreement, was approved. (10-1. Absent: Nguyen.)

The meeting of the Successor Agency to the Redevelopment Agency of the City of San José was adjourned at 4:05 p.m., and the meeting of the City Council was reconvened.

OPEN FORUM

- (1) Robert Aguirre expressed concerns regarding the sweeps of homeless encampments.
- (2) David Vandever addressed the poor timing of tree removal and replanting in his neighborhood in South San José.

ADJOURNMENT

Mayor Sam Liccardo adjourned the meeting at 4:10 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,
DRAFT

Toni J. Taber, CMC
City Clerk

rmk/06-06-17 MIN

- **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 receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10423	129 W. Julian Street	3	Trumark Construction Services Inc.	16/ 43	MFA