



**MINUTES OF THE CITY COUNCIL**

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, JANUARY 30, 2018**

The Council of the City of San José convened in Regular Session at 1:30 p.m. in the Council Chambers at City Hall.

Present: Councilmembers - Arenas, Davis, Diep, Jimenez, Jones, Khamis, Nguyen, Peralez, Rocha; Liccardo, Carrasco, (1:41 p.m.)

Absent: Councilmembers - All present.

**STRATEGIC SUPPORT SERVICES**

**3.2 Accept Labor Negotiations Update.**

None provided.

**CLOSED SESSION**

Upon motion unanimously adopted, Council recessed at 9:08 a.m. to a Closed Session in Room W133 to discuss (A) Public Employment/Public Employee Appointment pursuant to Government Code section 54957 pertaining to Human Resources Director, (City Manager's Office). (B) to confer with Legal Counsel pursuant to 54956.9(d)(4) of the Government Code Section pertaining to Initiation of litigation in one (1) matter. (C) to confer with Legal Counsel pursuant to Government Code Sections 54956.9(d) (1) pertaining to existing litigation (1) Sutter's Place, Inc, dba Bay 101 v. City of San Jose. Names of Partie(s) Involved: Sutter's Place, Inc. dba Bay 101; City of San Jose; the Division of Gaming Control; Court: Superior Court of California, County of Santa Clara; Case No.: 1-13-CV-258057; Amount of Money or Other Relief Sought: Damages according to proof. (D) to confer with Real Property Designated Representatives pursuant to Government Code Section 54956.8: (1) 255 South Montgomery Street (APN 261-37-025); 8 South Montgomery Street (APN 259-38-130); 102 South Montgomery Street (APN 259-48-012) 510 West San Fernando Street (APN 259-48-011, 259-48- 013); 150 South Montgomery Street (APN 259-48-053) 105 South Montgomery Street (APN 261-35-003, 261-35- 006, 261-35-010) 645 Park Avenue (APN 261-35-014) 525 West Santa Clara Street/566 West Julian Street (APN 259-28-031, 259-28-041, 259-28-043, 259-28-044) 697 W. San Carlos (261-37-030) No address (261-37-028). Negotiating Parties: Nanci Klein for the City of San Jose and Jay Bechtel for Google. Under Negotiation: The direction will concern price and terms of payment. (E) 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.

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

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

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 Confidential Employees' Organization, AFSCME Local 101 and City of San José. (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 (IAFF), Local 230. (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 Local 332 (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 Municipal Employees' Federation, AFSCME Local 101, AFL-CIO. (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 (OE#3). (10) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Name of Existing Contract or MOA: Memorandum of Agreement between City of San Jose and Association of Legal Professionals of San José (ALP.

By unanimous consent, Council recessed from the Closed Session at 10:04 a.m. and reconvened to Regular Session at 1:30 p.m. in the Council Chambers.

Present: Councilmembers - Arenas, Davis, Diep, Jimenez, Jones, Khamis, Nguyen, Peralez, Rocha; Liccardo, Carrasco, (9:35 a.m.)

Absent: Councilmembers - All present.

## **INVOCATION**

Pastor Matt Blankenship of the Bethel Church provided the Invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Sam Liccardo, accompanied by Third Graders from De Vargas Elementary School, led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Tam Nguyen and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with no changes. (10-0-1. Absent: Carrasco.)

## CEREMONIAL ITEMS

- 1.1 18-111** Mayor Sam Liccardo and Councilmember Raul Peralez presented a commendation to Ray Bramson for his passion and commitment to making a difference among our homeless population and working towards his vision that we can end homelessness.
- 1.1 18-114** Mayor Sam Liccardo and Councilmember Donald Rocha presented a commendation to longtime San Jose Mercury News journalist Scott Herhold for his many accomplishments in the field of journalism.

## CONSENT CALENDAR

Upon motion by Councilmember Chappie Jones, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Consent Calendar was approved, with Items 2.5 and 2.6 pulled, and the below listed actions taken as indicated. (11-0.)

### **2.1 Approval of Council Minutes:**

There were none.

### **2.2 Final Adoption of Ordinances:**

There were none.

### **2.3 Approval of Council Committee Minutes.**

There were none.

### **2.4 Mayor and Council Excused Absence Requests.**

There were none.

### **2.5 City Council Travel Reports.**

Mayor Sam Liccardo reported on his trip to Washington, DC and addressed his reasons for resigning from The Broadband Deployment Advisory Committee, (BDAC).

Public Comment: Blair Beekman offered comments on the ideas of Public Safety and the future of broadband technology.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Mayor's report on his trip to Washington, DC, and his reasons for resigning from The Broadband Deployment Advisory Committee, (BDAC), was approved. (11-0.)

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

Councilmember Dev Davis provided a verbal update on the last meeting of the Retirement Boards.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Tam Nguyen and carried unanimously, the Council Liaison to the Retirement Boards report was approved. (11-0.)

2.7 18-068

**Children's Discovery Museum Grant for Various Improvements.**

Approve an Agreement granting the Children's Discovery Museum an amount not to exceed \$400,000 for construction work completed by the Museum involving a restroom addition, sidewalk improvements and security surveillance upgrades and expansion.

CEQA: Determination of Consistency to the Downtown Strategy 2000 Final Environmental Impact Report and addenda thereto (PP06-067), File No. PP14-070.Council District 3. (Public Works)

Documents Filed: Memorandum from Public Works Director Barry Ng, dated January 8, 2018.

Action: An Agreement granting the Children's Discovery Museum an amount not to exceed \$400,000 for construction work completed by the Museum involving a restroom addition, sidewalk improvements and security surveillance upgrades and expansion, was approved. (11-0.)

2.8 18-120

**As recommended by the Rules and Open Government Committee on January 17, 2018.**

(a) Approve the District 4 Office Hours event scheduled on January 20, 2018 as a City Council sponsored Special Event and approve the expenditures 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. (Diep) [Rules Committee referral 01/17/18 - Item G.1.c].

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated January 10, 2018.

Action: The District 4 Office Hours event 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. (11-0.)

2.9 18-110

**Actions Related to Mayor Liccardo's Travel to Washington, D.C.**

(a) Retroactively approve travel by Mayor Liccardo to Washington D.C. to attend the Federal Communications Commission Broadband Deployment Advisory Committee Meeting from January 23-24, 2018, and excuse my absence from the City Council Meeting on January 23, 2018:

1. Authorization for: Mayor Liccardo
2. Location: Washington, D.C.
3. Meeting Dates: January 23-24, 2018
4. Source of funds: Mayor's Office Budget
5. Purpose: The Federal Communications Commission Broadband Deployment Advisory Committee Meeting is taking place on January 23-24 in Washington, D.C. The purpose of the working group is to make recommendations to the Commission on how to accelerate the deployment of high-speed Internet access, or "broadband," by reducing and/or removing regulatory barriers to infrastructure investment.

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**Actions Related to Mayor Liccardo's Travel to Washington, D.C. (Cont'd)**

BDAC is intended to provide an effective means for stakeholders with interests in this area to exchange ideas and develop recommendations to the Commission on broadband deployment, which will in turn enhance the Commission's ability to carry out its statutory responsibility to encourage broadband deployment to all Americans. Digital literacy and access are priority areas for San José to improve the quality of life for all citizens.

(b). Retroactively approve travel by Mayor Liccardo to Washington D.C. from January 24-26, 2018, for the US Conference of Mayors, and excuse my absence from the Regular Meeting of the Joint Rules and Open Government Committee on January 24, 2018.

1. Authorization for: Mayor Liccardo
2. Location: Washington, D.C.
3. Meeting Dates: January 24-26, 2018
4. Source of Funds: Mayor/Council Travel Budget.
5. Purpose: Immediately following his meeting with FCC BDAC, Mayor Liccardo will be attending the US Conference of Mayors where he sits on two committees: Energy Independence and Climate Protection as well as on Mayors and Metro Universities. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Mayor) [Rules Committee referral 01/24/18].

Documents Filed: Memorandum from Mayor Sam Liccardo, dated January 11, 2018.

Action: Retroactive approvals for travel by Mayor Sam Liccardo to Washington D.C from January 23-24, 2018 and from January 24-26, 2018, including excused absences from the City Council Meeting on January 23, 2018 and from the Regular Meeting of the Joint Rules and Open Government Committee on January 24, 2018, were approved. (11-0.)

**END OF CONSENT CALENDAR****STRATEGIC SUPPORT SERVICES****3.1 Report of the City Manager, David Sykes.**

City Manager David Sykes reported the confirmation today by the Mayor and Council of his appointment of Caroline Krewson as Human Resources Director.

**3.2 Labor Negotiations Update.**

None provided.

**3.3 18-074 2018 Legislative Guiding Principles; the High Legislative Priorities; and overall Priorities and Advocacy Issues.**

Approve the 2018 Legislative Guiding Principles; the High Legislative Priorities; and overall Priorities and Advocacy Issues for the second year of the two-year Legislative Session in Sacramento and the 115th Congress. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager).

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**2018 Legislative Guiding Principles; the High Legislative Priorities... (Cont'd)**

Documents Filed: (1) Memorandum from Intergovernmental Relations Director Betsy Shotwell, dated January 8, 2018. (2) Staff presentation entitled, '2018 Legislative Guiding Principles, Priorities and Advocacy Issues', dated January 30, 2018. (3) Letter from the Public: (California Apartment Association), dated January 29, 2018.

Intergovernmental Relations Director Betsy Shotwell, and Housing Director Jacky Morales-Ferrand, gave a presentation and responded to questions.

Public Comments: Offering comments on the 2018 Legislative Guiding Principles; the High Legislative Priorities; and overall Priorities and Advocacy Issues were Michael Fitzgerald, Anil Babal, Kirk McKenzie, Gustavo Gonzalez. Kurt Conroy, David Elsbach, Ms. Lubow, Seigi Tadokoro, (representing BAHN); Chunchi Ma, Lilly Liang, Blair. Beekman, Sandy Perry, Christian Ollano, (representing PACT); Marci Gerson, (from PACT); Jenny Zhao and Jeff Zell.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the 2018 Legislative Guiding Principles; the High Legislative Priorities; and overall Priorities and Advocacy Issues were approved with modifications to rephrase the line: "including the repeal of Costa Hawkins," [page 5 of Attachment A and LGP#5 page 4 of Attachment B]. Pertaining to "...clean energy vehicles", this included approval to change the word "ban" on attachment B from ESD to "limit the use of internal combustion engines" or the "phasing out of production of internal combustion engines", with adjustment by Mayor Liccardo to substitute the word "ban" with "phase out" [LGP #6, page 4 of Attachment B] and remove recommendation to support lowering the voter-approved two-thirds threshold for library bonds, on page appendix A. Regarding Civic Innovation, this was modified with a friendly amendment by the Mayor to include verbiage like no reduction in our ability to regulate without commensurate obligation on carriers to broaden digital access or to support digital equity. (which means, if we must take local control, we must ensure that the industry has responsibility to serve people who currently can't afford it.)

This was further addended with two friendly recommendations from the Mayor to:  
 a.) incorporate funding advocacy for Eastridge Light Rail comparable to the level of support and backing received by the Diridon Station-BART, especially on the eve of the now imminent CTC, (California Transportation Commission) allocation (of funding to the tune of \$8M or \$9M) to maintain and upgrade urban transportation infrastructure  
 b.) take advantage of proposed legislation, (by at least two State Legislators) seeking to prioritize offer of incentives to construct more affordable housing by jobs-heavy Cities in support of their jobs capacity. (9-0-2. Noes: Peralez, Rocha)

**Worker's Compensation Program: Evaluation of Service Delivery Options**

(a) As recommended by the Public Safety, Finance, and Strategic Support Committee on December 14, 2017, accept the evaluation of service delivery options for administering workers' compensation claims, including providing services In- House with City staff, through a Third-Party Administrator, and a Hybrid Model that includes both In-House and Third Party claims administration.

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3.4 18-007

**Worker's Compensation Program: Evaluation of Service Delivery... (Cont'd)**

(b) Additional recommendation by the Public Safety, Finance and Strategic Support Committee on December 14, 2017, direct the City Manager to:

(1) Continue the Current Worker's Compensation Pilot Program (Hybrid Model) through the completion of the State audit of the In-House program;

(2) Develop a work plan for bringing the entire worker's compensation program In-House in stages upon successful completion of the State audit; and

(3) Return through the budget process with funding recommendations for bringing the program In-House in stages beginning in 2019-2020.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Human Resources) [Public Safety, Finance and Strategic Support Committee referral 12/14/17 – Item (d)1]

(Deferred from 1/9/18 - Item 3.4)

**Deferred to 2/6/18 per administration.**

3.5 18-048

**Statement of Policy and City Council Questions for the Prospective Director of Planning, Building, and Code Enforcement.**

Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Planning, Building, and Code Enforcement as described in the memorandum to Council, in compliance with City Charter Section 411.1.

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

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated January 29, 2018. (2) Memorandum from City Manager David Sykes, dated January 16, 2018.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, a Statement of Policy and City Council Questions related to the selection of a prospective Director of Planning, Building, and Code Enforcement as described in the memorandum to Council, in compliance with City Charter Section 411.1 was approved, including approval of the following Questions from Mayor's memo:

1. In your current or prior organization, what concrete, specific actions have you taken to improve the inspection and permitting processes—to improve reliability, efficiency, or to reduce delays/cycle times—and what metrics can you point to in order to demonstrate progress?

2. In your current or prior organization, what concrete, specific actions have you taken to improve the planning and development process—to improve reliability, efficiency, or to reduce delays—and what metrics can you point to in order to demonstrate progress?

3. In your current or prior organization, what concrete, specific actions have you taken to improve the efficiency or effectiveness of code enforcement, and what metrics can you point to in order to demonstrate progress?

4. To what extent do you rely on or previously utilized quantitative benchmarks—particularly customer focused performance data—to guide and demonstrate organizational performance? If so, can you please provide some examples?

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**Statement of Policy and City Council Questions for the Prospective (Cont'd)**

5. Can you point to any substantial planning effort that you have led from conception to actual implementation—where implementation is defined in actual construction of desired development—that best demonstrates your leadership role and effectiveness?

6. The Mayor has articulated an ambitious goal to build 25,000 units in the next five years, with 10,000 of those homes being affordable. Based on your experience, what are the most important tasks requiring your attention as our new Planning Director to accomplish this goal? What experience do you have in aligning resources or crafting strategy that makes you well-suited for this role?

These questions were complemented with three additional questions from Councilmember Khamis as follows:

1. Do you have experience with self-permitting? What are your thoughts? Has it worked, and do you think it will work here?
2. Describe how you used technology to enhance end user satisfaction.
3. Describe methods that you have taken to improve responsiveness, timeliness, and clarity in decisions from the Building and Planning Department.

These were amended by additional question from Councilmember Davis as follows: “How will you encourage cross departmental meetings within Planning, Building and Code Enforcement communications and can you discuss the importance of that with customer satisfaction?”

The above was supplemented with a friendly amendment from Councilmember Diep as follows:

“How do you prevent the problem of different inspectors requiring different things from the same applicant?” (11-0.)

**Station Area Advisory Group (SAAG) Membership.**

Approve the Station Area Advisory Group (SAAG) membership as part of the community engagement for development of the Diridon Station Area.  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

Documents Filed: (1) Memorandum from Economic Development Director Kim Walesh and Chief of Staff Lee Wilcox, dated January 19, 2018. (2) Memorandum from Councilmember Sergio Jimenez, dated January 29, 2018. (3) Five letter(s) from the Public, dated between January 26, 2018 and January 30, 2018.

Economic Development Director Kim Walesh emphasized that no one will be excluded who wants to provide their feedback and use their voice.

Public Comments: Offering comments on the Station Area Advisory Group (SAAG) membership as part of the community engagement for development of the Diridon Station Area were Marci Gerston, (PACT Leader and Board member); Brian Franzen, (PACT and Westminster Presbyterian Pastor); Sandy Perry, (AHN – CHAM Deliverance Ministry); Gail Osmer, (with PACT); James Eggers, (Sierra Club);

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**Station Area Advisory Group (SAAG) Membership. (Cont'd)**

Jennifer Muhre, (Showing Up for Racial Justice at Sacred Heart); Mary Helen Doherty, (PACT and Showing Up for Racial Justice at Sacred Heart); Connie Chew, (member of SEIU 521); Sarah McDermott, (Unite Here Local 19); Jeffrey Buchanan, (Working Partnerships U.S.A); Christian Ollano, (PACT); Walter Hudson, (PACT); Brian O'Neil, (SEIU 521 retiree); Vera Sloan, Elizabeth Soehngen Jim Marshall, Christine Pepin, Nasim, (Green Party of Santa Clara County); Rubi Deniz, (Silicon Valley Rising) Diana Salazar, Maria Noel Fernandez, (Silicon Valley Rising); Nassim Nouri, (Green Party of Santa Clara County); Salvador Bustamante, Alejandra Mejia, Cristobal Magana, Ted Smith, Gemma Abels, (Morgan Hill Association of Teachers), Adina Levin, (Friends of CalTrain); Aoubacar Ndiaye, (Working Partnerships USA); Harvey Darnell, (North Willow Glenn); Mike Paradella, (Serve The People San José); Veronica Eldridge, Liz Gonzalez, Andrew Lee, Miguel Santiago, Bill Souders, Nereida Moussa, (STAND San Jose); Nadia Aziz, (Law Foundation of Silicon Valley); Robert Aguirre, Rev. Jeff Moore, David Urhausen, (South Bay Labor Council); Blair Beekman, Jonathan Martinez, Joey Torres, Claudia Shope. Dan Montsier, (Alameda Business Association); Shaun Cartwright, Jocelin Hernandez, (Serve The People); Paul Escobar, Dr. Sharat G Lin, (San Jose Peace and Justice Center); Mariel Block, (Law Foundation of Silicon Valley); Shay Franco-Clausen, Scott Knies, Peter Ortiz, (representing San José Brown Berets), Ruth Silver Taub, and Javier Gonzalez, (Google).

Mayor Sam Liccardo expressed gratitude to community members that came out, voiced appreciation for Councilmember Jimenez' memo, as well as articulated and reiterated the imperative of our diverse community's voice[s] to be heard.

Councilmember Jimenez restated his memo's key intent as "inclusion" and to inject some "guiding principles" in the negotiation process. Rather than seek to exclude those voting members or public entities on the list, he clarified with reminders that the underlying memo, dated 6/20/2017, item # 1 involved the inclusion of residents, small businesses, faith-based groups, and local organizations on the Advisory group's list.

Action: Upon substitute motion by Councilmember Sergio Jimenez, seconded by Councilmember Donald Rocha, and carried unanimously the Station Area Advisory Group (SAAG) membership as part of the community engagement for development of the Diridon Station Area was approved as outlined in the staff memo, with caveats as follows: apply the same policy of membership as Boards and Commissions, which means not allowing any City Employees to hold membership in the Advisory group.

This was amended with paragraph 2 of Councilmember Jimenez's Memo; and, with sub-paragraphs (2a, 2b, 2f) and paragraph 4 adapted and integrated as follows:

Paragraph 2. Add the following members to the SAAG roster as voting members:

- (2)(a) The Law Foundation of Silicon Valley
- (2)(b) People Acting in Community Together, (PACT); (with this member designated to represent East Side of San Jose).
- (2)(f) Minority Business Consortium, and
- (4) Direct staff to prepare a memo to Council in the future describing the following:
  - (a) Potential work plan for the SAAG,
  - (b) Proposed goals, and,
  - (c) Possible governance structures that would ensure that the SAAG is productive and successful in achieving its purpose. (11-0.)

**The January 30, 2018 City Council Meeting recessed at 6:17 p.m.**

**The January 30, 2018 City Council Meeting resumed at 6:32 p.m.**

**3.7 18-092 Update on the Community Energy Department**

Accept a status update on the Community Energy Department.

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

Documents Filed: (1) Replacement Memorandum from Community Energy Director Lori Mitchell, dated January 26, 2018. (2) Staff presentation entitled, 'San José Clean Energy (SJCE) City Council Update', dated January 30, 2018.

Councilmember Donald Rocha left the meeting at approximately 6:46 p.m.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, a status update on the Community Energy Department was approved. (9-0-2, Absent: Arenas, Rocha.)

**3.8 18-072 Actions Related to the Purchase Order with Hi-Tech Emergency Vehicle Service, Inc. for Fire Service Vehicles.**

Adopt a resolution authorizing the City Manager to:

(a) Execute a purchase order with Hi-Tech Emergency Vehicle Service, Inc. (Oakdale, CA) for the purchase of two Type III and three Type VI Wildland Fire Service Vehicles for the Fire Department, in an amount not-to-exceed \$1,923,490, plus applicable sales tax and license fees;

(b) Approve a contingency of \$193,000 for any unforeseen changes or modifications to the design of the vehicles, subject to the appropriation- of funds; and

(c) Approve the purchase of additional vehicles for five years from the initial purchase date, subject to the same terms and conditions of the purchase order for the initial five vehicles, and the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance.)

Documents Filed: Memorandum from Finance Director Julia H. Cooper, dated January 8, 2018.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, Resolution No. 78496, entitled: "A Resolution of the Council of the City of San Jose Authorizing the City Manager to: (a) Execute a purchase order with Hi-Tech Emergency Vehicle Service, Inc. (Oakdale, CA) for the purchase of two Type III and three Type VI Wildland Fire Service vehicles for the Fire Department, in an amount not-to-exceed \$1,923,490, plus applicable sales tax and license fees; (b) Approve a contingency of \$193,000 for any unforeseen changes or modifications to the design of the vehicles, subject to the appropriation of funds; and (c) Approve the purchase of additional vehicles for five years from the initial purchase date, subject to the same terms and conditions of the purchase order for the initial five vehicles, and the appropriation of funds", was adopted. (9-0-2, Absent: Arenas, Rocha.)

**3.9 18-076**

**Actions Related to the Purchase Order with Pierce Manufacturing, Inc. for Urban Search and Rescue and Hazardous Materials Vehicles for the Fire Department.**

Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Pierce Manufacturing, Inc. (Appleton, WI) for the purchase of two new Urban Search and Rescue and one new Hazardous Materials Vehicles for the Fire Department, in an amount not-to-exceed \$3,889,537, plus applicable sales tax and license fees;
- (b) Approve a contingency of \$389,000 for any unforeseen changes or modifications to the design of the vehicles, subject to the appropriation of funds; and
- (c) Approve the purchase of additional vehicles for five years from the initial purchase date, subject to the same terms and conditions of the purchase order for the initial three vehicles, and the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance).

Documents Filed: Memorandum from Finance Director Julia Cooper, dated January 9, 2018.

Action: Resolution No. 78497, entitled: “A Resolution of the Council of the City of San Jose Authorizing the City Manager to: (1) Execute a purchase order with Pierce Manufacturing, Inc. (Appleton, WI) for the purchase of two new Urban Search and Rescue and one new Hazardous Materials Vehicles for the San Jose Fire Department, in an amount not-to-exceed \$3,889,537, plus applicable sales tax and license fees; (2) Approve a contingency of \$389,000 for any unforeseen changes or modifications to the design of the vehicles, subject to the appropriation of funds; and (3) Approve the purchase of additional vehicles for five years from the initial purchase date, subject to the same terms and conditions of the purchase order for the initial three vehicles, and the appropriation of funds”, was adopted. (10-0-1, Absent: Rocha.)

**3.10 18-070**

**Actions Related to D2 Partnership Grant Funds Under the Safe, Clean Water and Natural Flood Protection Program.**

(a) Adopt a resolution:

- (1) Authorizing the City Manager to accept an award of partnership grant funds up to \$200,000 each year from 2017-2018 through 2021-2022 under the Santa Clara Valley Water District Safe Clean Water and Natural Flood Protection Program;
  - (2) Authorizing the City Manager to execute a partnership agreement to effectuate; Santa Clara Valley Water District award of funds to the City
- (b) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Storm Sewer Capital Fund:
- (1) Establish an estimate for Revenue from Local Agencies in the amount of \$200,000;
  - (2) Establish an appropriation to the Public Works Department for San José Watershed Invasive Species Removal and Engagement in the amount of \$200,000.
- CEQA: Exempt, File No. PP13-057(h), CEQA Guidelines Section 15301, Existing Facilities. Council District: 2, 3, 4, 7 & 8. (Public Works/City Manager)

Documents Filed: Memorandum from Public Works Director Barry Ng, and Budget Director Margaret McCahan, dated January 8, 2018.

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**3.10 18-070**

**Actions Related to D2 Partnership Grant Funds Under the Safe, Clean...(Cont'd)**

Action: (a) Resolution No. 78498, entitled: “A Resolution of the Council of the City of San Jose Authorizing the City Manager to: Accept an award of partnership grant funds under the Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection Program and authorizing the City Manager to execute a partnership agreement to effectuate Santa Clara Valley Water District award of funds to the City; and (b) Ordinance No. 30068, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 29962 to Appropriate moneys in the Storm Sewer Capital Fund”, or (2017-2018 Appropriation Ordinance and Funding Sources Resolution Amendments in the Storm Sewer Capital Fund): (1) Establish an estimate for Revenue from Local Agencies in the amount of \$200,000; and (2) Establish an appropriation to the Public Works Department for San José”; and Resolution No. 78499, entitled: “A Resolution of the Council of the City of San Jose Amending Resolution No. 78229 setting forth the estimated sources of funds for the Fiscal Year 2017-2018 to adjust revenues in the Storm Sewer Capital Fund”, were adopted. (10-0-1, Absent: Rocha.)

**3.11 18-067**

**Actions Related to the Relocation of Christopher Columbus Statue.**

Accept staff report and consider options regarding the potential relocation of the Columbus statue and direct staff accordingly. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative. Activities resulting in no changes to the physical environment. (Public Works).

Documents Filed: (1) Memorandum from Public Works Director Barry Ng, dated January 8, 2018. (2) Memorandum from Vice Mayor Magdalena Carrasco, dated January 30, 2018. (3) Staff presentation, entitled, “Relocation of Christopher Columbus Statue”, dated January 30, 2018. (4) Five Letter(s) from the Public, (including: San Jose Brown Berets, History San Jose, SOMOS Mayfair, Elisheva Basseri, District 9 Resident; and Jerry Jeska.)

Public Works Acting Director, Jon Cicirelli, Facilities Deputy Director Joe Garcia and Chief of Staff, Lee Wilcox gave a presentation and responded to questions.

Public Comments: Offering comments on Actions Related to the Relocation of the Christopher Columbus Statue were: Diane Solomon. Michael Sonsini, Brian Faircloth, Ken Borelli, Carol Neal, Jennifer Muhre, Elizabeth Soehngen, Gemma Adeis, Christina Keshena-Lofink. Craig Pasqua, (Native Voice TV); Tony Martino, (president, Italian men's club); Tony Zerba, Alida Bray, (History San José); Rosa Elizabeth-Warren, (Founder, Stand San José); Nereida Moussa, Pastor Jethroe Moore, (Silicon Valley NAACP); Miguel Santiago, Peter Ortiz, (San Jose Brown Beret); Vanessa Sanchez, (Amah Mutsin Nation); Frank Deturris, Joshua DeVincenzi Melander, (President, Little Italy San Jose); Frank de Torres, Linda Canelo Buckley, (IAHF President); Sal Caruso, Vera Sloan, (Stand San Jose); Johnny Dominguez, (Muwekma Tribe); Gloria Bonilla-Lally, (San Jose Brown Beret); Corlie Pietsch, Helen Marhese-Owens, Dennis, David Westerman, Cristobal Magana, Brian Wheatly, Monica Amador, Rose Amador-Lebeau, Robert Aguirre, Joey Torres, Kenneth Rosales, Julie Dominguez, Nicole Boaz, Miguel Santiago, David Persinski, Frank Locero, Rod Dirdon, Sr.; Cynthia Fuentes, Guillermo Tlaca Yaoteim, Mary Daenberg, Sandy Perry, Jacky Rueca, Victor Cristobal, Dr. Sharat G. Lin, Diana Salazar, Omar Vasquez, Beija Gonzalez, (San Jose Brown Beret);

*(Item Continued on the Next Page)*

**Actions Related to the Relocation of Christopher Columbus Statue. (Cont'd)**

Anna Georgine Cordiga, Jessica Wilmer, Martin Madrigal, Dennis Kitanik, Ruth Silver Taube, Ulises Ortiz, Steve Cornagha, Kat Laveaux, Quentin Diego Chopa, Shawn Cartwright, Blair Beekman, and Chris Sarbaugh.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones, and carried unanimously, the relocation of Christopher Columbus' Statue was approved with a vote of 10-0. Staff is directed to work with the Italian American Community (defined as Joshua DeVincenzi Melander, President, Little Italy San Jose; Debbie Cominiti, Vice President, Little Italy San Jose, and Sal Caruso) to find a location for the Statue in the Italian Community within the next 6 weeks; and, the City Manager is authorized to have the statue moved to a designated location as is mutually acceptable to the City and the Italian American Community. If no suitable location is found within this timeframe, the City Manager is authorized to have the Statue moved into storage at history park or the appropriate site. (10-0-1, Absent: Rocha.)

**COMMUNITY & ECONOMIC DEVELOPMENT****Actions Related to the 2018-2019 Hazardous Vegetation Commencement Report.**

Conduct a Public Hearing and adopt a resolution:

(a) Overruling any and all objections to the 2018-2019 Hazardous Vegetation Commencement Report (Report); and,

(b) Directing the Santa Clara County Consumer and Environmental Protection Agency to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, File No. PP13-097, CEQA Guidelines section 15301, Existing Facilities. (Planning, Building and Code Enforcement)

Documents Filed: Memorandum from Planning, Building and Code Enforcement Interim Director Rosalynn Hughey, dated January 8, 2018.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sergio Jimenez and carried unanimously, conducting a Public Hearing was approved; and, Resolution No. 78500, entitled: "A Resolution of the Council of the City of San Jose: (a) Overruling any and all objections to the 2018-2019 Hazardous Vegetation Commencement Report and (b) Directing the Santa Clara County Consumer and Environmental Protection Agency to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San Jose Municipal Code and the Weed Abatement Agreement between the City of San Jose and the County of Santa Clara", was adopted. (10-0-1, Absent: Rocha.)

## 5. NEIGHBORHOOD SERVICES

### 5.1 18-135 Anti-Graffiti and Anti-Litter Programs Annual Report.

As recommended by the Neighborhood Services and Education Committee on December 14, 2017; accept the Anti-Graffiti and Anti-Litter Programs Annual Report. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation, and Neighborhood Services) [Neighborhood Services and Education Committee referral 12/14/17- (d)4.

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, dated January 25, 2018. (2) Staff presentation, entitled, "Anti-Litter and Anti-Graffiti Programs Annual Report," dated January 30, 2018.

Public Comments: Offering comments were: Blair Beekman, Robert Aguirre, and Miguel Santiago.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, the Anti-Graffiti and Anti-Litter Programs Annual Report, was accepted. (10-0-1, Absent: Rocha.)

## OPEN FORUM

1. Claudia Shoep requested City Council to change the requirements placed on homeowners to replace the sidewalks on the City's property adjacent to their own.
2. Michael Sonsini offered comments on the huge crime wave going on in District 9 almost every day
3. Shawn Cartwright commented that she filed a complaint against City Hall security.
4. Blair Beekman discussed the ideas of good, open communication in the community
5. Michael Fitzgerald spoke on various issues.

## ADJOURNMENT

Mayor Sam Liccardo adjourned the Council Meeting session at 11:01 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC  
City Clerk

lo/1-30-18 MIN