



City Council Meeting SYNOPSIS

Tuesday, March 5, 2019

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



- **Call to Order and Roll Call**

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

Present: Carrasco, Davis, Diep, Esparza (10:44 a.m.), Foley, Jones, Khamis, Liccardo, Peralez

Absent Councilmembers: Arenas, Jimenez.

1:33 p.m.- Regular Session, Council Chambers, City Hall

Absent Councilmembers: All Present.

18-1775 Closed Session Agenda

- **Invocation (District 3)**

Reverend Fannie Davis from Antioch Baptist Church provided the Invocation.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance accompanied by students from Rosemary Elementary School.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

- 1.1 Kaiser Permanente presented a \$12,000 Check to the City of San José for it's senior community centers to provide mobility fitness equipment. (Khamis)
- 1.2 Mayor Sam Liccardo and Councilmembers Arenas, Esparza, Davis, Clark and Foley offered a proclamation to Marjorie Clark proclaiming March as Women's History Month. (Arenas)
- 1.3 Mayor Sam Liccardo and Councilmember Dev Davis offered a proclamation, acknowledging March 6, 2019 as World Lymphedema Day. (Davis)

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

19-024 Approval of Council Committee Minutes.

Recommendation:

(a) Regular Public Safety, Finance and Strategic Committee Meeting Minutes of June 21, 2018.

(b) Regular Public Safety, Finance and Strategic Committee Meeting Minutes of August 16, 2018.

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

Approved.

2.4 Mayor and Council Excused Absence Requests.

19-025 Mayor and Council Excused Absence Requests.

Recommendation:

(a) Request for an excused absence for Councilmember Esparza, from the Regular Meeting of the Transportation and Environment Committee on February 4, 2019, due to illness.

(b) Request for an excused absence for Councilmember Davis, from the Regular Meeting of City Council on February 26, 2019, due to illness.

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

Approved.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 19-012 Amendment to Agreement with Hanson Bridgett LLP for Legal Services.

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Third Amendment to the agreement with Hanson Bridgett LLP for legal services related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al, to increase the compensation by \$300,000, for a total amount not to exceed \$700,000, and extend the term of the agreement through June 30, 2020.
CEQA: Not a Project, File No. PP17-003, Agreements/contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)
Resolution No. 78997 adopted.
(11-0.)

2.8 19-020 Grant Application for County of Santa Clara’s Historical Grant Program for Chiechi House Restoration Project Located at History Park.

Recommendation: Adopt a resolution approving History San José’s application (in partnership with La Raza Historical Society of Santa Clara Valley) to the County of Santa Clara’s Historical Grant Program for a restoration project at the Chiechi House in History Park.
CEQA: Categorically Exempt, File No. PP18-097, CEQA Guidelines Section 15301 (a) Existing Facilities and Section 15331, Historical Resource Restoration/Rehabilitation. Council District 7. (Economic Development)
Resolution No. 78998 adopted.
(11-0.)

2.9 19-021 Grant Application for County of Santa Clara’s Historical Grant Program for Peralta Adobe Restoration Project.

Recommendation: Adopt a resolution approving History San José’s application to the County of Santa Clara’s Historical Grant Program for the restoration of the Peralta Adobe.
CEQA: Categorically Exempt, File No. PP19-017, CEQA Guidelines Section 15301(a) Existing Facilities and Section 15331, Historical Resources Restoration/Rehabilitation. (Economic Development)
Resolution No. 78999 adopted.
(11-0.)

2.10 19-032 Amendment to the Agreement with Fairbank, Maslin, Maullin, Metz & Associates, Inc. for Consultant Services.

Recommendation: Adopt a resolution authorizing the City Manager to execute the Continuation and First Amendment to the Agreement for Consultant Services between the City of San José and Fairbank, Maslin, Maullin, Metz & Associates, Inc. (FM3) through December 31, 2020 and an increase in compensation of up to \$381,500 for a total amount not to exceed \$1,000,000.

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

[Deferred from 2/26/19 - Item 2.11 (18-1932)]

**Resolution No. 79000 adopted.
(11-0.)**

2.11 19-057 Request for Travel for Mayor and Council.

Recommendation: (a) Authorize travel, accept travel payments to the City of San José, and designate mayor Sam Liccardo as the City representative to speak at the SXSW (South by Southwest) Conference in Austin, TX from March 8-10, 2019.

(b) Approve travel for Vice Mayor Chappie Jones to Washington, D.C. from March 9, 2019 to March 11, 2019, designate him as the City's representative at the National League of Cities Congressional City Conference, and approve use of the Mayor/Council Travel Budget.

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

Approved.

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update.

None provided.

3.3 19-022 Council Priority Setting.

Recommendation:

- (a) Approve the following elements of the priority-setting session:
 - (1) Remove the following priorities from the priority list as complete:
 - (a) Priority #1, Update the City's Rental Rights and Referrals Program
 - (b) Priority #4, Housing Rehabilitation Program
 - (c) Priority #10, Personal Care Business Compliance Initiative
 - (d) Priority #25, Downtown Active Storefronts Initiative
 - (e) Priority #27, Medical Marijuana.
 - (2) Remove the following priorities from the priority list and add them to the nominations list:
 - (a) Priority #23, Spurring High Density Development Along Transit Corridors
 - (b) Priority #24, Riparian Corridors and Bird Safe Design
 - (c) Priority #26, San José is Open for Business/Legal Non-Conforming Uses.
 - (3) Approve staff's proposed priority setting nomination list.
 - (b) Approve new items for the Council Priority List.
 - (c) Rank items on the Council Priority list.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)

Approval to move Suicide Prevention off the Priority list and give it an automatic 'green light'. (11-0.)

Inclusion of priority setting item to direct the City Manager's Office to explore a Private Percent for Art Ordinance, per Vice Mayor Magdalena Carrasco's memorandum of March 4, 2019. (10-0-1. Absent: Peralez.)

Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis and carried unanimously, the removal of noted items from the Priority List, additions to the nomination list and approval of staff's proposed priority setting nominations list, was approved, as indicated in the following Council Policy Prioritization Process "Round 2" Results. (11-0.)

(Item Continued on the Next Page)

3.4 18-1928 Ordinance Modifying the Deadlines for Calculating and Approving the Cost of Living Adjustment to the Campaign Contribution Limit to Accommodate the March 3, 2020 Statewide Primary Election.

Recommendation: Approve an ordinance amending San José Municipal Code Section 12.06.210 of Chapter 12.06 of Title 12 to make technical changes to the deadlines for calculating and approving a cost of living adjustment to the City’s campaign contribution limit in response to California moving its statewide primary election to March of even-numbered years.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (City Clerk)
**Ordinance No. 30231 passed for publication.
(11-0.)**

4. COMMUNITY & ECONOMIC DEVELOPMENT

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 19-023 Actions Related to Award of Construction Contract for 2019 Major Streets Concrete and ADA Ramps Project #2.

Recommendation: (a) Approve award of a construction contract for the 2019 Major Streets Concrete & ADA Ramps Project #2, to the low bidder, Spencon Construction, Inc. in the amount of \$1,869,250.
(b) Approve a ten percent contingency in the amount of \$186,925.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 2, 7, 8, 9, & 10.
(Transportation)
**Approved.
(11-0.)**

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

- Open Forum

1. **Ray Perez spoke to San José's transit shortcomings and the need for safety.**
2. **Andrew Boone addressed the urgent need for reduction of greenhouse gas emissions.**
3. **Shani Kleinhaus urged evaluation of environmental effects of the proposed light tower at the Arena Green.**
4. **Dashiell Leeds expressed his concerns regarding artificial lighting and the need to consider its effects in future downtown designs.**

- Adjournment

The Council meeting of the City of San José was adjourned at 6:40 p.m.