

MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, AUGUST 15, 2017

The Council of the City of San José convened in Regular Session at 9:30 a.m. in the Council Chambers at City Hall.

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

Absent: Councilmembers - Diep. (Excused)

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:35 a.m. to a Closed Session in Room W133; (A) re: Public Employment/Public Employee Appointment Pursuant to Government Code Section 54957; Department or Agency: Airport; Title: Airport Director. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(4) with respect to anticipated litigation in one (1) matter; (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9(e)(5) with respect to anticipated litigation (Claim Filed): (1) in re: Claim of Rob and Renee Souza; City Department: Office of Emergency Services; (D) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) In re: Claim of Avila; Amount of Money or Other Relief Sought: Administrative Appeal; (2) 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: Petition for Writ of Mandate and Complaint for Declaratory Relief; (3) City of Santa Clara v. City of San José, et al.; Names Of Partie(s) Involved: City of Santa Clara, City of San José, City of San José City Council, Does I through X;

CLOSED SESSION (Cont'd.)

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; (4) Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al.; Names Of Partie(s) Involved: Preservation of Benefit Plan Retirees Association, Joseph Bass, David Boggini, Lawrence Jay Castellano, Richard Coco, Leslye Corsiglia, Harry Freitas, Michael Guisti, Linda Horwedel (the Beneficiary of Deceased City Retiree Joseph Horwedel), William Hughes, Danny Jordan, Evet Loewen, David Maas, Barry Ng, Anita Phagan, George Rios, Gary Schoennauer, Ken Tanase, Wayne Tanda, Nina Tobin, Randal Turner, Steven Turner, Robert Wilson, City of San José, Board of the Administration of the Federated City Employees' Retirement System; Norberto Duenas, in his Official Capacity as the City Manager of the City of San José, and Does 1-50; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No. 17CV312610; Amount of Money or Other Relief Sought: Petition for Writ of Mandate; (5) San José Retired Employees' Association, et al. v. City, et al.; Names Of Partie(s) Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Clara, Sixth District Court of Appeal; Case No.: 1-12-CV-23360; H040979; H042074; Amount of Money or Other Relief Sought: Verified Petition for Writ of Mandate and Declaratory Relief; (D) to Confer with Real Property Designated Representatives Pursuant to Government Code Section 54956.8: Property Street Address, Parcel Number, or other Unique Reference of Property: 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 259-48-059), 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, 529-28-043, 259-28-044) West San Carlos Street (261-37-030) No Address (261-37-028); Negotiating Parties: Nanci Klein for the City of San José and Jay Bechtel for Google; Under Negotiation: The direction will concern price and terms of payment. Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values. (C) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours,

CLOSED SESSION (Cont'd.)

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

By unanimous consent, Council recessed from the Closed Session at 11:45 a.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

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

Absent: Councilmembers - Diep. (Excused)

INVOCATION

Venerable Thich Hai Tich, Bao Phuoc Church provided the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Raul Peralez and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 7.1 deferred to August 22, 2017. (10-0-1. Absent: Diep.)

CEREMONIAL ITEMS

1.1 Presentation of a commendation to Community Health Partnership. (Rocha)

Mayor Sam Liccardo and Councilmember Donald Rocha presented the commendation to Community Health Partnership for its work to expand access and decrease barriers to affordable and accessible healthcare throughout the community, and its designation as “2017 Non Profit of the Year”.

1.2 Presentation of a commendation to California State Senator Jim Beall. (Mayor/Transportation)

Mayor Sam Liccardo, City Manager Norberto Dueñas and Director, Department of Transportation, Jim Ortbal presented the commendation to California State Senator Jim Beall recognizing his leadership in authoring and securing passage of SB 1, the Road Repair and Accountability Act of 2017.

1.3 Presentation of a commendation to Anna Schweizer, in celebration of her 106th birthday and a lifetime of achievements. (Mayor)

Mayor Sam Liccardo presented a commendation to Anna Schweizer, in celebration of her 106th birthday and a lifetime of achievements.

CONSENT CALENDAR

Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Diep.)

2.1 Approval of City Council Minutes:

- (a) Regular Minutes of December 13, 2016.**
- (b) Special Joint Meeting with Santa Clara Valley Board of Supervisors Minutes of April 24, 2017.**
- (c) Special Joint Meeting with Santa Clara Valley Water District Minutes of April 28, 2017.**

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

Documents Filed: (1) Regular Council Meeting Minutes, dated December 13, 2016. (2) Special Joint Meeting with Santa Clara Valley Board of Supervisors Minutes of April 24, 2017. (3) Special Joint Meeting with Santa Clara Valley Water District Minutes of April 28, 2017.

Action: The Council meeting minutes were approved. (10-0-1. Absent: Diep.)

2.2 Final Adoption of Ordinances:

- (a) **ORD NO. 29978** – An ordinance of the City of San José establishing a Community Choice Aggregation Program to allow the City of San José to aggregate the electrical load of San José Municipal needs, residents and businesses to reduce the City’s greenhouse gas footprint and to establish the Community Energy Department. CEQA: Not a Project, File No. PP10-069, City Administrative Activities and File No. PP10-068, General Procedure and Policy Making. (City Manager)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29978 executed on August 11, 2017 by the City Clerk.

Action: Ordinance No. 29978 was adopted. (10-0-1. Absent: Diep.)

2.3 Approval of Council Committee Minutes.

None provided.

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 the following Boards and Commissions appointments:

- (a) **Parks and Recreation Commission**
(1) **District 1 Seat: Appoint Daphna Woolfe for the term of 8/15/2017 to 6/30/2021.**
- (b) **Youth Commission**
(1) **District 3 Seat: Appoint Maren Bick-Maurischat for the term of 8/15/2017 to 5/31/2019.**

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 August 4, 2017, recommending approval of Board and Commission appointments. (2) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated August 11, 2017, providing nominees’ names for the commissions.

Councilmember Sergio Jimenez pulled Item 2.7, requesting clarification regarding code review. City Attorney Richard Doyle responded to Council questions.

2.7 (Cont'd.)

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Johnny Khamis and carried unanimously, Daphna Woolfe was appointed to the District 1 Seat on the Parks and Recreation Commission for the term of 8/15/2017 to 6/30/2021. Maren Bick-Maurischat was appointed for the District 3 Seat on the Youth Commission for the term of 8/15/2017 to 5/31/2019. (10-0-1. Absent: Diep.)

2.8 Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Second Amendment to Agreement for the one-year current Option Period with Squire Patton Boggs LLP for the period July 1, 2017 to June 30, 2018, in the increased amount not to exceed \$171,600, for a total contract amount of \$459,600, subject to the appropriation of funds. CEQA: Not a Project, File No. PP10-066(e), Agreement & Contracts, Services that involve no physical changes to the environment. (City Manager)

Documents Filed: Memorandum from Director, Intergovernmental Relations, Betsy Shotwell, dated July 27, 2017, recommending adoption of a resolution.

Action: Resolution No. 78308, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Negotiate and Execute the Second Amendment to Agreement for the One-Year Current Option Period with Squire Patton Boggs LLP for the period July 1, 2017 to June 30, 2018, in the Increased Amount not to exceed \$171,600, for a Total Contract Amount of \$459,600, Subject to the Appropriation of Funds.", was adopted. (10-0-1. Absent: Diep.)

2.9 Adopt a resolution authorizing the City Manager to:

- (a) **Execute Purchase Orders for the purchase of eBooks, eAudiobooks, and related services for a total aggregate amount not-to-exceed \$650,000 with the following vendors for the initial term of September 1, 2017 through August 31, 2018:**
 - (1) **Baker & Taylor, LLC (Charlotte, NC)**
 - (2) **Bibliotheca, LLC (Oakdale, MN)**
 - (3) **Mackin Book Company (Burnsville, MN)**
 - (4) **OverDrive, Inc. (Cleveland, OH)**
 - (5) **Recorded Books, Inc. (Prince Frederick, MD)**
- (b) **Approve a contingency of \$100,000 in the event that actual usage exceeds the total aggregate estimate during the initial term, subject to the appropriation of funds; and**
- (c) **Execute up to seven one-year options to renew the purchase orders with the final option year ending August 31, 2025, subject to the annual appropriation of funds.**

CEQA: Not a Project, File No. PP10-066(a), Agreements & Contracts, Purchase Orders. (Finance)

Documents Filed: City Council Action Request from Director of Finance, Julia Cooper, dated August 15, 2017, recommending adoption of a resolution.

2.9 (Cont'd.)

Action: Resolution No. 78309, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute Purchase Orders for the Purchase of eBooks, eAudiobooks, and Related Services in an Amount Not to Exceed \$650,000 for the Initial Term of September 1, 2017 through August 31, 2018, Approve a Contingency in an Amount Not to Exceed \$100,000, and Execute up to Seven One-Year Options to Issue New Purchase Orders through August 31, 2025, Subject to the Appropriation of Funds”, was adopted. (10-0-1. Absent: Diep.)

2.10 Retroactively approve international travel for Jill Bourne, City Librarian to travel to Toronto, Canada from July 26 – 28, 2017 to attend the Urban Library Council Executive Board Meeting. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities, Travel. (Library)

Documents Filed: Memorandum from City Librarian Jill Bourne, dated July 24, 2017, requesting retroactive approval for international travel.

Action: International travel for Jill Bourne, City Librarian to travel to Toronto, Canada from July 26 – 28, 2017 to attend the Urban Library Council Executive Board Meeting was retroactively approved. (10-0-1. Absent: Diep.)

2.11 As recommended by the Rules and Open Government Committee

- (a) Retroactively approve the District 10 Faith Leader Luncheon scheduled on Thursday, June 8, 2017 and the District 10 Leadership Coalition BBQ scheduled on Saturday, July 15, 2017, as City Council sponsored Special Events and approve the expenditure of funds.**
- (b) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.**

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Khamis)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated August 3, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 10 Faith Leader Luncheon as a City Council Sponsored Special Event, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-0-1. Absent: Diep.)

2.12 Recommendation: As recommended by the Rules and Open Government Committee on August 2, 2017:

- (a) Approve the Ethiopian Flag Raising Ceremony scheduled on Friday, September 8, 2017, as City Council sponsored Special Events and approve the expenditure of funds.**
- (b) Approve and accept donations from various individuals, businesses or community groups to support these events.**

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Mayor)

2.12 (Cont'd.)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated August 3, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Ethiopian Flag Raising Ceremony as a City Council Sponsored Special Event, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-0-1. Absent: Diep.)

2.13 As recommended by the Rules and Open Government Committee on August 2, 2017:

(a) Retroactively approve the SJ Works Graduation and Job Fair scheduled on Friday, July 28, 2017, as City Council sponsored Special Events and approve the expenditure of funds.

(b) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Mayor)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated August 3, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The SJ Works Graduation and Job Fair as a City Council Sponsored Special Event, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was retroactively approved. (10-0-1. Absent: Diep.)

2.14 As recommended by the Rules and Open Government Committee on August 9, 2017:

(a) Retroactively approve Movie Night scheduled for August 9, 2017 as a sponsored Special Event and approve the expenditure of funds.

(b) Retroactively approve the Indian Flag Raising ceremony and reception scheduled for August 11, 2017 as a sponsored Special Event and approve the expenditure of funds.

(c) Approve Participatory Budgeting award ceremony and reception scheduled for August 23, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(d) Approve Movie Night scheduled for August 25, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(e) Approve Movie Night scheduled for August 30, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(f) Approve and accept donations from various individuals, businesses or community groups to support these events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Jimenez)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated August 11, 2017, transmitting the recommendations of the Rules and Open Government Committee.

2.14 (Cont'd.)

Action: The Movie Night scheduled for August 9, 2017 and Indian Flag Raising ceremony and reception scheduled for August 11, 2017 as a City Council Sponsored Special Events, with expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the events, were retroactively approved. The Participatory Budgeting award ceremony and reception scheduled for August 23, 2017, Movie Night scheduled for August 30, 2017 as City Council Sponsored Special Events, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the events, were approved (10-0-1. Absent: Diep.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.3 **As recommended by the Rules and Open Government Committee on June 21, 2017, change the City Council's meeting schedule for August-December 2017 where Council Meetings, especially evening sessions, shall have a 12:00 a.m. curfew with a continuance to be determined.**

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Jones/Davis)

Documents Filed: (1) Joint memorandum from Councilmember Chappie Jones and Councilmember Dev Davis, dated June 15, 2017, regarding changes to the Council meeting schedule. (2) Memorandum from Councilmember Raul Peralez, dated August 14, 2017, providing recommendations regarding the Council Meeting Schedule. (2) Memorandum from City Clerk Toni J. Taber, dated August 3, 2017 transmitting the recommendations of the Rules and Open Government Committee. (3) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated August 14, 2017, providing additional recommendations.

Public Comments: Tim Gildersleeve offered opposition to the 12 a.m. curfew.

Motion: Councilmember Chappie Jones moved approval of the portion of the memorandum he cosigned with Councilmember Dev Davis, dated June 15, 2017, regarding a 12 a.m. curfew, and with additional direction that Council return on August 22, 2017 with a discussion item to move open forum to the beginning of the meeting. Councilmember Dev Davis seconded the motion.

Action: On a call for the question, the motion carried, and the joint memorandum from Councilmember Chappie Jones and Councilmember Dev Davis, dated June 15, 2017, was approved, to "Change the Council's meeting schedule for August-December 2017 where Council meetings, especially evening sessions, shall have a 12:00 a.m. curfew with a continuance scheduled for Wednesday at 10 a.m. (a) if an item is to be continued until Wednesday, all public testimony will be heard Tuesday evening" with additional direction to return on August 22, 2017 with a discussion item to move "Open Forum" to the beginning of the meeting. (9-1-1. Noes: Rocha. Absent: Diep.)

3.4 Recommendation:

- (a) Consider the recommended revisions of the Board of Fair Campaign and Political Practices to the City's Gift Ordinance.
- (b) Provide direction to the City Attorney to draft an ordinance amending Title 12 of the San José Municipal Code to align the City's Gift Ordinance with the gift regulations under the California Political Reform Act.

CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy. (City Attorney)

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmember Donald Rocha, dated August 9, 2017, recommending direction to draft an ordinance. (2) Memorandum from Councilmember Lan Diep, dated August 11, 2017, providing recommendations to amend Title 12 of the San José Municipal Code. (3) Memorandum from City Attorney Richard Doyle, dated July 28, 2017, providing consideration and direction related to the Board of Fair Campaign and Political Practices to the City's Gift Ordinance.

Public Comments: Tim Gildersleeve offered comments regarding FCCP changes.

Action: Upon motion by Councilmember Donald Rocha, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the memorandum from Mayor Liccardo, Vice Mayor Carrasco, and Councilmember Donald Rocha, dated August 9, 2017, directing the City Attorney to draft an ordinance, consistent with the Board of Fair Campaign and Political Practices recommendations-amending Title 12 of the San Jose Municipal Code to align the City's Gift Ordinance with the gift regulations under the California Political Reform Act, but to maintain the \$50 gift limit, was accepted. (10-0-1. Absent: Diep.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Recommendation:

- (a) Report on bids and award of contract for the Police and Communications Building Uninterruptible Power Supply System Upgrades – Phase II [Re-Bid] project to the low bidder Cupertino Electric, Inc. in the amount of \$2,299,440, and approval of a 15 percent contingency in the amount of \$344,900.
- (b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute any single and/or multiple change orders in excess of \$100,000 up to the amount of the contingency.

CEQA: Exempt, File No. PP17-044, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Barry Ng, dated July 24, 2017, recommending acceptance of a report and adoption of a resolution.

4.1 (Cont'd.)

Action: The report on bids and award of contract for the Police and Communications Building Uninterruptible Power Supply System Upgrades – Phase II [Re-Bid] project to the low bidder Cupertino Electric, Inc. in the amount of \$2,299,440 with related contingencies, was accepted, and Resolution No. 78310, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Negotiate and Execute Any Single and/or Multiple Change Orders for the 6914 Police and Communications Building Uninterruptible Power Supply System Upgrade – Phase II (Re-Bid) Project in Excess of \$100,000 up to the Amount of the Contingency of \$344,900”, was adopted. (10-0-1. Absent: Diep.)

4.2 **As recommended by the Rules and Open Government Committee on August 9, 2017, adopt a position of support for AB 1505 (Bloom, Chiu and Gloria) and SB 277 (Bradford), which would strengthen the City’s Inclusionary Housing Ordinance, so that the City’s Legislative Representatives can advocate the City’s support for AB 1505 (Bloom, Chiu and Gloria) and SB 277 (Bradford). CEQA: Not a Project, File No. PP10-069(d), City Organizational & Administrative Activities, Legislative Positions. (Housing)**

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, dated August 11, 2017, transmitting the recommendations of the Rules and Open Government Committee. (2) Letter from SV@Home, dated August 11, 2017, advocating for a position of support.

Action: A position of support for AB 1505 (Bloom, Chiu and Gloria) and SB 277 (Bradford), which would strengthen the City’s Inclusionary Housing Ordinance, so that the City’s Legislative Representatives can advocate the City’s support for AB 1505 (Bloom, Chiu and Gloria) and SB 277 (Bradford), was approved. (10-0-1. Absent: Diep.)

TRANSPORTATION & AVIATION SERVICES

6.1 (a) **Adopt a resolution to:**

- (1) **Accept grant funding from the MTC for each of the submitted applications and authorize the City Manager or designee to negotiate and execute any documents to accept the grant funds, including the authority to negotiate and execute any documents that increase the amount of the grant award or require an increase of local matching funds, subject to the appropriation of such funds;**
- (2) **Commit the City to provide the required local match and to pay for any additional cost to complete each of the projects listed below:**
 - (a) **OBAG - Road Rehabilitation and Complete Streets "Guarantee" Program:**
 - (1) **\$14,597,000 for the Pavement Maintenance – Federal (OBAG2) Project. The local match in the amount of \$1,891,000 is included in the Pavement Maintenance – City appropriation;**

- 6.1 (Cont'd.)
- (b) **OBAG - Complete Streets Competitive Program:**
 - (1) **\$11,952,000 for the McKee Road - San Jose Vision Zero Safety Improvement Project, which is inclusive of the required local match and other non-grant reimbursable project cost elements of \$3,329,000;**
 - (2) **\$11,919,000 for the Tully Road - San Jose Vision Zero Safety Improvement Project which is inclusive of the required local match and other non-grant reimbursable project cost elements of \$3,320,000; and**
 - (3) **\$10,994,000 for the West San Carlos - A Corridor Safety Improvement Project which is inclusive of the required local match and other non-grant reimbursable project cost elements of \$3,062,000.**
 - (b) **Make the necessary assurances that each of the projects will be completed in compliance with the submitted applications, MTC's Regional Funding Delivery Policy, and the grant program requirements.**
 - (c) **Adopt the following 2017-2018 Funding Sources Resolution and Appropriation Ordinance amendments in the Construction Excise Tax Fund:**
 - (1) **Increase the revenue estimate for Federal Government in the amount of \$1,000,000;**
 - (2) **Establish the Mount Pleasant Schools Area Bike/Ped Safety Improvements appropriation to the Department of Transportation in the amount of \$1,210,000; and**
 - (3) **Decrease the Transportation Grants Reserve in the amount of \$210,000.**

CEQA: Exempt, File No. PP13-037, Section 15301(c) Citywide Bicycle and Pedestrian Public Right-of-Way Improvements; Exempt, File No. PP14-069, Section 15301(c) Citywide Street Maintenance, Repair and Improvement; Exempt, File No. PP14-017, Section 15301 Citywide Exemption for Traffic Flow Management and Operations. Council Districts 5, 6, 7, & 8. (Transportation/City Manager)

Documents Filed: Joint memorandum from Director, Department of Transportation, Jim Ortbal and Senior Deputy City Manager/Budget Director, Jennifer A. Maguire, dated August 2, 2017, recommending approval of actions to receive grant funding and adoption of a resolution.

Action: Upon motion by Councilmember Magdalena Carrasco, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 78311, entitled: "A Resolution of the Council of the City of San José Authorizing the Filing of Applications for Funding Assigned to the Metropolitan Transportation Commission and Committing the Necessary Matching Funds and Stating Assurance to Complete the San José Pavement Maintenance Program, McKee Road – San José Vision Zero's Safety Improvement Project, Tully Road – San José Vision Zero's Safety Improvement Project, West San Carlos – San José Vision Zero's Safety Improvement Project, and Mount Pleasant Schools Area Traffic Safety Improvements"; and Appropriation Ordinance No. 29979 and Funding Source Resolution No. 78312, were adopted. (10-0-1. Absent: Diep.)

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) Approve the Cooperative Agreement and Fourth Amendment to the Franchises Agreement with Allied Waste Services of North America, LLC to resolve a dispute about the living wage requirements in the Commercial Solid Waste and Recyclables Collection Franchises Agreement for sorters and housekeepers at the Newby Island Recyclery.**
- (b) Adopt a resolution setting Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Cooperative Agreement and Fourth Amendment to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organic processing services.**

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

(Deferred from 6/27/17 – Item 7.1(a) and 8/8/17 – Item 7.1)

Action: Deferred to August 22, 2017 per Orders of the Day.

OPEN FORUM

1. Tim Gildersleeve spoke regarding teacher housing.
2. John Worthing spoke regarding rent control.
3. Jenny Zhao spoke regarding rent control.
4. Lubow spoke regarding rent control

ADJOURNMENT

The Meeting of the City Council was adjourned at 3:12 p.m. in memory of Pat Dando, who passed away peacefully on July 16, 2017. We recognize her outstanding contributions over a distinguished career at City Hall as a Senior Land Use and Economic Development Advisor to Mayor McEnery, an Assistant to the Executive Director of the San José Redevelopment Agency, a San José City Councilmember representing District 10, and as Vice Mayor of San José. A 30-year resident of San José, Pat was appointed President/CEO of the San José/Silicon Valley Chamber of Commerce in 2005, and also served as Director of Local Government Affairs for Governor Arnold Schwarzenegger. Her colleagues will always remember the grace, passion and dedication with which she served. We extend our deepest condolences to her husband Bob Dando, her children Lesa, Kyle, Todd and their spouses, and each of Pat's nine beloved grandchildren. (Mayor)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

Ta/rmk/8-15-17 MIN