CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA **TUESDAY, MARCH 20, 2018**

The Council of the City of San José convened in Regular Session at 9:00 a.m. in the Council Chambers at City Hall.

Present: Councilmembers - Arenas, Davis, Diep, Jimenez, Jones, Khamis, Nguyen (left Closed Session at 10:40), Peralez, Rocha; Liccardo.

Absent: Councilmembers - Carrasco.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:35 a.m. to a Closed Session in Room W133; (A) To confer with Legal Counsel – Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2) and (e)(1): Matter(s) to be discussed: 1 (one); (B) To confer with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(d)(1): (1) Jacquez v. City, et al.; Names Of Partie(s) Involved: Gloria Jacquez, individually; R.J., a minor, by and through his guardian *ad litem* Monica Mendoza, individually and as a successor-in-interest to Decedent Richard Jacquez; City of San José, Jacob Morris, and Does 1-50; Court: United States District Court, Northern District of California, San José Division; Case No.16-CV-0530-NC; 16-CV-05343-NC; Amount of Money or Other Relief Sought: Damages according to proof; (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, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of

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CLOSED SESSION (Cont'd.)

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: wages/salaries, hours, working conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement - City of San José and San José Police 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 11:40 a.m., to be continued in Closed Session on Thursday, March 8, 2018; Council reconvened to Regular Session at 1:35 p.m. in the Council Chambers.

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

Absent: Councilmembers - Carrasco. (Excused)

INVOCATION

Beth Williams of Next Door Solutions to Domestic Abuse offered the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones, and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (10-0-1. Absent: Carrasco.)

CEREMONIAL ITEMS

1.1 Mayor Sam Liccardo offered a commendation to Hopkins & Carley to recognize its 50th anniversary and strong commitment to providing outstanding legal and community service to San José and its surrounding communities. (Mayor)

1.2 Mayor Sam Liccardo, Councilmember Johnny Khamis and Deputy City Manager, David Sykes presented a commendation to the winners of the Employee Suggestion Program Pilot whose efforts have improved City services. (Khamis)

1.3 Mayor Sam Liccardo and Councilmember Johnny Khamis presented a proclamation recognizing March 20, 2018 as "Assyrian National Day/Assyrian New Year" in the City of San José. (Khamis)

CONSENT CALENDAR

Upon motion by Councilmember Donald Rocha, seconded by Councilmember Chappie Jones and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Carrasco.)

2.1 18-346 Regular Council Meeting Minutes of August 29, 2017.

Documents Filed: Regular Council Meeting Minutes of August 29, 2017.

Public Comments: Blair Beekman addressed accountability in technology.

Action: The Council Minutes were approved. (10-0-1. Absent: Carrasco.)

2.2 Final Adoption of Ordinances.

None provided.

2.3 18-388 Community and Economic Development Committee Minutes of November 27, 2017. (Khamis)

Documents Filed: Community and Economic Development Committee Minutes of November 27, 2017.

Action: The Council Committee Minutes were approved. (10-0-1. Absent: Carrasco.)

2.4 18-387 Request for an excused absence for Vice Mayor Carrasco from the City Council meetings on March 6, 2018 and March 20, 2018, and Rules and Open Government Committee March 5, 2018 and Public Safety, Finance, and Strategic Support Committee March 15, 2018 due to death of a close family member.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Carrasco)

Documents Filed: Memorandum from Vice Mayor Magdalena Carrasco, dated March 14, 2018, requesting an excused absence.

Action: The absence and excusal from committee meetings were accepted. (10-0-1. Absent: Carrasco.)

2.5 City Council Travel Reports.

Councilmembers Khamis and Jones offered highlights from the regional local government conference they attended in Yosemite.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 18-305 Approve Master Service Agreements for consultant engineering services with HydroScience Engineers, Inc. and MNS Engineers, Inc. for a term through June 30, 2020 for a total maximum compensation of $750,000.
CEQA: Exempt, File No. PP18-004, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council Districts 1, 2, 3, 4, 6, 7 & 8. (Environmental Services)

Documents Filed: (1) Memorandum from Director, Environmental Services, Kerrie Romanow, dated February 26, 2018, recommending approval of Master Service Agreements. (2) Letter from Sam Liccardo, Vice Chair, Treatment Plant Advisory Committee, dated March 8, 2018, providing recommendations.

Action: The Master Service Agreements were approved. (10-0-1. Absent: Carrasco.)

2.8 18-281 Approve a Master Agreement with Wood Rodgers, Inc. for master planning consultant services for the storm sewer system from the date of execution to June 30, 2021, in an amount not to exceed $1,500,000.
CEQA: Statutory Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Public Works)

Documents Filed: Memorandum from Acting Director of Public Works John Cicerelli, dated February 26, 2018, recommending approval of a master agreement.

Action: The master agreement was approved. (10-0-1. Absent: Carrasco.)

2.9 18-284 Approve an ordinance dedicating as public right-of-way 2,438 square feet along the west side of Terraine Street, located over City-owned property, and accepting the newly dedicated right-of-way into the City's street system as part of Terraine Street to incorporate the traffic improvements along Terraine Street which were constructed in conjunction with the Julian Street Realignment Project.
CEQA: Exempt, File No. PP18-006, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Public Works)

Documents Filed: City Council Action Request from Director of Public Works John Cicerelli, dated March 8, 2018, recommending adoption of an ordinance.

Action: Ordinance No. 30081, entitled "An Ordinance of the City of San José Dedicating as Public Right-of-Way Approximately 2,438 Square Feet of City-Owned Property Along the South Side of Terraine Street for the Purpose of Constructing Roadway Improvements on Terraine Street", was passed for publication. (10-0-1. Absent: Carrasco.)

2.10 18-285 Report on bids and award of contract for the 8666-Sanitary Sewer Repairs 2017-18 Package II to the low bidder, JMB Construction Inc., in the amount of $1,310,540, and approve a contingency in the amount of $131,054.
CEQA: Exempt, File No. PP17-029. Council Districts 3, 5 & 8. (Public Works)

Documents Filed: Memorandum from Acting Director of Public Works John Cicerelli, dated February 26, 2018, recommending approval of a report and award of a contract.

Action: The report and contract were approved. (10-0-1. Absent: Carrasco.)

2.11 18-351 As recommended by the Rules and Open Government Committee on March 7, 2018:
(a) Approve the Great American Litter Pick-Up scheduled on April 21, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (City Clerk)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated March 1, 2018, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Great American Litter Pick-Up 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. (10-0-1. Absent: Carrasco.)

2.12 18-352 As recommended by the Rules and Open Government Committee on March 7, 2018:
(a) Approve the Brigadoon Park Beautification Day scheduled on April 7, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

Documents Filed: Memorandum from Councilmember Sylvia Arenas, dated March 1, 2018, requesting approval for a City Council sponsored special event.

Action: The Brigadoon Park Beautification Day 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. (10-0-1. Absent: Carrasco.)

2.13 18-353 As recommended by the Rules and Open Government Committee on March 7, 2018:
(a) Approve the State of Latinos: A Cinco de Mayo Call to Action scheduled on May 4, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Peralez)

2.13 (Cont'd.)

Documents Filed: Memorandum from Councilmember Raul Peralez, dated March 1, 2018, requesting approval for a City Council sponsored special event.

Action: The State of Latinos: A Cinco de Mayo Call to Action 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. (10-0-1. Absent: Carrasco.)

2.14 18-381 Authorize travel for Councilmember Jimenez to Tokyo-Okayama, Japan on April 7-April 15, 2018, and excuse absences from the regular meeting of the City Council on April 10, 2018, and the Neighborhood Services and Education Council Committee on April 12, 2018. Source of Funds: District 2 Office funds and personal funds (personal travel or activities on April 13-15, 2018 will be paid for using personal funds).
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Jimenez)

Documents Filed: Memorandum from Councilmember Sergio Jimenez, dated March 8, 2018, requesting authorization to travel and excused absences from Council meetings.

Action: The absence and excusal from Council and Committee meetings were accepted. (10-0-1. Absent: Carrasco.)

STRATEGIC SUPPORT

3.3 18-348 (a) Conduct a Public Hearing on the FY 2018-2019 Mayor's March Budget Message.
(b) Approve the FY 2018-2019 Mayor's March Budget Message.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Mayor)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated March 9, 2018, providing the March Budget Message. (2) Joint memorandum from Councilmembers Jimenez and Khamis, dated March 16, 2018, providing recommendations. (3) Memorandum from Councilmember Donald Rocha, dated March 19, 2018, providing additional direction. (4) Letter from Deb Kramer, Keep Coyote Creek Beautiful, supporting expansion of staffing for anti-litter program. (5) Letter from Nathan Ho, Silicon Valley Leadership Group, dated March 19, 2018, supporting addition of two Planners to San José's building department. (6) Fifty-nine email/letters from constituents urging that South San José Police Station be kept open.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Offering comments and recommendations regarding the 2018-2019 Budget were Ines Ortega, Ray Perez, Blair Beekman, Nathan Ho (SVLG), Maria Cid (Project HOPE), Carolyn Bauer, Mackenzie Mossing (Audubon Society), Dean Daily, Douglas Le (QNDN Association), and Ada Marquez.

3.3 (Cont'd.)

Mayor Sam Liccardo closed the public hearing.

Director of Transportation Jim Ortbal and Budget Director Margaret McCahan responded to questions.

Motion: Councilmember Dev Davis moved approval of the Mayor's Budget Message. Councilmember Sylvia Arenas seconded the motion.

Councilmember Chappie Jones requested an amendment to the motion to have staff return with an analysis on the cost of repairing all streets in poor condition and include an analysis and polling on a Bond measure just to repair roads, and include an analysis from Parks, Recreation and Neighborhood Services to maintain Project HOPE in District 1. The amendment to the motion was accepted.

Further discussion followed, and staff responded to questions.

Action: On a call for the question, the motion carried, and the Mayor's Budget message was approved, directing the City Manager to submit a proposed budget for Fiscal Year 2018-2019 that is balanced and guided by the policy direction and framework of priorities outlined in the Mayor's March Budget Message and directing the Department of Transportation to return with an analysis on the cost of repairing all streets in poor condition and include an analysis and polling on a Bond measure just to repair roads, and include an analysis from Parks, Recreation and Neighborhood Services to maintain Project HOPE in District 1. (8-2-1. Noes: Jimenez, Khamis. Absent: Carrasco.)

3.4 18-307 Interview applicant(s) for appointment to the Public Member Seat; and appoint one (1) applicant to the Public Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2020.
CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)
(Deferred from 3/13/18 – Item 3.3)

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated March 9, 2018, recommending appointment of one applicant to the Public Member Seat on the Board of Administration for the Federated City Employee's System. (2) Letter from Diane Buchanan, dated March 9, 2018, providing the Retirement Board Applicant Code Review. (3) Letter from City Attorney Richard Doyle, dated March 2, 2018, providing applicant review.

An applicant interview was held.

Action: Kurt Billick was appointed to the Public Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2020.
(10-0-1. Absent: Carrasco.)

3.5 18-283 Adopt a resolution:

(a) Approving a permit for a major encroachment to TM San Jose 78, LLC, a Delaware limited liability company ("Owner") to allow the maintenance of private encroachments within City right-of-way pursuant to San José Municipal Code Chapter 13.37 to be located underneath the Coleman Avenue Overcrossing utilizing approximately 2,176 square feet of right-of-way for private purposes;

(b) Authorizing the Director of Public Works to execute the Maintenance, Access, and Encroachment Agreement Between the City of San José and TM San Jose 78, LLC ("Agreement") to govern the private encroachments and other private uses pursuant to the Owner's private parking easement; and

(c) Directing the Director of Public Works to record the executed Agreement with the Office of the Recorder, County of Santa Clara.

CEQA: Addendum to the Brandenburg Mixed Use Project / North San Pedro Housing Site Environmental Impact Report (Resolution No. 72170). Council District 3. (Public Works)

Documents Filed: Memorandum from Acting Director of Public Works John Cicerelli, dated February 26, 2018, recommending adoption of a resolution.

Action: Upon motion by Councilmember Raul Peralez, seconded by jones and carried unanimously, Resolution No. 78537, entitled: "A Resolution of the Council of the City of San José Authorizing a Permit Pursuant to San José Municipal Code Chapter 13.37 for a Major Encroachment to be Located within a Portion of the Coleman Avenue Right-of-Way", was adopted. (10-0-1. Absent: Carrasco.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-340 Receive a report on the establishment of the San José Hotel Business Improvement District (SJHBID) and accept public comment on the establishment of the SJHBID. This is the first of two public comment meetings required under the Property and Business Improvement Law of 1994, Streets and Highways Code Section 36600 et seq., to establish the proposed SJHBID.
CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b)(3). (Economic Development)

Documents Filed: Memorandum from

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

Action: No action required.

4.2 18-341 (a) Accept the Calendar Year 2017 Annual Progress Report on the Implementation of the San José 2014-23 Housing Element.
(b) Accept the Fiscal Year 2016-17 Housing Successor to Redevelopment Agency 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.
(Housing/Planning, Building and Code Enforcement)

Documents Filed: Joint memorandum from Director, Planning, Building and Code Enforcement, Rosalynn Hughey and Director of Housing, Jacky Morales-Ferrand, dated March 7, 2018, recommending acceptance of reports.

Rosalynn Hughey, Interim Director, Planning, Building and Code Enforcement and Director of Housing Jacky Morales-Ferrand provided a presentation.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Offering comments regarding affordable housing, were: Mathew Reed (SV@Home), Blair Beekman, Karen Gillette, Phil Mastrocola, and Shaunn Cartwright.

Mayor Sam Liccardo closed the public hearing.

Motion: Councilmember Sergio Jimenez moved approval of the report, and the motion was seconded by Councilmember Sylvia Arenas.

Councilmember Chappie Jones requested an amendment to the motion to direct city staff to work with District 1 staff to work with the Cities Association or to create sub-regions. The amendment to the motion was accepted.

Action: On a call for the question, the motion carried unanimously, and the Calendar Year 2017 Annual Progress Report on the Implementation of the San José 2014-23 Housing Element and Fiscal Year 2016-17 Housing Successor to Redevelopment Agency Annual Report were accepted with direction to city staff to work with District 1 staff to work with the Cities Association or to create sub-regions. (10-0-1. Absent: Carrasco.)

4.3 18-343 Consider staff's workload assessment of proposed changes to the Fence Variance and Development Variance findings in Title 17 and Title 20.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.
(Planning, Building and Code Enforcement)

Action: Item Dropped per Administration.

OPEN FORUM

Blair Beekman asked that Council consider data collection strategies that are not socially intrusive.

ADJOURNMENT

The Council of the City of San José adjourned at 5:10 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,
DRAFT

Toni J. Taber, CMC
City Clerk

rmk/03-20-18MIN

MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF SAN JOSE HOUSING AUTHORITY MINUTES

5:07 p.m. March 20, 2018 CHAMBERS

- Call to Order and Roll Call

1. 18-400 Support for the 2019 Moving to Work Annual Plan.

Authorize the City Housing Authority's Executive Director to submit a letter to the Santa Clara Housing Authority to support the 2019 Moving Annual Work Plan. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resolution in no changes to the physical environment. (Housing)

Documents Filed: Memorandum from Director of Housing, Jacky Morales-Ferrand, dated March 13, 2018, regarding the Moving to Work Annual Plan.

Director of Housing Jacky Morales-Ferrand responded to questions from Council.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Sylvia Arenas and carried unanimously, the City Housing Authority's Executive Director was authorized to submit a letter to the Santa Clara Housing Authority to support the 2019 Moving Annual Work Plan. (9-0-2. Absent: Carrasco, Davis.)

The meeting of the Board of Commissioners of the City of San José Housing Authority was adjourned at 5:09 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

DRAFT

Toni J. Taber, CMC
City Clerk

rmk/3-20-18/ MIN