



**MINUTES OF THE CITY COUNCIL**

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, APRIL 3, 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, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, Nguyen, Peralez, Rocha; Liccardo.

Absent: Councilmembers - All present.

**CLOSED SESSION**

Upon motion unanimously adopted, Council recessed at 9:05 a.m. to a Closed Session in Room W133; (A) Public Employment/Public Employee Evaluation Pursuant to Government Code Section 54957: Title: City Clerk; Name: Toni J. Taber, CMC; (B) Public Employment/Public Employee Appointment Pursuant to Government Code Section 54957: Title: Planning Building and Code Enforcement Director; (C) To confer with Legal Counsel – Anticipated Litigation/Initiated Litigation Pursuant to Government Code Section 54956.9(d)(4): Matter(s) to be discussed: 1 (one); (D) To confer with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(d)(1): Ruiz, Fernando, individually and on behalf of a Class of Persons Similarly Situated, et al. v. City of San José , et al.; Names Of Partie(s) Involved: Fernando Ruiz; Daniel Bufano; Elijah Elamin; John J. Ferguso; Clay Morganparks; City of San José ; San José Police Department; Chief Edgardo Garcia, individually and in his official capacity as Chief of the San José Police Department and for the City of San José ; Officer Samuel Marquardt #4096; Sgt. Mario Brasil; Officer Adam Jenkins #3611; Cpt. Anthony Ciaburro, Officer Matthew Blackerby #3999; Officer Kevin Shinn #4062; and Officer John Prim #3908, individually and in their capacities as police officers in the San José Police Department and for the City of San José ; and Does 1-50, inclusive; Court: United States District Court, Northern District of California; Case No. 5:17-cv-06488-LHK; Amount of Money or Other Relief Sought: Damages according to proof; (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, 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

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/city> or <http://www.sanjoseca.gov/civiccenter/tv>. 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.)**

Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of negotiations: 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 11:25 a.m.; Council reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

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

Absent: Councilmembers - All Present.

## **INVOCATION**

Alana Yee, Blue Dragon Taekwondo, performed a martial arts demonstration.

## **PLEDGE OF ALLEGIANCE**

Mayor Sam Liccardo led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Magdalena Carrasco, and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (11-0.)

## CLOSED SESSION REPORT

City Manager Dave Sykes confirmed the appointment of Rosalynn Hughey as the new Director, Planning, Building and Code Enforcement.

## CEREMONIAL ITEMS

- 1.1 The presentation of a proclamation recognizing April 2018 as Child Abuse Awareness Month in the City of San José was presented by Mayor Sam Liccardo and Councilmember Sylvia Arenas. (Arenas)
- 1.2 The presentation of a commendation for Chad Collins for demonstrating bravery and successfully saving his neighbor from a burning building in District 6 was presented by Mayor Sam Liccardo and Councilmember Dev Davis. (Davis)

## CONSENT CALENDAR

Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Lan Diep and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

### 2.1 18-434 Approval of City Council Minutes.

#### Recommendation:

- (a) Environmental Sustainability Study Session Minutes of August 21, 2017.
  - (b) City of San José and the County of Santa Clara Efforts to Address Homelessness Minutes of October 20, 2017.
  - (c) Regular City Council Meeting Minutes of October 17, 2017.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Documents Filed: (1) Environmental Sustainability Study Session Minutes of August 21, 2017; (2) City of San José and the County of Santa Clara Efforts to Address Homelessness Minutes of October 20, 2017; (3) Regular City Council Meeting Minutes of October 17, 2017.

Action: The City Council Minutes were approved. (11-0.)

### 2.2 18-436 Final Adoption of Ordinances.

ORD. NO. 30081 - 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.

CEQA: Exempt, File No. PP18-006, CEQA Guidelines Section 15301, Existing Facilities.

**2.2 (Cont'd.)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 30081 executed on March 23, 2018, submitted by the City Clerk.

Action: Ordinance No. 30081 was adopted. (11-0.)

**2.3 18-451 Approval of Council Committee Minutes.**

(a) Rules and Open Government Committee Minutes of February 21, 2018. (Mayor)  
(b) Rules and Open Government Committee Minutes of March 7, 2018. (Mayor)  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Documents Filed: (a) Rules and Open Government Committee Minutes of February 21, 2018. (Mayor) (b) Rules and Open Government Committee Minutes of March 7, 2018. (Mayor)

Action: The Council Committee Minutes were accepted. (11-0.)

**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 18-424** Adopt the following 2017-2018 Appropriation Ordinance amendments in the General Fund:

(1) Establish the Mexican Heritage Plaza Property Acquisition CityWide- appropriation to the Office of Economic Development in the amount of \$221,050; and  
(2) Decrease the Cultural Facilities Capital Maintenance Earmarked Reserve by \$221,050.

CEQA: Exempt, File No. PP18-026, CEQA Guidelines Section 15061(b)(3) Review for Exemption. (Economic Development/City Manager)

Documents Filed: Joint memorandum from Deputy City Manager/Director of Economic Development Kim Welsh and Budget Director Margaret McCahan, dated March 23, 2018, recommending adoption of appropriation ordinance amendments.

Action: Ordinance No. 30084, entitled "An Ordinance of the City of San José Amending Ordinance No. 29962 to Appropriate Moneys in the General Fund for the Mexican Heritage Plaza Property Acquisition; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. (11-0.)

- 2.8 18-390** Adopt a resolution authorizing the City Manager to:
- (a) Execute the Third Amendment to the Agreement with Dulles Technology Partners, Inc. for a Hosted Electronic Grants Management System (“System”) to extend the term of the Agreement through May 1, 2019, for ongoing web hosting, support, and maintenance services, and increase compensation by \$16,747, with total compensation not to exceed \$303,413;
  - (b) Execute additional oneyear- options to extend the Agreement for up to five additional years, with the last option year ending on May 1, 2024, with price adjustments capped at 3% annually, subject to the annual appropriation of funds; and
  - (c) Negotiate and execute amendments and/or change orders not to exceed \$50,000 to cover any required changes to the System, subject to 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: City Council Action Request from Director of Finance Julia H. Cooper, dated March 22, 2018, recommending adoption of a resolution.

Public Comments: Blair Beekman offered comments regarding the contract and data collection.

Action: Resolution No. 78542, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to: (1) Execute the Third Amendment to the Agreement with Dulles Technology Partners, Inc. to Extend the Term Through May 1, 2019, and Increase Compensation by \$16,747, with Total Compensation not to Exceed \$303,413; (2) Execute Additional One-Year Options to Extend the Agreement for Up to Five Additional Years, with Price Adjustments Capped at 3% Annually, Subject to the Annual Appropriation of Funds; and (3) Negotiate and Execute Amendments and/or Change Orders not to Exceed \$50,000, Subject to the Appropriation Of Funds”, was adopted. (11-0.)

- 2.9 18-421** Adopt a resolution setting a Public Hearing on Tuesday, June 5, 2018 at 1:30 p.m. for the approval of the report from the Director of Finance for the cost of sidewalk repairs. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated March 27, 2018, recommending adoption of a resolution.

Action: Resolution No. 78543, entitled: “A Resolution of the Council of the City of San José Setting a Public Hearing for the Approval of a Report of the Director of Finance on the Cost of Unpaid Sidewalk Repairs for June 5, 2018”, was adopted. (11-0.)

- 2.10 18-394** (a) Approve the Cooperative Agreement with the California Department of Transportation (Caltrans) for the US 101/Blossom Hill Road Interchange Improvement Project for the Plans, Specifications, and Estimate and Right of Way phases.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute future amendments to modify the scope of the agreement as needed with no funding provided to Caltrans.
- CEQA: Statutory Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council District 2. (Transportation)

## 2.10 (Cont'd.)

Documents Filed: Memorandum from Director of Transportation Jim Ortbal, dated March 12, 2018, recommending approval of an agreement and adoption of a resolution.

Action: Resolution No. 78544, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Future Amendments to the Cooperative Agreement with the California Department of Transportation (Caltrans) for the US 101/Blossom Hill Road Interchange Improvement Project to Modify the Scope of the Agreement as Needed with No Funding Provided to Caltrans", was adopted. (11-0.)

- 2.11 18-419** (a) Approve award of a construction contract for the 2018 ADA Sidewalk Accessibility Project to the low bidder, Rosas Brothers Construction in the amount of \$638,890.  
(b) Approve a 10% contingency in the amount of \$63,889.  
CEQA: Exempt, File No. PP14-017, CEQA Guidelines Section 15301, Existing Facilities. (Transportation)

Documents Filed: Memorandum from Director of Transportation Jim Ortbal, dated March 12, 2018, recommending approval of a contract.

Action: An award of a construction contract for the 2018 ADA Sidewalk Accessibility Project to the low bidder, Rosas Brothers Construction in the amount of \$638,890 with related contingencies was approved. (11-0.)

- 2.12 18-438** As recommended by the Rules and Open Government Committee on March 21, 2018:  
(a) Approve the 41st Annual Berryessa Art & Wine Festival scheduled on May 12, 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. (Diep)

Documents Filed: Memorandum from Councilmember Lan Diep dated March 12, 2018, requesting approval for a district-sponsored event.

Action: The 41st Annual Berryessa Art & Wine Festival 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.)

- 2.13 18-439** As recommended by the Rules and Open Government Committee on March 21, 2018:  
(a) Approve the Dumpster Day scheduled on April 14, 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. (Rocha)

Documents Filed: Memorandum from Councilmember Donald Rocha dated March 15, 2018, requesting approval for a district-sponsored event.

**2.13 (Cont'd.)**

Action: The Dumpster Day scheduled on April 14, 2018 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.)

**2.14 18-485**

As recommended by the Rules and Open Government Committee on March 28, 2018:  
(a) Retroactively approve the Coyote Valley Flower Hike scheduled on March 24, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.  
(b) Retroactively approve the District 2 Easter Egg Hunt Celebration scheduled on March 31, 2018 as a City Council sponsored Special Event and approve the purchase of gift cards, and other items as raffle prizes.  
(c) Approve the Dumpster Day scheduled on April 14, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and  
(d) 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. (Jimenez)

Documents Filed: Memorandum from Councilmember Sergio Jimenez dated March 22, 2018, requesting approval for district-sponsored events.

Action: Retroactive approval of the Coyote Valley Flower Hike and District 2 Easter Egg Hunt Celebration as a City Council Sponsored Special Event were retroactively approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the events, were retroactively approved; and the Dumpster Day scheduled on April 14, 2018 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.)

**2.15 18-486**

As recommended by the Rules and Open Government Committee on March 28, 2018:  
(a) Approve the 13th Annual West Valley Senior Walk scheduled on April 13, 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. (Jones/Davis)

Documents Filed: Memorandum from Councilmembers Chappie Jones and Dev Davis dated March 16, 2018, requesting approval for a district-sponsored event.

Action: The 13th Annual West Valley Senior Walk 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.)

- 2.16 18-487** As recommended by the Rules and Open Government Committee on March 28, 2018, approve the purchase of a \$100 Safeway gift card for Trash Punx to purchase breakfast and beverages for its volunteers to be paid by Council District 6's Office Funds. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Davis)

Documents Filed: Memorandum from Councilmember Dev Davis dated March 20, 2018, requesting approval for purchase of a gift card.

Action: The purchase of a \$100 Safeway gift card for Trash Punx to purchase breakfast and beverages for its volunteers to be paid by Council District 6's Office Funds, was approved. (11-0.)

- 3.3 18-447** As recommended by the Rules and Open Government Committee on March 21, 2018, Council discussion and direction to staff on Private Development Workforce Standards, Capital Bond Measure, BestValue- Contracting, and Community Workforce Agreements as described in the memorandum. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Liccardo)  
[Rules Committee referral 3/21/18 - Item G.7]

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated March 16, 2018, recommending approval to agendize Private Development Workforce Standards/Community Workforce Agreements on public projects. (2) Supplemental memorandum from Mayor Sam Liccardo, dated March 21, 2018, providing supplemental exhibits. (3) Memorandum from Mayor Sam Liccardo, dated April 3, 2018, recommending formal acceptance of agreements. (4) Memorandum from Councilmember Johnny Khamis, dated March 29, 2018, recommending acceptance of the Mayor's memoranda with modifications. (5) Memorandum from Councilmember Donald Rocha, dated March 29, 2018, recommending acceptance of the Mayor's memoranda with modifications. (6) Two hundred seventy-seven (277) cards from members of the MEPS Apprenticeship Programs, urging support for the Mayor's March 16 memorandum and the need for creation of good local jobs. (7) Letters from the public in response to Mayor Sam Liccardo's memoranda regarding the Private Development Workforce Standards/Community Workforce Agreements on public projects: National Electrical Contractors Association, Santa Clara Valley Chapter (March 26, 2018); Santa Clara Valley Contractors' Association (March 27, 2018); Trammel Crow Company, and International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) Local Union No. 104 (March 29, 2018); Silicon Valley Organization (SVO), Bay Area Chapter SMACNA, and International Brotherhood Electrical Workers, No. 332, all dated March 28, 2018; The Sobrato Organization, Santa Clara & San Benito Counties Building & Construction Trades Council and Northern California MCA (April 2, 2018); Plumbers, Steamfitters & Refrigeration Fitters UA Local Union 393 (March 28 and April 2, 2018); Sprinkler Fitters and Apprentices Local 483 (April 3, 2018).

Mayor Sam Liccardo provided opening remarks, and opened the floor for public comments.

Public comments: Twenty-eight (28) members of the public spoke offering input regarding Private Development Workforce Standards/Community Workforce Agreements on public projects.

Extensive Council discussion followed, and City Attorney Richard Doyle provided clarification regarding key points of the Mayor's memorandum.

### 3.3 (Cont'd.)

Motion: Councilmember Johnny Khamis moved approval of his memorandum dated March 29, 2018 including modifications as outlined in the Mayor's memorandum of March 16, 2018. Councilmember Dev Davis seconded the motion.

Substitute Motion: Councilmember Raul Peralez moved approval of Mayor Sam Liccardo's memorandum of March 16, 2018 and supplemental memorandum of March 21, 2018 and April 3, 2018, including Item #9 from Councilmember Johnny Khamis' memorandum dated March 29, 2018, as indicated below in "Action". Councilmember Sylvia Arenas seconded the motion.

Action: On a call for the question, the substitute motion passed, including the memorandum from Mayor Liccardo dated April 3, 2018 to (1) Adopt the recommendations set forth in the Mayor's March 16, 2018 Memorandum and March 21, 2018 Supplemental Memorandum, to be effective upon the formal acceptance of an agreement by all parties of the substance of the terms described therein. That agreement will be effectuated by the signatures of the designated representatives of the South Bay Labor Council, Working Partnerships USA, the Building Trades Council of Santa Clara and San Benito Counties, and the individual Mechanical, Electrical, Plumbing, and Sprinkler Fitters (MEPS) unions, and myself (Mayor Liccardo). (2) Bond Measure (a) Accept Recommendation #2 of Councilmember Rocha's memorandum (dated April 3, 2018): [(2) If a larger bond amount is necessary to include the entire \$92 million mentioned above, staff should consider polling on whether the public would support a bond that is larger than \$300 million (for example, staff might consider a \$392 million bond.)], but direct the City's consultant to assess through polling our residents' willingness to support an aggregate bond amount in a range that incorporates amounts of less than \$300 million, and up to and including approximately \$500 million, to provide the Council with the clearest picture of its options.(b) Return to Council to provide input needed to shape a proposed list of projects for priority funding under any capital bond measure on the November 2018 ballot. Return to Council to discuss the legal requirements of such lists for a capital bond measure, and whether that list should or could enable sufficient flexibility to allow future Councils to identify the most important and urgent priorities as circumstances change, particularly as technologies and circumstances change concerning emergency preparedness, resilience, and public safety. (c) Accept Recommendation #1 from Councilmember Rocha's memorandum (dated April 3, 2018): [When identifying projects to include in the bond, staff should consider the inclusion of funding for street maintenance. Specifically, staff should consider including \$92 million to fund maintenance of the 58 miles of streets with a PCI of less than 25] regarding rehabilitation of failed streets, but (i) remain within the legal limitations governing the usage of bond proceeds for street rehabilitation or replacement, and (ii) allow Staff the flexibility to identify clusters of failing streets—including those at higher than 25 PCI—that most cost-effectively utilize scarce bond proceeds to improve the greatest mileage of streets benefitting the most residents Direct Staff to return to Council for a discussion of all of the highest-priority capital construction and replacement needs, including but not limited to fire stations needed in slower-response areas, a police training center, and emergency communications infrastructure. (3) "Lowest Bidder" Requirement Return to Council with a Staff report discussing the advantages and drawbacks of the "lowest responsible bidder" provisions of the City Charter, at a date prior to the Council's consideration of a ballot measure. The discussion should include a description of those instances in which "lowest responsible bidder" mandates in the City Charter have handcuffed the Council, ultimately resulting in costing taxpayers millions in unnecessary expenditures from overruns and poor performance.

### 3.3 (Cont'd.)

Also including #9 from Councilmember Khamis' Memorandum (dated April 3, 2018): [Require the City Auditor, once these new standards have been in effect for a period of two years, to return to City Council with an evaluation of the effects on bidding and contracting on affected projects, providing a comparison with comparable current projects as the base case from which to compare outcomes, with a focus on cost impacts, responsiveness of vendors to bids, outcomes for apprenticeship participants, effect on local workforce hiring, and other criteria as the auditor may find appropriate.]. And includes giving the Mayor authority to sign. (8-3. Noes: Davis, Diep, Khamis)

### 3.4 18-429 Pensionable Earnings Audit.

As recommended by the Public Safety, Finance and Strategic Support Committee on March 15, 2018, accept the results of a follow-up audit on the accuracy of the City's pensionable earnings calculation.

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 Auditor)

Documents Filed: (1) Joint memorandum from Councilmember Sylvia Arenas and Councilmember Raul Peralez, dated March 29, 2018, offering acceptance of the audit recommendations with directions to staff. (2) Memorandum from City Auditor Sharon Erickson, dated March 8, 2018, providing a report: Pensionable Earnings: Tighter Controls and More Transparency Can Ensure Retirement Contributions Continue to be Accurate.

City Auditor Sharon Erickson provided an overview of the report, and Director of Finance Julia H. Cooper offered additional clarification.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Donald Rocha and carried unanimously, the Audit recommendations were approved, including the memorandum by Councilmembers Arenas and Peralez, dated April 3, 2018, accepting the recommendations and directing the Office of Employee Relations and Finance Department to report the implementation status of recent payroll changes in a regularly scheduled report - within the next 6 months - to the Public Safety, Finance and Strategic Support Committee. (11-0.)

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

### **5. NEIGHBORHOOD SERVICES**

#### 5.1 18-428 Park Ranger Program Annual Report.

As recommended by the Public Safety, Finance and Strategic Support Committee on March 15, 2018, accept the 2017 Annual Report on the Park Ranger Program.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City actions. (Parks, Recreation and Neighborhood Services)

[Public Safety, Finance and Strategic Support Committee - Item (d) 4]

Action: Deferred from 4/3/18 Item 5.1 to 4/17/18 per Administration.

## **7. ENVIRONMENTAL & UTILITY SERVICES**

### **8. PUBLIC SAFETY**

- 8.1 18-423** Accept the status update on Santa Clara County's release of Request for Proposal for Emergency Ambulance Services and potential impacts to the 911 Emergency Medical Services Provider Agreement between the City of San José and the County of Santa Clara.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.  
(Fire/City Manager)

Documents Filed: Joint memorandum from Acting Fire Chief Robert Sapien, Jr. and Chief of Staff, Office of the City Manager, Lee Wilcox, dated March 21, 2018, recommending acceptance of the status report.

Acting Fire Chief Robert Sapien, Jr. provided an overview of the report, and Chief of Staff, Office of the City Manager, Lee Wilcox responded to questions.

Motion: Councilmember Johnny Khamis moved approval of the update, with direction to staff to return to Council to provide additional information. Vice Mayor Magdalena Carrasco seconded the motion.

Action: On a call for the question, the motion carried unanimously, and the status update on Santa Clara County's release of Request for Proposal for Emergency Ambulance Services and potential impacts to the 911 Emergency Medical Services Provider Agreement between the City of San José and the County of Santa Clara was accepted, with staff directed to return in a couple of weeks to provide additional information and direction. (11-0.)

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

### **The Successor Agency to the Redevelopment Agency of the City of San José was Convened.**

- 9.1 18-391** Successor Agency Board approve a Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and the City of San José as buyer to allow the sale of 1770 Alum Rock Avenue for a purchase price of \$221,050.  
CEQA: Exempt, File No. PP18-026, CEQA Guidelines Section 15061(b)(3) Review for Exemption. (Successor Agency)

Documents Filed: Memorandum from Successor Agency Managing Director Richard A. Keit, dated March 12, 2018, recommending approval of a Purchase and Sale Agreement.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Donald Rocha and carried unanimously, the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and the City of San José as buyer to allow the sale of 1770 Alum Rock Avenue for a purchase price of \$221,050, was accepted. (11-0.)

### **The Successor Agency to the Redevelopment Agency of the City of San José was Adjourned.**

## Open Forum

- (1) Jill Fish spoke on devalued real estate in our community.
- (2) Blair Beekman discussed the advances in emergency preparedness and discussed the smart trash can ideas and phasing out Bigbelly trash and recycling units.
- (3) Fireez Farhoomand requested direction regarding presenting new product ideas to the City, and was directed to a member of City staff.

## Adjournment

The Council of the City of San José adjourned at 5:22 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC  
City Clerk

rmk/4-3-18/MIN