



City Council Meeting

SYNOPSIS

Tuesday, April 17, 2018

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

- **Call to Order and Roll Call**

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

Absent Councilmembers: None.

1:32 p.m. - Regular Session, Council Chambers, City Hall

Absent Councilmembers: None.

- **Invocation (District 4)**

Arizona State Representative Athena Salman provided the Invocation.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved, with the addition of Item 2.4, "Mayor and Council Excused Absence Request"; Item 2.12, "Approval of 'Pilgrimage to La Paz' Co-Sponsored by District 2 and District 8 as a City Council Sponsored Event to Expend City Funds and Accept Donations of Materials and Services for the Event"; and Item 2.13, "Actions Related to Councilmember Khamis's Travel to the Kingdom of Saudi Arabia".

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

1.1 Mayor Liccardo and Director, Environmental Services, Kerrie Romanow offered a proclamation recognizing April 22, 2018 as Earth Day in the City of San José. (Mayor)

1.2 Mayor Liccardo and Councilmember Sylvia Arenas offered a proclamation recognizing April 2018 as Stress Awareness Month in the City of San José.
(Arenas)

1.3 Mayor Liccardo and Councilmember Lan Diep presented commendation to Black Cat Comics, for their service to not only comic book fans, but also for organizing several events that help support their community. (Diep)

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

None provided.

2.1 18-519 Approval of City Council Minutes.

Regular City Council Meeting Minutes of October 31, 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.

Approved. (11-0.)

2.2 Final Adoption of Ordinances.

None provided.

2.3 18-513 Approval of Council Committee Minutes.

(a) Transportation and Environment Committee Minutes of February 5, 2018.

(Carrasco)

(b) Transportation and Environment Committee Minutes of March 5, 2018. (Carrasco)

(c) Neighborhood Services and Education Committee Minutes of February 8, 2018.

(Rocha)

(d) Rules and Open Government Committee Minutes of November 15, 2017. (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.

Approved. (11-0.)

2.4 18-558 Mayor and Council Excused Absence Requests.

Request for an excused absence for Mayor Sam Liccardo from the Regular meeting of the Rules and Open Government Committee on April 11, 2018 due to authorized City business.

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

Approved. (11-0.)

2.5 City Council Travel Reports.

Councilmember Raul Peralez offered a presentation on the Okayama Sister Cities trip he took with fellow Councilmembers; and Councilmembers Arenas, Diep, Khamis and Jimenez also offered highlights and useful insights gained from the trip.

Mayor Sam Liccardo discussed highlights of his recent meeting with the “Big 11 Mayors” in Sacramento to meet with legislators and the Governor to advocate for funding legislation that would help address the homelessness crisis facing the State of California.

2.6 Report from the Council Liaison to the Retirement Boards.

Councilmember Johnny Khamis indicated availability of a report on the latest actuarial values on our pension and post-retirement benefit plans, which the Retirement Board provides annually.

- 2.7 18-488** As recommended by the Rules and Open Government Committee on March 28, 2018:
(a) Retroactively approve the Boggini Park Community Clean-Up scheduled on February 10, 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)
Retroactively approved.
- 2.8 18-500** Ratify and approve the City Manager's execution of an Agreement with the Knight Foundation for receipt of \$200,000 in grant funds to develop an Internet of Things (IoT) strategy to inform the City's decisions about where to invest, how to finance infrastructure, how to effectively govern assets, and how to partner effectively with the private sector for the period of July 1, 2017 to July 1, 2018.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
Approved.
(9-0-0-2. Abstain: Diep, Jimenez.)
- 2.9 18-498** Report on bids and award of contract for the 8568 - Gumdrop and Partridge Drive Main Replacement (Rebid) project to the low bidder, Pacific Underground Construction, Inc. in the amount of \$1,589,499 and approval of a contingency in the amount of \$158,949.
CEQA: Exempt, File No. PP17-050, CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction. (Environmental Services)
Accepted. (11-0.)
- 2.10 18-480** Report on bids and award of contract for the 8643 - Cast Iron Replacement FY 17-18 Package III project to the low bidder, Casey Construction, Inc., in the amount of \$1,334,280 and approve a contingency in the amount of \$133,428.
CEQA: Statutorily Exempt, File No. PP17-031, CEQA Guidelines Section 15301, Existing Facilities, dated April 25, 2017; Expiration Date: April 20, 2022. Council Districts 2 & 10. (Public Works)
Accepted. (11-0.)
- 2.11 18-504** Adopt a resolution approving a list of pavement maintenance projects eligible for San José's 2018-2019 allocation of the Road Maintenance and Rehabilitation Account funding, which was made available by the approval of Senate Bill No. 1 (SB-1), otherwise known as the Road Repair and Accountability Act of 2017.
CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Transportation)
Resolution No. 78549 adopted. (11-0.)

- 2.12 18-555** (a) Approve the “Pilgrimage to La Paz” scheduled for April 23, 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. (Jimenez/Arenas)
[Rules Committee referral 4/11/18 - Item A.1.a]
Approved. (11-0.)
- 2.13 18-557** (a) Authorize travel for Councilmember Johnny Khamis to the Kingdom of Saudi Arabia (KSA) May 4-9, 2018 with a business and technology delegation to encourage investment by KSA in San José and the Silicon Valley.
(b) Excuse absences from the regular meetings of the City Council on May 8, 2018, and the Budget Study Session and Rules and Open Government Committee and Committee of the Whole Meeting on May 9, 2018.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Khamis)
[Rules Committee referral 4/11/18 - Item A.1.a]
Authorized.
(10-0-1. Absent: Rocha.)
- 2.14 18-566** As referred to City Council, without recommendation, by the two councilmembers present at the Rules and Open Government Committee on April 11, 2018, re-affirm a sponsor position for AB 2588 (Chu).
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Fire)
[Rules Committee referral without recommendation 4/11/18 - Item G.3]
Sponsorship reaffirmed.

3. STRATEGIC SUPPORT

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

City Manager, David Sykes reported on a fire which happened today in District 7, noting the Fire Department responded immediately and no fatalities occurred. He noted that residents may receive updates on the City’s Facebook page and Twitter feed.

3.2 Labor Negotiations Update.

None provided.

- 3.3 18-496** Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Municipal Employees' Federation, AFSCME Local 101 (MEF) for the term of July 1, 2018 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
Heard jointly with Items 3.4, 3.5, 3.6, and 3.7.
Resolution No. 78550 adopted.
(11-0.)
- 3.4 18-506** Adopt a resolution:
(a) Approving the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, IFPTE, Local 21 (AEA), Units 41/42 for the term of July 1, 2018 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms; and
(b) Approving the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, IFPTE, Local 21 (AEA), Unit 43 for the term of July 1, 2018 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
Heard jointly with Items 3.3, 3.5, 3.6, and 3.7.
Resolution No. 78551 adopted.
(11-0.)
- 3.5 18-507** Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP) for the term of July 1, 2018 through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
Heard jointly with Items 3.3, 3.4, 3.6, and 3.7.
Resolution No. 78552 adopted.
(11-0.)
- 3.6 18-508** Adopt a resolution approving the terms of a collective bargaining agreement between the City and the City Association of Management Personnel, IFPTE, Local 21 (CAMP) for the term of July 1, 2018, through June 30, 2021, and authorizing the City Manager to execute an agreement with those terms.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
Heard jointly with Items 3.3, 3.4, 3.5, and 3.7.
Resolution No. 78553 adopted.
(11-0.)

- 3.7 18-514** (a) Adopt a resolution approving compensation and benefit changes for executive management and professional employees in Unit 99 and other unrepresented employees (Units 81/82), for Fiscal Years 2018-2019, 2019-2020, and 2020-2021.
(b) Approve a 2.75% Crisis Intervention Training premium pay for the Chief of Police U (2227) and Assistant Police Chief U (2225), effective July 1, 2018.
(c) Approve a 1% increase to the Crisis Intervention Training premium pay for the Chief of Police U (2227), and Assistant Police Chief U (2225), effective June 30, 2019.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
Heard jointly with Items 3.3, 3.4, 3.5, and 3.6.

Resolution No. 78554 adopted, including the memorandum from Mayor Sam Liccardo, dated April 16, 2018: (A) Approving compensation for Council Appointees (City Manager, City Attorney, City Clerk, Independent Police Auditor, and City Auditor), consistent with Unit 99 “management and professional employees,” for Fiscal Year 2018-2019, 2019-2020, and 2020-2021, and amend the pay plan, if necessary; and (B) Based upon the Annual Performance Reviews for those appointees that have had a review—the City Manager, City Attorney, City Clerk, and City Auditor—authorize a 2.5% increase in merit pay for each of the appointees effective July 1, 2018.
(11-0.)

- 3.8 18-497** Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with Kaiser Foundation Health Plan, Inc., for medical insurance for City employees, retirees, and their dependents, increasing the not to exceed Agreement amount from \$255,343,698 to a revised not to exceed amount of \$466,446,407 and extending the term of the Agreement from December 31, 2018 to December 31, 2020.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Human Resources)
Dropped per Administration.

- 3.9 18-469** Adopt a resolution authorizing the Director of Public Works to:
(a) Award and execute the 8727 - FEMA - Alum Rock Falls Road Landslide Repair LOP #19 (SCSJC90) construction contract to the lowest responsive bidder, and to approve a change order reserve/contingency of twenty-five percent (25%) of the contract award, in a total amount (contract plus reserve/contingency) not to exceed \$1,462,500; and
(b) Decide any timely bid protest(s), make the City’s final determination as to the lowest responsive bidder that is responsible, or reject all bids and rebid the project; and
(c) Negotiate and issue any change orders up to the amount of the reserve/contingency if the Director awards and executes a construction contract for the Project.
CEQA: Statutorily Exempt, File No. PP18-003, CEQA Guidelines Section 15269, Emergency Projects. (Public Works/Transportation)
Resolution No. 78555 adopted.
(11-0.)

- 3.10 18-470** Accept the Semi-Annual Status Report on the Citywide Capital Improvement Program. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works) **Accepted. (11-0.)**
- 3.11 18-509** Review the following actuarial valuation reports:
(a) Police and Fire Department Retirement Plan Actuarial Valuation (Pension) as of June 30, 2017;
(b) Police and Fire Department Postemployment Healthcare Plan Actuarial Valuation (Pension) as of June 30, 2017;
(c) Federated City Employees' Retirement System Actuarial Valuation (Pension) as of June 30, 2017; and
(d) Federated City Employees' Retirement System Postemployment Healthcare Plan Actuarial Valuation as of June 30, 2017.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Retirement Services) **Accepted. (11-0.)**
- 3.12 18-567** **Sister Cities Travel Policy.**
- As referred to City Council, without recommendation, by the two councilmembers present at the Rules and Open Government Committee on April 11, 2018:
Direct staff to amend the Council Travel Policy (9-5) to include the following regarding all City Council travel to Sister Cities:
(a) If the Mayor is unavailable to join a Sister City or official delegation overseas, (s)he may nominate a single member of the Council to represent the City, subject to Council approval.
(b) If public funding is to be used for that travel, more than one member of the Council may participate in such delegations only with formal Council approval. Additional Councilmembers may participate only if they identify a non-public, lawful source of funding.
(c) Councilmembers shall not use public dollars to bring additional City Council staff along as part of an international delegation.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Liccardo)
[Rules Committee referral without recommendation 4/11/18 - Item G.4]
- Following discussion and public comment, Council unanimously agreed to defer this item to the August 2018 Community & Economic Development Committee (CEDC) meeting to review and provide an analysis of economic development, expenditures, return on investment and scheduling conflicts, and report back to Council thereafter.**
(11-0.)

4. COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 18-495** Conduct a Public Hearing regarding an economic development subsidy in connection with a reduction in construction taxes and parkland fees for twenty additional units in a Downtown residential high-rise at 33 N. Fifth Street in the amount of \$236,133, pursuant to California Government Code Section 53083.
CEQA: Addendum to the Downtown Strategy 2000 Final Program Environmental Impact Report, adopted by City Council Resolution No.72767 on June 21,2005; the Envision San José 2040 General Plan Final Program Environmental Impact Report, adopted by City Council Resolution No.76041 on November 1, 2011; and the Envision San José 2040 General Plan Supplemental Environmental Impact Report, adopted by City Council Resolution No. 77617 on December 15, 2015.
Planning File No. SP17-009. Council District 3. (Economic Development)
Public hearing held.
(10-0-1. Absent: Carrasco.)

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

The 2017 Annual Report on the Park Ranger Program was accepted, including actions as outlined in the staff supplemental memorandum dated April 13, 2018 and including the joint memorandum from Councilmember Raul Peralez and Councilmember Chappie Jones, dated April 13, 2018 recommending consideration that the Park Ranger Program be included under the oversight of the Independent Police Auditor (IPA). This item to return to the Public Safety, Finance and Strategic Support Committee (PSFSS) for a review of recommendations, evaluating the collection of data and to return back to Council within a 6-month timeframe. Also, including consideration that the Water District fund two additional police officers rather than two additional park rangers.
(11-0.)

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

- 8.1 18-534** (a) Council by motion waive the 10-day noticing requirement for the following item, and consider the following recommendation;
(b) Accept the “updated” status update on Santa Clara County’s release of Request for Proposal (RFP) 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 and direct the City Manager to:
(1) Work with other Santa Clara County First-Responder Agencies on ways to achieve cost-recovery, including a First Responder Advanced Life Support fee (FRALS) in the short-term, and public-private model in the long-term.
(2) Request the Santa Clara County amend the existing RFP to require inclusive of a FRALS to achieve cost-recovery for first-responder agencies.
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)
Accepted. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

- (a) 18-450** **Conforming Rezoning (C17-053) for Real Property Located at 951 Saratoga Avenue.**

Recommendation: Consideration of an ordinance of the City of San José rezoning an approximately 0.84-gross acre site, located at the southwest corner of Saratoga Avenue and Borina Drive (951 Saratoga Avenue) from the A(PD) Planned Development Zoning District and the R-1-8 Residential Zoning District to the CP Commercial Pedestrian Zoning District (Morningstar Education Group LLC, Owner).
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report adopted by City Council Resolution No. 76041 on November 1, 2011; and the Envision San José 2040 General Plan Supplemental Environmental Impact Report adopted by City Council Resolution No. 77617 on December 15, 2015; and addenda thereto.
C17-053 - Council District 1
Deferred from 4/10/18 Item 10.1(a) to 4/17/18 per Administration.
Ordinance No. 30085 passed for publication.
(11-0.)

10.1 Land Use on Consent Calendar (Cont'd.)

(b) 18-449 Planned Development Rezoning (PDC15-027) for Real Property Located at 1705 Berryessa Road.

(a) Adopt a resolution adopting the 1705 Berryessa Gas Station Project Mitigated Negative Declaration, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program.

Resolution No. 78556 adopted.

(11-0.)

(b) Consideration of an ordinance of the City of San José rezoning a 1.04-gross acre site, located at the northwest corner of Berryessa Road and Lundy Avenue (1705 Berryessa Road) from the A(PD) Planned Development Zoning District to the CP(PD) Commercial Neighborhood Planned Development Zoning District to facilitate a future permit for the demolition of the existing kiosk, carwash building and the construction of an approximately 3,212-square foot new convenience store, 2,490-square foot retail/deli building, and 1,086 carwash tunnel (AU Energy, LLC Nick Goyal, Owner). CEQA: Mitigated Negative Declaration for the 1705 Berryessa Gas Station Project.

Planning Commission recommends approval (7-0-0).

(Planning, Building and Code Enforcement)

PDC15-027 - Council District 4

Deferred from 4/10/18 Item 10.1(b) to 4/17/18 per Administration.

Ordinance No. 30086 passed for publication.

(11-0.)

END OF CONSENT CALENDAR

OPEN FORUM

1. Andrew Morrow suggested a firearm-free day for police officers based on a lottery process.
2. Blair Beekman discouraged stun guns for use by park rangers and offered comments regarding Councilmember Johnny Khamis' trip to Saudia Arabia.

ADJOURNMENT

The Council of the City of San José adjourned at 7:33 p.m. in memory of of Finis Haruko Uyeda. Finis passed away peacefully on February 28, 2018 at the age of 84. Finis and her husband Lester moved to San José, California in 1963, which they called home for the next 55 years. Finis became a mother to her three children and worked in school administration at Franklin McKinley and Seven Trees Elementary until she retired. Upon retiring, Finis kept busy helping to take care of her 5 grandchildren and remained active in the community. Finis was a member of the Wesley United Methodist Church and a volunteer at the Yu-Ai Kai Senior Center. Before passing, she wanted it communicated that she loved everyone and to thank them for making her life so wonderful. She lived a selfless and caring life - A life truly worth living. Her personality was infectious and she enjoyed life to the fullest, making every day count.

18-575 Notice of City Engineer's Pending Decision on Final Maps.

Recommendation: In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>	<u>Developer</u>
10415	Araujo Street	4	9/10	SFD	Approve	Rescom Devl

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Developer</u>
10460	Sharon Drive	1	6/7	SFD	Seven Hills LLC

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Developer</u>
10456	15980 Carlton Ave	9	1/6	SFD	Hencken Development Consultants

This notice is to be posted with the City Council's regular agenda for 4/17/18.