



City Council Meeting

Synopsis

Tuesday, October 2, 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



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On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**

9: 32 a.m.- Closed Session, Call to Order in Council Chambers
All present.

1:31 p.m.- Regular Session, Council Chambers, City Hall

- **Invocation (District 9)**

Chris Shahin, Guitarist and music teacher at Camden Community Center musical performance with Joya Shahin and Ellis Shahin, provided the Invocation.

- **Pledge of Allegiance**

Vice Mayor Magdalena Carrasco led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved with no changes.

- **Closed Session Report**

City Manager David Sykes reported the appointment of Robert Sapien as the New Fire Chief.

1. CEREMONIAL ITEMS

- 1.1 Mayor Sam Liccardo and Vice Mayor Carrasco presented a proclamation to recognize the month of October as Domestic Violence Awareness Month.
- 1.2 Mayor Sam Liccardo and Councilmember Raul Peralez presented a commendation to recognize Bob and Mary Van Cleef as community leaders in the City of San José.
- 1.3 Mayor Sam Liccardo and Vice Mayor Carrasco presented a commendation for Daniel Harris.

2. CONSENT CALENDAR

The Consent Calendar was approved as recommended, with items 2.12 pulled, and the below listed actions taken as indicated.

2.1 Approval of City Council Minutes.

- (a) **18-1156** **Approval of City Council Minutes.**

Recommendation: (a) Regular City Council Meeting Minutes of June 12, 2018
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments,
Annual Reports, and Informational Memos that involve no approvals of
any City action.
Approved.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

- (a) **18-1157** **Approval of City Council Committee Minutes.**

Recommendation: (a) Regular Rules and Open Government Committee and the
Committee of the Whole Meeting Minutes of August 22, 2018
(b) Regular Rules and Open Government Committee and the
Committee of the Whole Meeting Minutes of September 5, 2018
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments,
Annual Reports, and Informational Memos that involve no approvals of
any City action.
Approved.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 18-1313 State Grant and Payment Applications for California Department of Resources Recycling and Recovery Programs.

Recommendation: Adopt a resolution authorizing the City Manager or designee for a period of five years, beginning October 2, 2018 through October 2, 2023, to submit grant and payment applications to California Department of Resources Recycling and Recovery and enter into grant and payment agreements with California Department of Resources Recycling and Recovery if the agreements are within the City Manager’s existing Council designated contracting authority.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

Resolution No. 78815 Adopted.

2.8 18-1314 Actions Related to the Climate Protection Grant with Bay Area Air Quality Management District.

Recommendation: (a) Adopt a resolution authorizing the City Manager to negotiate and execute the Climate Protection Grant with the Bay Area Air Quality Management District to accept funds in the amount of \$325,000 through October 31, 2020.

Resolution No. 78816 Adopted.

(b) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (1) Increase the estimate for Revenue from Local Agencies by \$150,000; and
- (2) Establish a new appropriation to the Environmental Services Department within City-Wide Environmental & Utility Services for Climate Protection Grant in the amount of \$150,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended), resulting in no physical changes to the environment and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in potentially significant physical impact on the environment. (Environmental Services/City Manager)

Ordinance No. 30158 Adopted.

2.9 18-1315 Actions Related to the Purchase Order with Califa Group for Online Library Products and Services.

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Amend Purchase Order 56269 with Califa Group (San Mateo, CA) to increase compensation by \$450,000 for a total compensation not to exceed \$740,000 during the term beginning September 1, 2018 and ending August 31, 2019;
(b) Approve a contingency of \$185,000 to amend the purchase order in the event use exceeds current projections, subject to the appropriation of funds; and
(c) Execute purchase orders for additional one-year options after August 31, 2019, 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)

Resolution No. 78817 Adopted.

Ratification of Final Expenditures for 2017-2018.

Recommendation:

(a) Adopt an ordinance ratifying final 2017-2018 expenditures in various appropriations as detailed in this report.

Ordinance No. 30164 Adopted.

(b) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:

- (1) Increase the Construction and Conveyance Tax estimate by \$3,897,021;
- (2) Increase the Needs-Based Allocation Transfer to District 1 by \$295,409;
- (3) Increase the Needs-Based Allocation Transfer to District 2 by \$192,246;
- (4) Increase the Needs-Based Allocation Transfer to District 3 by \$147,111;
- (5) Increase the Needs-Based Allocation Transfer to District 4 by \$143,395;
- (6) Increase the Needs-Based Allocation Transfer to District 5 by \$276,778;
- (7) Increase the Needs-Based Allocation Transfer to District 6 by \$264,374;
- (8) Increase the Needs-Based Allocation Transfer to District 7 by \$309,509;
- (9) Increase the Needs-Based Allocation Transfer to District 8 by \$212,945;
- (10) Increase the Needs-Based Allocation Transfer to District 9 by \$231,575;
- (11) Increase the Needs-Based Allocation Transfer to District 10 by \$132,570;
- (12) Increase the Transfer to the Parks City-Wide Construction and Conveyance Tax Fund appropriation by \$1,102,956; and
- (13) Increase the Transfer to the General Fund - Parks Eligible Maintenance Costs appropriation by \$588,153.

Ordinance No. 30165 Adopted.

Resolution No. 78820 Adopted.

(c) Adopt the following 2017-2018 Appropriation Ordinance amendments in the General Fund:

- (1) Increase the Workers' Compensation Claims - Other Departments appropriation by \$501,309;
- (2) Increase the Workers' Compensation Claims - Police appropriation by \$199,265;
- (3) Increase the Energy Services Company (ESCO) Debt Service appropriation by \$28,855;
- (4) Decrease the Workers' Compensation Claims - Fire appropriation by \$206,000;
- (5) Decrease the Workers' Compensation Claims - PRNS appropriation by \$50,000; and
- (6) Decrease the Sick Leave Payment Upon Retirement appropriation by \$473,429.

Ordinance No. 30166 Adopted.

(d) Adopt the following 2017-2018 Appropriation Ordinance amendments in the Water Utility Fund:

- (1) Increase the Workers' Compensation Claims appropriation by \$84,424; and
- (2) Decrease the Unrestricted Ending Fund Balance by \$84,424.

Ordinance No. 30167 Adopted.

(e) Adopt the following 2017-2018 Appropriation Ordinance amendments in the Convention Center Facility District Revenue Fund:

(1) Increase the Debt Service: Exhibit Hall Commercial Paper appropriation by \$53,248;

(2) Increase the Debt Service: Commercial Paper appropriation by \$17,239; and

(3) Decrease the Unrestricted Ending Fund Balance by \$70,487.

Ordinance No. 30168 Adopted.

(f) Adopt the following 2017-2018 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Service Yards Purpose:

(1) Increase the Phase II Commercial Paper appropriation by \$21,842; and

(2) Decrease the Unrestricted Ending Fund Balance by \$21,842.

Ordinance No. 30169 Adopted.

(g) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:

(1) Increase the Construction and Conveyance Tax estimate by \$10,628; and

(2) Increase the Transfer to the General Fund - Park Yards Operating and Maintenance Expenses appropriation by \$10,628.

CEQA: Not a Project, File No. PP17 004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project with may result in a potentially significant physical impact on the environment. (City Manager)

Ordinance No. 30170 Adopted.

Resolution No. 78821 Adopted.

2.11 18-1324 Settlement of Ruiz v. City of San José.

Recommendation: Approve a settlement in the amount of \$125,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of Ruiz v. City of San José.

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

Deferred to 10/16/18 per Administration.

2.12 18-1326 Establishing a Special Event Zone in Downtown San José from December 28, 2018 to January 8, 2019.

Recommendation: Approve an uncodified ordinance to provide for the designation of specified areas of the City of San José as a special event zone to prohibit certain activities on public property including peddling, distribution of merchandise, goods or coupons for a commercial purpose, the sale of counterfeit merchandise, and the flying of unmanned aircraft systems within the special event zone and to provide for the temporary suspension of the authority of the director of the Office of Cultural Affairs under Part 16 of Chapter 20.80 of title 20 of the San José Municipal Code to issue permits for temporary outdoor uses

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2.12 18-1326 Establishing a Special Event Zone in Downtown San José from.... (Cont'd).

of private property within the special event zone during the time period beginning at six o'clock (6:00) a.m. on Friday, December, 28, 2018 and ending at six o'clock (6:00) p.m. on Tuesday, January 8, 2019, relative to the use of these areas in conjunction with the 2019 college football playoff's national championship related activities and events.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. Council District 3.
(Economic Development)
[Rules and Open Government referral 09/26/2018 – Item A.1.a]
Ordinance No. 30171 Adopted.

2.13 18-1351 Approval of Thompson Creek Community Meeting Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation:

As recommended by the Rules and Open Government Committee on September 26, 2018:

1. Retroactive approval of the Thompson Creek community meeting scheduled on September 27, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. 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)
[Rules and Open Government referral 09/26/2018 - Item A.1.a]
Approved as Recommended.

2.14 18-1352 Dublin Sister City Delegation.

Recommendation:

Approve Councilmember Lan Diep as the Delegation Leader to lead the Sister City delegation to Dublin, Ireland from October 8, 2018 to October 11, 2018, and approve related travel costs from the Mayor/Council Travel Budget.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Mayor)
[Rules and Open Government referral 09/26/2018 - Item A.1.a]
Approved as Recommended.

3. STRATEGIC SUPPORT

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

City Manager, David Sykes and Planning, Building and Code Enforcement Director, Rosalynn Hughey presented of a proclamation declaring City of San José's participation in the 2018 Combined Giving Campaign.

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.
Heard at 9:30 A.M.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-1317 Report on Bids and Award of Contract for the 7541-Iris Chang Park Project.

Recommendation: Report on bids and award of contract for the 7541-Iris Chang Park project to the low bidder, Suarez & Munoz Construction, Inc., for the base bid and Bid Alternate No. -1 in the total amount of \$1,837,000 and approval of a contingency in the amount of \$92,000. CEQA: Addendum to the Final Program Environmental Impact Report for the North San José Development Policies Update (Resolution No. 72768) for Iris Chang Memorial Park, File No. PP16-087. Council District 4. (Public Works)
Accepted.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 18-1328 Vehicle Abatement Audit.

Recommendation: As recommended by Transportation and Environment Committee on September 10, 2018, accept the Vehicle Abatement Audit. 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) [Transportation and Environment Committee referral 9/10/18 - Item D.1] [Deferred from City Council meeting 9/25/18 - Item 6.4 (18-1274)]
Approved as Recommended.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 18-1318 Amendment to the Water Supply Agreement with City and County of San Francisco for the Water System Improvement Program Capital Project.

Recommendation: Adopt a resolution delegating authority to the Bay Area Water Supply and Conservation Agency to negotiate to amend the Water Supply Agreement with the City and County of San Francisco (San Francisco), and, further, authorizing the City Manager to negotiate and execute an Amendment to the Agreement to extend the date for completion of the Water System Improvement Program capital project, the deadlines for a decision by San Francisco to make the cities of San José and Santa Clara permanent customers of the Regional Water Systems, extend increased water supply to the other permanent Wholesale Customers, and address other issues arising from the implementation of the Water Supply Agreement. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 4. (Environmental Services)
Resolution No. 78818 Adopted.

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

• Open Forum

1. Scott Largent commented on inaccessibility to his motorhome because of being towed.
2. Ray Perez commented on Federal and State taxes.
3. Robin Roemer provided comments on vehicles running on the streets, untaxed.

• Adjournment: 3:29 p.m.