



# City Council Meeting Synopsis

**Tuesday, October 22, 2019**

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



## SYNOPSIS OF THE CITY COUNCIL

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, OCTOBER 22, 2019**

The Council of the City of San José convened in Regular Session at 1: 34 p.m. in the Council Chambers at City Hall.

Present: Councilmembers - Liccardo, Jones, Khamis, Davis, Diep, Jimenez, Esparza, Peralez, Carrasco, Foley.

Absent: Councilmembers - Arenas.

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

There was no Update.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:45 a.m. to a Closed Session in Room W133; (A) to confer with Legal Counsel — anticipated litigation: Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code: Number of matter(s) to be discussed: 1. (B) confer with Legal Counsel - existing litigation pursuant to Government Code Section 54956.9(d)(1): 1. Case Name: In re: Claim of Blean Name(s) of Parties(s) Involved: Court: Workers Compensation Appeals Court; Case No.: ADJ1122921; Amount of Money or Other Relief Sought: Benefits. 2. Case Name: In re: Claim of Tuell; Name(s) of Parties(s) Involved: Court: Workers Compensation Appeals Court; Case No.: ADJ9874503 and ADJ9874504; Amount of Money or Other Relief Sought: Benefits; 3. Case Name: Quinonez, et al. v. City, et al; Name(s) of Parties(s) Involved: Arabella Marie Quinonez, a minor, by and through her guardian ad litem, John Kessler; Isamar Pena, and Carlos Quinonez; City of San Jose and Does 1-25, inclusive; Court- Superior Court, County of Santa Clara; Case No.: 18-CV-331175; Amount of Money or Other Relief Sought: Damages according to proof; 4. Case Name: 2017 Flood Litigation. Name(s) of Parties(s) Involved: Plaintiffs: Numerous Defendants: City of San Jose, Santa Clara Valley Water District, County of Santa Clara, California Department of Water Resources (DWR) and Division of Safety of Dams (DSOD); Court: Superior Court of California, County of Santa Clara; Case No.: 18CV321600, 18CV321601, 18CV321602, 18CV321603, 18CV321604, 18CV321613, 18CV321761, 18CV322210, 18CV323345, 18CV324263, 18CV324794, 18CV325153, 18CV325282, 18CV325283, 18CV325285, 18CV325287, 18CV325289, 18CV325346; 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. 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 — City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO

By unanimous consent, Council recessed from the Closed Session at 11:35 a.m. and reconvened to Regular Session at 1:34 p.m. in the Council Chambers.

Present: Councilmembers Diep (10:00 a.m.), Esparza (10:35 a.m.), Foley, Jimenez, Jones, Khamis, Peralez, Liccardo (Left at 11:00 a.m.)

Absent: Councilmember[s] - Carrasco, Davis, Arenas

## **INVOCATION**

The Branham High School Wind Ensemble, provided the Invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Sam Liccardo and students from Anderson Elementary School led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Agenda Item 1.1 (Ceremonial), deferred, and with the Evening Session cancelled.  
(9-2. Absent: Carrasco, Arenas)

### **• Closed Session Report**

No report.

## **1. CEREMONIAL ITEMS**

- 1.1** A presentation of a Proclamation declaring Filipino American History Month. (Arenas)  
**Deferred.**
- 1.2** Mayor Sam Liccardo presented a Commendation to The Applied Materials "Silicon Valley Turkey Trot"

## **2. CONSENT CALENDAR**

Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Consent Calendar was approved, with Item 2.5 pulled, reported on, then, included in the motion, and the below listed actions taken as indicated.  
(9-2. Absent: Carrasco, Arenas)

### **2.1 Approval of City Council Minutes.**

None provided.

**2.2 19-954****Final Adoption of Ordinances.****Recommendation:**

Ord. No. 30318 An Ordinance of the City of San José amending Section 15.08.330 of Chapter 15.08 of Title 15 of the San José Municipal Code regarding payment of bills for municipal water service to conform to state law.

Action: Ordinance No. 30318 was adopted.  
(9-2. Absent: Carrasco, Arenas)

(b) Ord. No. 30319 - An Ordinance of the City of San José amending various sections of Chapter 6.54 of Title 6 of the San José Municipal Code (the Peddler Permit Ordinance) to conform to state law.

Action: Ordinance No. 30319 was adopted.  
(9-2. Absent: Carrasco, Arenas)

(c) Ord. No. 30321 - An Ordinance of the City of San José amending various sections of the San José Municipal Code to: amend Part 12 (sidewalk cafe) in Chapter 20.100 to repeal the provisions for a sidewalk cafe permit issued by the Director of Planning and add a reference to the minor encroachment permit process set forth in Chapter 13.37; amend Section 20.100.140 (concurrent review) in Chapter 20.100 (administration and permits) to remove sidewalk cafe and add major encroachment permits regulated by Chapter 13.37, development agreements regulated by Chapter 18.02, and street and easement vacations governed by the government code and streets and highways code; amend Section 20.100.220 in Chapter 20.100 (administration and permits) to remove sidewalk cafe permit from the appeal hearing body list; amend Section 20.200.270 to no longer include sidewalk cafe permit in the definition of development permit; amend Section 9.44.019 of Chapter 9.44 (regulation of smoking) to add a reference to sidewalk seating authorized through a minor encroachment permit; and, amend Section 10.10.030 of Chapter 10.10 (Pedestrian Facilitation Ordinance) to add a reference to sidewalk seating authorized through a minor encroachment permit.

Action: Ordinance No. 30321 was adopted.  
(9-2. Absent: Carrasco, Arenas)

**2.3 19-981****Approval of Council Committee Minutes**

(a) Transportation and Environment Committee Minutes of April 8, 2019.

(b) City of San Jose Joint Meeting of the Public Safety, Finance, and Strategic Support Committee and Committee of the Whole, and Santa Clara County Children, Seniors, and Families Committee and Finance and Government Operations Committee Special Joint Meeting Minutes of April 15, 2019.

(c) Public Safety, Finance, and Strategic Support Committee Minutes of April 18, 2019. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The Council Committee Minutes were approved.  
(9-2. Absent: Carrasco, Arenas)

**2.4 19-958 Mayor and Council Excused Absence Requests**

**Recommendation:** Request for an excused absence for Councilmember Jimenez from the Regular Meeting of Public Safety, Finance, and Strategic Support Committee on October 24, 2019 due to personal vacation.

Action: Excused absence for Councilmember Jimenez from the Regular Meeting of Public Safety, Finance, and Strategic Support Committee on October 24, 2019 was approved as recommended.

(9-2. Absent: Carrasco, Arenas)

**2.5 City Council Travel Reports.**

Mayor Liccardo provided update on his trip to Copenhagen to represent the City for progress on Climate Action Challenge, but jumped on the plane and came back home after hearing of the blackout in San Jose. The hard work of many City staff is starting to attract global interest and is beginning to set the trend for the rest of the country.

Action: Upon unanimous Consent, Council firmly endorsed the reported.

(9-2. Absent: Carrasco, Arenas)

**2.6 Report from the Council Liaison to the Retirement Boards.****2.7 19-931 Actions Related to the Traffic Bail Schedule and Infraction List.**

**Recommendation:** (a) Approve recommended changes to the City of San José Traffic Bail Schedule and direct the City Attorney to submit the recommended changes in the Traffic Bail Schedule to the Superior Court Bail Committee.  
(b) Approve an ordinance amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the list of infractions.  
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Attorney)

Action: Changes to the City of San José Traffic Bail Schedule was approved as recommended, and Ordinance No. 30322 was passed for publication.

(9-2. Absent: Carrasco, Arenas)

**2.8 19-930 Calling for Municipal Elections on March 3, 2020 and November 3, 2020.**

**Recommendation:** Adopt a resolution calling for a Regular Municipal Election on March 3, 2020 and a Run-Off Municipal Election on November 3, 2020, if necessary, for the purpose of electing Council Members for Districts 2, 4, 6, 8, and 10 and requesting consolidation with the County of Santa Clara.

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

Action: Resolution No. 79267 was adopted, and a Regular Municipal Election on March 3, 2020 and a Run-Off Municipal Election on November 3, 2020, if necessary for electing Council Members for Districts 2, 4, 6, 8, and 10 were approved as recommended.

(9-2. Absent: Carrasco, Arenas)

**2.9 19-932****Report on Request for Proposal for PeopleSoft Professional/Technical Services.****Recommendation:**

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute master agreements with Graviton Consulting Services, Inc. (Sacramento, CA), Sierra Cedar (Alpharetta, GA), and Cherry Road Technologies (Morris Plains, NJ) for As Needed PeopleSoft Professional/Technical Services for a five year term beginning on or about October 9, 2019 and ending October 31, 2024, for a combined maximum compensation not to exceed \$3,000,000, subject to the appropriation of funds;

(b) Negotiate and execute master agreements with the next two highest ranked proposers if negotiations do not conclude within a reasonable time to address the City's need for services; and

(c) Negotiate and execute amendments as required to adjust funds between agreements or for any unanticipated changes for a combined contingency amount not to exceed \$600,000 during the term of the agreements, 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)

[Deferred from 10/8/19 - Item 2.10 (19-880)]

Action: Report on the Request for Proposal was approved as recommended, and Resolution No. 79268 was adopted.

(9-2. Absent: Carrasco, Arenas)

**2.10 19-933****Amendment to Title 25 of the San José Municipal Code for the Airport Fees and Charges.****Recommendation:**

(a) Adopt a resolution updating authorized Airport fees and charges and repealing Resolution No. 77561.

(b) Approve an ordinance of the City of San José to add new sections and amending various existing sections of Part 3 of Chapter 25.01 and creating a new Chapter 25.09 of Title 25 of the San José Municipal Code to establish Secured Identification Display Area (SIDA) Badge procedures at the Norman Y. Mineta San José International Airport.

(c) Approve an ordinance of the City of San José amending Section 25.03.510 of Title 25 (Airport) of the San José Municipal Code to provide for sending notices electronically.

CEQA: Statutorily Exempt, File No. PP17-005, Rates/Tolls/Fares/Charges; and File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.

(Airport)

Action: Resolution No. 79269 was adopted. Ordinance No. 30323 and Ordinance No. 30324, were passed for publication.

(9-2. Absent: Carrasco, Arenas)

**2.11 19-934****Second Amendment to the Master Agreement with Callander Associates Landscape Architecture for Landscape Architectural Design Services for Various City Facility Projects.****Recommendation:**

Approve the Second Amendment to the Master Agreement with Callander Associates Landscape Architecture (CPMS Contract No. 8069) extending the term from December 31, 2019 to June 30, 2020 for the sole purpose of allowing the consultant to continue providing design consulting services through completion of Park Yards Strategic Planning Study.

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

Action: The Second Amendment to the Master Agreement was approved as recommended.

(9-2. Absent: Carrasco, Arenas)

**2.1219-935 Actions Related to the 9192-Master Agreements with Callander Associates Landscape Architects, Inc., Royston Hanamoto Alley and Abey, and Meyer Studio Land Architects, and RRM Design Group for Various City Facility Projects.****Recommendation:**

Approve Master Agreements with Callander Associates Landscape Architects, Inc., Royston Hanamoto Alley and Abey, and Meyer Studio Land Architects, and RRM Design Group for landscape architectural services for various City projects from the date of execution through December 31, 2022, in an amount not to exceed \$750,000 for each master agreement.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action.  
(Public Works)

**Deferred to 11/19/19 per Administration**

**2.13 19-947****Request for Travel for Mayor's Staff.****Recommendation:**

(a) Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Nicholas Almeida, as the City representative to attend the Cities of Service Engaged Cities Award and CityLab: Urban Solutions to Global Challenges in Washington D.C. from October 26-29, 2019. Source of Funds: CityLab, Aspen Institute, and Cities of Service.

(b) Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Shireen Santosham, as the City representative to attend the 2019 CityLab Conference in Washington, DC from October 27-29, 2019. Source of Funds: The Aspen Institute, The Atlantic, and Bloomberg Philanthropies.

(c) Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Carolyn Wu, as the City representative to attend the Knight Smart Cities Lab: Fostering informed and engaged communities in the Digital Age workshop in Detroit, Michigan from November 6 - November 8, 2019. Source of Funds: Knight Foundation.

*(Item Continued on the Next Page)*

**2.13 19-947****Request for Travel for Mayor's Staff. (Cont'd)**

(d) Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Nathan Ho, Senior Advisor for Housing and Homelessness, as the City representative to attend and participate in the 100-Day Challenge to Prevent Youth Homelessness, two-day launch event in Chicago, Illinois from October 28 - October 30, 2019. Source of Funds: Bill Wilson Center.

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

Action: Authorized travel, and acceptance of travel payments to the City of San José, and the designated Mayor's staff[s] were approved as recommended.

(9-2. Absent: Carrasco, Arenas)

**2.14 19-949****Request for Travel for Mayor Liccardo.****Recommendation:**

(a) Authorize travel, accept travel payments to the City of San José, designate Mayor Sam Liccardo as the City representative to attend CityLab: Urban Solutions to Global Challenges in Washington, DC from October 26-29, 2019, and excuse absence from the Regular Meeting of the City Council on October 29, 2019. Source of Funds: Aspen Institute and potential use of Mayor's Office Budget.

(b) Authorize travel, accept travel payments to the City of San José, designate Mayor Sam Liccardo as the City representative to attend the Pacific Northwest Progressive Leaders Education Seminar in Israel from December 14-22, 2019, and excuse absence from the Regular Meeting of the City Council meeting on December 17, 2019 and Rules and Open Government on December 18, 2019. Source of Funds:

American Israel Education Foundation (AIEF).

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

[2.14(b) deferred from 10/8/19 - Item 2.16 (19-923)]

Action: Authorized travel, acceptance of travel payments to the City of San José designate, Mayor Sam Liccardo, and excused absences from the Regular Meeting of the City Council on October 29, 2019, the Regular Meeting of the City Council meeting on December 17, 2019 and the Rules and Open Government on December 18, 2019. were approved as recommended.

(9-2. Absent: Carrasco, Arenas)

**2.15 19-950****Request for Travel for Councilmember Peralez.****Recommendation:**

Authorize Councilmember Peralez to attend Association for Commuter Transportation (ACT) 40 Under 40 Awards and TDM Forum in Seattle, Washington. Source of Fund: Expenses will be sourced from the District 3 office budget and personal funds.

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

Action: Authorized travel for Councilmember Peralez was approved as recommended.

(9-2. Absent: Carrasco, Arenas)



2.16 19-951

**Retroactive Approval of Dumpster Day Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.****Recommendation:**

- (a) Retroactively approve the Dumpster Day scheduled on September 14, 2019 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)

Action: The Dumpster Day Special Event was approved, and expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even were approved as recommended.

(9-2. Absent: Carrasco, Arenas)

2.17 19-952

**Retroactive Approval of Library 20th Anniversary Celebration Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.****Recommendation:**

- (a) Retroactively approve the Library 20th Anniversary Celebration scheduled on September 21, 2019 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)

Action: The Library 20th Anniversary Celebration Special Event was approved, and expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even were approved as recommended.

(9-2. Absent: Carrasco, Arenas)

2.18 19-953

**Retroactive Approval of the International Walk to School Day Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.****Recommendation:**

- (a) Retroactively approve the International Walk to School Day scheduled on October 2, 2019 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)

Action: The International Walk to School Day Special Event was approved, and expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even were approved as recommended.

(9-2. Absent: Carrasco, Arenas)

### **3. STRATEGIC SUPPORT**

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

No Report.

#### **3.2 Labor Negotiations Update.**

Heard at 9:30 a.m.

#### **3.3 19-937 2018 - 2019 City Manager's Annual Report.**

##### **Recommendation:**

- (a) Accept the 2018 - 2019 City Manager's Annual Report in compliance with City Charter Section 701 (F).
- (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in Various operating and capital funds to implement the 2018 - 2019 Annual Report recommendations, as detailed in Section IV (Recommended Budget Adjustments and Clean Up/Rebudget Actions).
- (c) Approve the following position changes in the Information Technology Department:
  - (1) Add 6.0 Enterprise Supervising Technology Analyst.
- (d) Approve the following technical position changes in the Parks, Recreation, and Neighborhood Services Department to align with the 2019 - 2020 Adopted Budget:
  - (1) Add 2.75 Recreation Leader PT;
  - (2) Delete 1.0 Senior Geographic Information Systems Specialist;
  - (3) Delete 1.0 Senior Maintenance Worker;
  - (4) Delete 1.0 Parks Maintenance Repair Worker II;
  - (5) Delete 1.0 Office Specialist II;
  - (6) Delete 2.0 Maintenance Assistant;
  - (7) Delete 2.0 Groundswoker.

CEQA: Not a Project, Files No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City actions, and File No. PP17-004, Government Funding Mechanism of Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

**[Deferred from 10/8/19 - Item 3.5 (19-886)]**

Budget Director Jim Shannon, Deputy Budget Director Bonny Duong, Operating Budget Coordinator Bryce Ball, and Financial Status Coordinator Selena Ubando gave a presentation and responded to questions.

Action: Upon motion by Councilmember Johnny Khamis to accept staff report, seconded by Councilmember Pam Foley, and carried unanimously, the 2018 - 2019 City Manager's Annual Report was accepted as recommended. Ordinance No. 30325 was adopted, and Resolution No. 79270 was adopted.  
(9-2. Absent: Arenas, Foley)

**3.4 19-936****Actions Related to the 8521-Replace Uninterruptible Power Supply for City Network Operations Center Project.****Recommendation:**

- (a) Report on bids and award of a construction contract for the 8521 - Replace Uninterruptible Power Supply for City Network Operation Center Project to the low bidder, Stronghold Engineering, Inc., for the base bid in the amount of \$3,370,113 and approval of a fifteen percent contingency in the amount of \$505,517.
- (b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute any single and/or multiple change orders for the 8521 - Replace Uninterruptible Power Supply - for City Network Operation Center Project in excess of \$100,000 up to the amount of the contingency of \$505,517.
- CEQA: Categorically Exempt, File No. PP19-031, CEQA Guidelines Section 15302, Replacement or Reconstruction. Council District 3.
- (Public Works)

There was no presentation for this item.

Public Comments: Michael Blomquist commented on initiating investigations per local control of electricity supplies, utilities rates in California and the need for these utilities Corporations to be regulated.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Maya Esparza, and carried unanimously, staff report was accepted as recommended, and Resolution No. 79271 was adopted.

(10-1. Absent: Arenas)

**3.5 19-938****Actions Related to the Agreements Between the City of San José and the East Side Union School District and SmartWAVE Technologies LLC for a Community Wireless Network.****Recommendation:**

- Adopt a resolution authorizing the City Manager to:
- (a) Execute the First Amendment to the Agreement between the City of San José and East Side Union High School District to revise costs to reflect actual costs for the James Lick attendance area and updated estimated costs for the William C. Overfelt High School and Yerba Buena attendance areas.
- (b) Execute the First Amendment to the Agreement for East Side Union High School District Community Wi-Fi Deployment between the City of San José and SmartWAVE Technologies LLC (Alpharetta, GA) to increase maximum compensation by \$1,006,633 to expand the East Side Union High School District Community Wireless Network to the William C. Overfelt High School attendance area, including all required hardware, software, materials, professional services, maintenance and support, and applicable sales tax, for a revised maximum compensation amount not to exceed \$2,258,548 for the Initial Term ending December 31, 2021, subject to the appropriation of funds.
- (c) Negotiate and execute amendments and change orders to the Agreement with SmartWAVE Technologies LLC and increase contingency by \$80,000 to cover any unanticipated changes for a total contingency not to exceed \$200,000 during the initial term ending on December 31, 2021, subject to the appropriation of funds.

*(Item Continued on the Next Page)*

**3.5 19-938****Actions Related to the Agreements Between the City of San José and the Cont'd**

(d) Adopt the following 2019-2020 Appropriation Ordinance and Funding Source Resolution amendments in the General Fund:

(1) Increase the estimate for Revenue from Local Agencies by \$1,350,000; and

(2) Establish the East Side Union High School District Community Wireless Network Project appropriation to the Public Works Department in the amount of \$1,350,000.

CEQA: Categorically Exempt, File No. PP19-024, CEQA Guidelines Section 15303(d), New Construction of Small Structures.

(Finance/Information Technology/City Manager)

Civic Innovation Director, Dolan Beckel, Smart City Manager, Rajani Nair, and East Side Union High School District Chief Technology Officer, Randy Phelps gave a presentation and responded to questions.

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Councilmember Dev Davis, and carried unanimously, staff recommendation was accepted. Resolution No. 79272 was adopted. Ordinance No. 30328 was adopted, and Resolution No. 79277 was adopted.

(10-1. Absent: Arenas)

**3.6 19-939****Actions Related to the Renewal of Janitorial Services with ABM Industries, Inc.****Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute Second Amendments to Agreements with ABM Industries, Inc. (New York, NY) for janitorial services at citywide facilities, including supplies and related expenses, to extend the terms for up to two additional one-year options through October 31, 2021 for a maximum combined compensation of \$11,512,078 for the period beginning November 1, 2019 through October 31, 2020, subject to the appropriation of funds; and

(b) Negotiate and execute amendments and/or change orders for any unanticipated changes for a total contingency amount not to exceed \$2,500,000, 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)

There was no presentation for this item.

Action: Upon motion by Councilmember Johnny Khamis to accept staff report, seconded by Councilmember Dev Davis, and carried unanimously, staff recommendation was accepted, and Resolution No. 79273 was adopted.

(10-1. Absent: Arenas)

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

### **4.1 19-940 2019 California Building Standards Code Adoption.**

#### **Recommendation:**

As recommended by the Community and Economic Development Committee on September 23, 2019:

(a) Approve an ordinance to amend Title 24 of the San José Municipal Code to:

(1) Adopt the 2019 editions of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Historical Building Code, California Existing Building Code.

(2) Find that the City of San José local climatic, geological, and topographical conditions warrant additional protections in the Municipal Code; and

(3) Adopt local amendments regarding certain structural design requirements, fire sprinkler regulations, and other building requirements.

(b) Approve an ordinance to amend Chapter 17.12 of the San José Municipal Code to:

(1) Adopt the 2019 edition for the California Fire Code, and the Standards referenced in 2019 California Fire Code; and

(2) Adopt local amendments regarding the design and installation requirements for fire sprinkler systems, fire standpipe and hose systems, centrifugal fire pumps, private fire service mains, fire alarm systems, clean agent extinguishing systems, fire protection systems in clean rooms, and other fire safety requirements.

CEQA: Categorically Exempt, File No. PP19-077, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for the Protection of the Environment.

(Planning, Building and Code Enforcement/Fire)

**[Deferred from 10/8/19 - Item 4.2 (19-907)]**

Councilmember Pam Foley recused herself because of a conflict of interest with a Consultant.

Planning, Building and Code Enforcement Deputy Director, James Son, Assistant Fire Chief Reggie Williams, and Fire Marshal, Hector Estrada gave a presentation and responded to questions.

Action: Upon motion by Councilmember Raul Peralez to move approval, seconded by Councilmember Sergio Jimenez and carried unanimously, staff recommendation was accepted, with direction to come back to PSFSS Committee within three months. Ordinance No. 30326 and Ordinance No. 30327 were passed for publication, including approval of Memorandum from Mayor Liccardo to:

1. Approve the Staff Recommendation, and adopt the proposed building standards.
2. Direct the City Manager to engage with the Fire Chief and Fire Department to analyze whether an alternative to FBAR's-such as fire-rated elevators-will provide at least equal or better safety to firefighters and residents in high-rise buildings. The City Manager is further directed to hear any concerns by Local 230 and incorporate those in any response to Council, and in its consideration of any changes in the building code, Fire policies and procedures, and Fire equipment. The safety of firefighters and occupants shall be the primary and overriding consideration of any assessment, but cost may be considered as well.

(9-2. Absent: Arenas, Foley)

## **5. NEIGHBORHOOD SERVICES**

## **6. TRANSPORTATION & AVIATION SERVICES**

### **6.1 19-943 Actions Related to the Design-Build Contract for the 9080 - Norman Y. Mineta San José International Airport Economy Lot Parking Garage Project.**

#### **Recommendation:**

Adopt a resolution:

- (a) Finding that the award of the proposed design-build contract for the Economy Lot Parking Garage Project ("Project") at the Norman Y. Mineta San José International Airport will result in lower costs and/or faster Project completion than if the City used the traditional design-bid-build method of project delivery;
  - (b) Approving the final ranking of the Design-Build ("D-B") Entities that responded to the RFP for the Project;
  - (c) Authorizing the Director of Public Works to negotiate a D-B Contract in an amount not to exceed \$30,100,000 for the Project as follows:
    - (1) Begin negotiating with the highest ranked D-B Entity, Hensel Phelps Construction Company, and
    - (2) Begin negotiating with the next highest D-B Entity, if after having negotiated with Hensel Phelps Construction Company, the Director determines that the City's interests are best served by beginning negotiations with the next highest ranked D-B Entity, and
    - (3) Begin negotiating with each of the other D-B Entities in order of their ranking as the Director determines is appropriate; and
  - (d) Authorizing the Director of Public Works to:
    - (1) Execute the D-B Contract for the Project with the successfully negotiated D-B Entity; and
    - (2) Negotiate and execute Task Orders up to the Contract not to exceed amount as necessary to meet project completion.
  - (e) Approving a D-B contingency in the amount of ten percent of the negotiated D-B Contract for City-approved changes to the design scope and construction.
- CEQA: Determination of Consistency with the Final Environmental Impact Report for the San José International Airport (Resolution Nos. 67380 and 71451) and Addenda thereto, File No. PP19-012.  
(Public Works/Airport)

There was no presentation for this item.

Airport Director, John Aiken responded to questions.

Action: Upon motion by Councilmember Johnny Khamis to move approval, seconded by Councilmember Raul Peralez, and carried unanimously, staff recommendation was accepted, and Resolution No. 79274 was adopted.  
(10-1. Absent: Arenas)

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

### **7.1 19-944 Actions Related to the California Electric Vehicle Infrastructure Project.**

#### **Recommendation:**

Adopt a resolution:

- (a) Approving the implementation of the California Electric Vehicle Infrastructure Project in San José;
  - (b) Approving participation of San José Clean Energy in the California Energy Commission's current round of funding of the California Electric Vehicle Infrastructure Project for load serving entities in San Mateo and Santa Clara counties; and
  - (c) Authorizing the Director of Community Energy or designee, in consultation with the City Attorney, to negotiate and execute an agreement with the Center for Sustainable Energy to administer San José Clean Energy funds as part of the implementation of the California Electric Vehicle Infrastructure Project in an amount not to exceed \$4,000,000 through December 31, 2023, subject to the appropriation of funds.
- CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy)

**[Deferred from 10/8/19 - Item 7.1 (19-893)]**

Community Energy Director Lori Mitchell, Account Management and Marketing Deputy Director Zach Struyk, and FUSE Executive Advisor and Programs Lead Kevin Meehan, gave a presentation and responded to questions.

Public Comments: Alex Camballo offered comments on Actions Related to the California Electric Vehicle Infrastructure Project.

Action: Upon motion by Councilmember Johnny Khamis to move approval, seconded By Councilmember Dev Davis, and carried unanimously, staff recommendation was accepted, with direction to outreach to businesses that can benefit the most from this strategy, including additional clarification to seek opportunities to create charging stations, advocate incentives for multi-family housing units in general, and to seek grants from builders to build all kinds of housing so that our Reach Code could be mitigated. Further, Resolution No. 79275 was adopted, including approval of the Memorandum from Councilmember Khamis to Accept Staff Recommendation with the following modification: Direct the Administration to negotiate to allow CALeVIP funds to be used for all new multi-family housing construction subject to Reach Code provisions regarding electric vehicle charging infrastructure and, once approved, to inform the builders of multi-family housing subject to the Reach Code of the availability of grant funding availability.  
(10-1. Absent: Arenas)

**7.2 19-945****Report On Bids and Award of Construction Contract for 7731 - Nitrification Clarifier Rehabilitation - Phase 1 Project at the San José-Santa Clara Regional Wastewater Facility.****Recommendation:**

(a) Report on bids and award the construction contract for 7731-Nitrification Clarifier Rehabilitation - Phase 1 Project to the low bidder, C. Overaa & Co., in the amount of \$26,184,000 and approve a 20 percent contingency in the amount of \$5,237,000.  
(b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute one or more change orders in excess of \$100,000 for the duration of the project, not to exceed the total contingency amount approved for the project.  
CEQA: Categorically Exempt, File No. PP17-049, CEQA Guidelines Section 15301, Existing Facilities. (Public Works/Environmental Services)

Environmental Services Department Assistant Director Napp Fukuda, Deputy Director, Marianna Chavez-Vasquez, and Consultant Simon Alder gave a presentation and responded to questions.

Action: Upon motion by Vice Mayor Chappie Jones to accept staff report, seconded by Councilmember Johnny Khamis, and carried unanimously, staff Report was accepted as recommended, and Resolution No. 79276 was adopted.  
(9-2. Absent: Arenas, Esparza)

**8. PUBLIC SAFETY****9. REDEVELOPMENT – SUCCESSOR AGENCY****9.1 19-946****Memorandum of Understanding with Internal Revenue Service for the Redevelopment Agency of the City of San Jose Merged Area Tax Allocation Bonds Series 1999.****Recommendation:**

Adopt a resolution of the Successor Agency to the Redevelopment Agency Board authorizing the Executive Director or Chief Financial Officer of the Successor Agency to the Redevelopment Agency (“Successor Agency”) to complete negotiations and enter into a memorandum of understanding between the Successor Agency and the Internal Revenue Service (“IRS”) and associated documents related to the payment of additional arbitrage rebate due on the Redevelopment Agency of the City of San Jose Merged Area Tax Allocation Bonds Series 1999 in the amount of \$171,593.84 plus interest, as calculated by the IRS, from March 9, 2018 to July 15, 2020 for a total estimated payment amount of approximately \$210,000.

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. (Successor Agency)

**Deferred to 10/29/19 Per Administration**

**10. LAND USE****10.1 Land Use on Consent Calendar**

None provided.



**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

**• Open Forum**

1. Daniel Digby, (representing San Jose Search and Rescue), commented that his organization needs help to continue to do its work
2. Rebecca Louise, (a Senior Citizen), reported that investigation should be made at the property where she's renting because rent has been raised from \$1, 694 to \$2, 234 within two weeks.

**• ADJOURNMENT**

Mayor Liccardo adjourned the Council Meeting session at 4:51 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk

10/10-22-19 MIN

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