



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MARCH 29, 2016

The Council of the City of San José convened in Regular Session at 9:09 a.m. in the Council Chamber at City Hall.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:15 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9 subsection (c) with respect to anticipated litigation in four (4) matters. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) In re: Claim of De La Cruz; Amount of Money or Other Relief Sought: Administrative Appeal. (2) RSTP Investments, LLC v. Redevelopment Agency of the City of San José, et al. Names of Parties Involved: RSTP Investments, LLC, The Redevelopment Agency of the City of San José, The City of San José; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No: 16 CV 291967; Amount of Money or Other Relief Sought: Damages according to proof. (3) IAFF Local 230 v. City of San José; Names of Parties Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-969-M. Amount of Money or Other Relief Sought: Damages According to Proof. (4) IFPTE Local 21 v. City of San José; Names of Parties Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages according to proof. (5) American Federation of State, County and Municipal Employees, et al. v. City;

CLOSED SESSION (Cont'd.)

Names of Parties Involved: American Federation of State, County and Municipal Employees, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof. (6) OE#3 v. City of San José; Names of Parties Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-900-M. (7) ABMEI v. City, et al. Names of Parties Involved: Association of Building, Mechanical and Electrical Inspectors, City of San José; Court: State of CA Public Employment Relations Board; Case No: UPC SF 1358 M; Amount of Money or Other Relief Sought: Damages according to proof. (8) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case No: 1-12-CV-233660, H040979, H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (9) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case No: 1-12-CV-225928, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; ; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case: 1-12-CV-226570, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; ; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case: 1-12-CV-226574, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (12) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of the State of California for County of Santa Clara, Sixth District Court of Appeal; Case: 1-12-CV-225928, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (13) People of the State of California, et al. v. City of San José, et al. Names of Parties Involved: The People of the State of California ex rel, San José Police Officers' Association, City of San José, City Council of San José; Court: Superior Court of the State of California for the County of Santa Clara; Case No: 1-13-CV-245503; Amount of

CLOSED SESSION (Cont'd.)

Money or Other Relief Sought: Verified Complaint in Quo Warranto. (14) San José Retired Employees Association, et al V. City of San José, et al. Names of Parties Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City of San José, The Board of Administration for the Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-2680085; Amount of Money or Other Relief Sought: Change to City Medical Plan. (C) to confer with Real Property Designated Representatives pursuant to Government Code Section 54956.8: Property Street Address: 88 East San Fernando Street, San José; Negotiation Parties: Jim Ortbal and Laura Wells for the City of San José; Seller: None. The property is being sold to highest bidder by the Successor Agency; Under Negotiation: The direction will concern price and terms of payment to be offered as a bid on the Property. Likely Range of Value of Property: Bid price based on appraisal and comparable property values. (D) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Designee Jennifer Schembri; Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of 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. (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 between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals

CLOSED SESSION (Cont'd.)

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. (E) to confer with Legal Counsel pertaining to the Successor Agency to the Redevelopment Agency of the City of San José with respect to anticipated litigation in four (4) matters. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) RSTP Investments, LLC v. Redevelopment Agency of the City of San José, et al. Names of Parties Involved: RSTP Investments, LLC, The Redevelopment Agency of the City of San José, The City of San José; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No: 16 CV 291967; Amount of Money or Other Relief Sought: Damages according to proof.

By unanimous consent, Council recessed from the Closed Session at 11:37 a.m. and reconvened to Regular Session at 1:31 p.m. in the Council Chamber.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

INVOCATION

Quyhn and Alice, Asian American Folk/R&B music duo native to San José offered an original song "No Surrender" for the Invocation. (District 3)

INVOCATION

Evan Brasco offered an original song "My City" for the Invocation. (District 3)

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

CEREMONIAL ITEMS

- 1.1 Presentation of Commendation to Evergreen Valley High School student, Labanya Mukhopadhyay, for her outstanding efforts to make robotics accessible to students in elementary and middle school. (Herrera)**

Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized and commended Labanya Mukhopadhyay for her exceptional efforts.

1.2 Presentation of a proclamation to the San José Sports Authority and USA Gymnastics recognizing March 30, 2016 as the 100 day countdown to the start of the U.S. Olympic Trials – Women’s Gymnastics at SAP Center at San José. (Mayor/Oliverio/Rocha)

Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Pierluigi Oliverio and Council Member Donald Rocha commended the San José Sports Authority and USA Gymnastics. Mary Lou Retton, 1984 Olympic Gold Medal Winner, accepted the award. Mayor Sam Liccardo recognized March 30, 2016 as the 100 day countdown to the start of the U.S. Olympic Trials – Women’s Gymnastics at SAP Center in San José.

ORDERS OF THE DAY

Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Chappie Jones and carried unanimously, The Orders of the Day and the Amended Agenda were approved. (11-0.)

Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Ash Kalra and Assistant City Manager David Sykes presented their thoughts honoring Joseph Horwedel, the City’s Director of the Department of Planning, Building and Code Enforcement from 2006-2014, who passed away on February 22, 2016.

CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session actions of March 29, 2016:

A. Authority to Initiate Litigation:

Authority to initiate litigation was given in one (1) matter(s). The name of the action(s) and the defendant(s), as well as the substance of the litigation shall be disclosed to any person upon inquiry once the action(s) is/are formally commenced.

Council Vote:

Ayes:	Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.
Noes:	None.
Abstain:	None.
Not Present:	None.

CONSENT CALENDAR

Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0)

2.1 Approval of minutes:

(a) Regular Minutes of January 12, 2016.

Documents Filed: The Regular Minutes dated January 12, 2016.

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

(b) Regular Minutes of January 26, 2016.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Action: Deferred to April 05, 2016 per Administration.

2.2 Final Adoption of Ordinances.

There were none.

2.3 Approval of Council Committee Minutes:

(a) Rules and Open Government Committee Minutes of March 2, 2016. (Mayor)

(b) Transportation and Environment Committee Minutes of March 7, 2016. (Kalra)

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Documents Filed: (1) The Rules and Open Government Committee Minutes dated March 2, 2016. (2) The Transportation and Environment Committee Minutes dated March 7, 2016.

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

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

- 2.7 Adopt a resolution authorizing the City Attorney to negotiate and execute a First Amendment to Agreement for Services between the City of San José and Hanson Bridgett LLP to provide legal and investigative services as the Evaluator to the San José Ethics Commission, increasing compensation by \$50,000 for a total amount of compensation not to exceed a total amount for FY 2015-2016 to \$110,000 without increasing the total compensation under the agreement. CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney)
(Deferred from 3/22/16 – Item 2.7)

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, Item 2.7 was deferred to April 05, 2016 per Administration. (11-0.)

- 2.8 (a) Adopt a resolution authorizing the City Attorney to negotiate and execute:
- (1) A Seventh Amendment to the Agreement with Ice Miller LLP (Ice Miller) for legal services in connection with retiree health and dental benefits and related tax issues, increasing the contract amount by \$100,000 for a total amount not to exceed \$400,000, and extending the term through June 30, 2017.
 - (2) A Third Amendment to the Continuation Agreement with Renne Sloan Holtzman & Sakai LLP (Renne Sloan) for legal services in connection with labor relations matters, increasing the amount of compensation by \$200,000, for a total amount not to exceed \$1,645,000, and extending the term through June 30, 2017.
 - (3) A Sixth Amendment to the Agreement with Hanson Bridgett LLP (Hanson Bridgett) for legal services in connection with the City's retirement plans and other benefit plans and programs, increasing the amount of compensation by \$100,000, for a total amount not to exceed \$350,000, and extending the term through June 30, 2017.
- (b) Adopt the following Appropriation Ordinance amendments in the General Fund for Fiscal Year 2015-2016:
- (1) Increase the City-Wide appropriation to the City Attorney's Office for Fiscal Reform Plan Outside Legal Counsel by the amount of \$66,543.
 - (2) Decrease the Fiscal Reform Plan Implementation Reserve by the amount of \$66,543.

CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney/City Manager)

Documents Filed: Memorandum from City Attorney Richard Doyle and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated March 14, 2016, recommending adoption of a resolution and appropriation ordinance amendments.

City Attorney Richard Doyle responded to questions from Council Member Tam Nguyen.

2.8 (Cont'd.)

Action: Upon motion by Council Member Tam Nguyen, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77692, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute a Seventh Amendment to the Agreement with Ice Miller LLP, a Third Amendment to the Continuation Agreement with Renne Sloan Holtzman and Sakai LLP and a Sixth Amendment with Hansen Bridgett LLP for Legal Services Relating to the Alternate Pension Reform Settlement" and Ordinance No. 29714, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the General Fund for Fiscal Reform Plan Outside Legal Counsel; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. (10-0-1. Absent: Rocha.)

- 2.9 **Approve a Fourth Amendment to Master Agreement with the Jacobs Engineering Group, Inc. (formerly Carter & Burgess, Inc.) for continuing program support services on Airport capital improvement projects, extending the term one year from July 1, 2016 through June 30, 2017, with no increase in total compensation. CEQA: Not a Project, File No. PP10-066(a), Agreements/Contracts for Professional Services that involve no changes to the physical environment. (Airport)**

Action: Deferred to April 12, 2016 per Administration.

- 2.10 **Adopt a resolution authorizing the City Manager to execute a Third Amendment to the Agreement with Renne Sloan Holtzman & Sakai, LLP, for labor consulting services in connection to labor matters, extending the term to December 31, 2017, with no increase to the total compensation. CEQA: Not a Project, File No. PP10-069(a), Agreements/Contracts for Professional Services that involve no changes to the physical environment. (City Manager)**

Documents Filed: Memorandum from Director of Employee Relations Jennifer Schembri, dated March 8, 2016, recommending adoption of a resolution.

Action: Resolution No. 77693, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Third Amendment to the Agreement with Renne Sloan Holtzman and Sakai LLP for Labor Consulting Services", was adopted. (11-0.)

- 2.11 **Adopt a resolution authorizing the City Manager to execute a Second Amendment to the Agreement with Bartel Associates, LLC, for actuarial consulting services in connection with labor matters related to various retirement benefits for both pension and retiree healthcare, increasing the amount of compensation by \$135,000 for a total compensation amount not to exceed \$435,000. CEQA: Not a Project, File No. PP10-069(a), Agreements/Contracts for Professional Services that involve no changes to the physical environment. (City Manager)**

2.11 (Cont'd.)

Documents Filed: Memorandum from Director of Employee Relations Jennifer Schembri, dated March 8, 2016, recommending adoption of a resolution.

Action: Resolution No. 77694, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Second Amendment to the Agreement with Bartel Associates LLC for Actuarial Consulting Services in Connection with Labor Matters", was adopted. (11-0.)

2.12 Adopt a resolution authorizing the City Manager to negotiate and execute a three-year Agreement with Christmas in the Park, Inc. to manage and produce Christmas in the Park at Plaza de Cesar Chavez and to provide limited support staff and in-kind services to support the successful production of the event. CEQA: Exempt, Section 15304(e) Minor Alterations to Land, File No. PP16-031. Council District 3. (Economic Development)

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, dated March 16, 2016, recommending adoption of a resolution.

Action: Resolution No. 77695, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Three-Year Agreement with Christmas in the Park, Inc. to Manage and Produce Christmas in the Park at Plaza de Cesar Chavez", was adopted. (11-0.)

2.13 Adopt a resolution authorizing the City Manager to:

- (a) Amend Purchase Order 51590 with California Roofing Company (San José, CA) for roof repairs and maintenance services, to increase compensation by \$400,000, for a revised total amount not-to-exceed \$650,000 for the current term ending June 30, 2016.**
 - (b) Exercise the last remaining one-year option to extend the term of the Purchase Order through June 30, 2017, subject to appropriation of funds.**
- CEQA: Exempt, Section 15301(d) Existing Facilities, File No. PP16-003. (Finance)**

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated May 16, 2016, recommending adoption of a resolution.

Action: Resolution No. 77696, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Amend Purchase Order 51590 with California Roofing Company for Roof Repairs and Maintenance Services to Increase Compensation by \$400,000 for a Revised Total Amount Not To Exceed \$650,000 for the Current Term Ending June 30, 2016 and To Exercise the Last Remaining One Year Option to Extend the Term of the Purchase Order Through June 30, 2017 Subject to the Appropriation of Funds", was adopted. (11-0.)

2.14 Accept the report on the Request for Proposal for City Generated Towing Services, and adopt a resolution authorizing the City Manager to:

- (a) Execute Agreements with each of the following companies to provide City-Generated Towing Services, for an initial five-year term ending March 31, 2021:**
 - (1) Zone 1: Matos Auto Towing & Transport (San José, CA)**
 - (2) Zone 2: City Towing, Inc. (San José, CA)**
 - (3) Zone 3: Century Tow (San José, CA)**
 - (4) Zone 4: Motor Body Company, Inc. (San José, CA)**
 - (5) Zone 5: Courtesy Tow Services, Inc. (San José, CA)**
 - (6) Zone 6: Alongi Brothers, Inc. (San José, CA)**
- (b) Execute five one-year options to extend the Agreements through March 31, 2026.**

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts that involve no physical changes to the environment. (Finance)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated March 16, 2016, recommending acceptance of the report and adoption of a resolution.

City Attorney Richard Doyle, Manager of Finance Mark Giovannetti and Deputy Director of Planning, Building and Code Enforcement Diane Buchanan responded to questions and concerns from Mayor Sam Liccardo and the Council Members.

Mayor Sam Liccardo pointed out to Staff that when this agreement returns it would be good to see these companies competing against each other across District lines or a new company from a neighboring city.

Action: Upon motion by Council Member Raul Peralez, seconded by Council Member Donald Rocha and carried unanimously, the report on the Request for Proposal for City Generated Towing Services was accepted and Resolution No. 77697, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Agreements with Various Companies to Provide City Generated Towing Services for an Initial Five Year Term Ending March 31, 2021 and To Execute Five One Year Options to Extend the Agreements through March 31, 2026", was adopted. (11-0.)

2.15 As recommended by the Rules and Open Government Committee on March 16, 2016:

- (a) Approve the 8th Annual Senior Health Fair and Walk scheduled on Friday, May 20, 2016 as a City Council Sponsored Special Event and approve the expenditure of funds.**
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.**

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Herrera)
[Rules Committee referral 3/16/16 – Item G(1)(c)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 17, 2016, transmitting the recommendations of the Rules and Open Government Committee.

2.15 (Cont'd.)

Action: The 8th Annual Senior Health Fair and Walk scheduled on Friday, May 20, 2016 as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

2.16 As recommended by the Rules and Open Government Committee on March 16, 2016:

- (a) Approve the Day in the Park Festival scheduled on Saturday, October 1, 2016 as a City Council Sponsored Special Event and approve the expenditure of funds.**
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.**

**CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Herrera)
[Rules Committee referral 3/16/16 – Item G(1)(d)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 17, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Day in the Park Festival scheduled on Saturday, October 1, 2016 as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

2.17 Adopt a resolution authorizing the Director of Housing to:

- (a) Negotiate and execute an amendment or termination for the three-party Litigation Reserve and Security Agreement between San José Family Housing Partners, L.P. (“Borrower”), Citicorp USA, Inc., and the City, and to any other necessary documents such that up to \$505,000 of City settlement reserve funds can be distributed with 75% of the proceeds distributed to Borrower and 25% to the City, and allowing the use of the proceeds disbursed to Borrower for certain Borrower costs including those incurred with respect to the billboard litigation, for the Fairways at San Antonio Court Apartments (“Fairways”), a restricted affordable rental development located at 305 San Antonio Court.**
- (b) Negotiate and execute amendments to existing loan documents to implement the changes described in the memorandum including allowing City funds to be used for the costs of litigation incurred by the Borrower’s managing general partner, the Affirmed Housing Group (“Affirmed” or “Developer”) and changes regarding the amount and accrual of Partnership Administration Fees described below.**

- 2.17 (c) **Negotiate and execute amendments to existing loan documents, program agreements, and other documents as needed to implement a Transition In Place program to house homeless individuals or families in nine of Fairways' apartments and any other consideration obtained by the City.**

CEQA: Mitigated Negative Declaration, File No. PDC05-104, Section 15061 (b) (3) Review for Exemption for Release of the Settlement Reserve & Other Actions for Fairways at San Antonio Court Apartment. Council District 5. (Housing)

Documents Filed: Memorandum from Director of Housing Jacky Morales-Ferrand, dated March 17, 2016, recommending adoption of a resolution.

Action: Resolution No. 77698, entitled: "A Resolution of the Council of the City of San José Authorizing the Release of the Settlement Reserve and Other Actions for Fairways at San Antonio Court", was adopted. (11-0.)

2.18 **Adopt a resolution:**

- (a) **Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of an emergency access easement on private property located at 484 Piercy Road ("EAE").**
- (b) **Summarily vacating the EAE which has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding this proposed vacation.**
- (c) **Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.**

CEQA: Exempt, Section 15305 Minor Alterations in Land Use Limitations, File No. PP16-001. Council District 2. (Public Works)

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated March 16, 2016, recommending adoption of a resolution.

Action: Resolution No. 77699, entitled: "A Resolution of the Council of the City of San José Summarily Vacating an Emergency Access Easement on Private Property Located at 484 Piercy Road", was adopted. (11-0.)

- 2.19 **Adopt a resolution of intention to vacate a public easement for landscape purposes and a portion of a street easement restricting vehicular access on 1385 Prelude Drive and set April 26, 2016 at 1:30 p.m. for a Public Hearing on the vacations. CEQA: BART Extension to Berryessa Final and Supplemental EIR (Resolution No. 76126). Council District 4. (Public Works)**

Documents Filed: (1) Memorandum from Director of Public Works Barry Ng, dated March 16, 2016, recommending adoption of a resolution. (2) Proof of Publication of Notice of Public Hearing, executed on April 1, 2016, submitted by the City Clerk.

Action: Resolution No. 77700, entitled: "A Resolution of the Council of the City of San José Setting a Public Hearing to Consider Whether to Vacate a Landscape Easement and Portion of Street Easement on Private Property Located on 1385 Prelude Drive", was adopted. (11-0.)

- 2.20 Approve the Consent to Common Use Agreement with the State of California Department of Transportation for the reservation of an easement to the City of San José at the intersection of the I-880 northbound ramps at Brokaw Road. CEQA: Exempt, CEQA Guidelines Section 15061(b)(3) No potential for causing a significant impact to the environment, File No. PP16-017. Council District 3. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James Ortbal, dated March 16, 2016, recommending approval of the Consent to Common Use Agreement.

Action: The Consent to Common Use Agreement with the State of California Department of Transportation for the reservation of an easement to the City of San José at the intersection of the I-880 northbound ramps at Brokaw Road was approved. (11-0.)

- 2.21 Adopt a resolution authorizing the City Manager to negotiate and execute amendments to extend the term by one year to December 31, 2017 of the following three agreements:**

- (a) **Agreement between the City and Standard Insurance Company to provide life insurance, voluntary supplemental life insurance and accidental death & dismemberment (AD&D) insurance to employees and retirees at a cost not to exceed \$1,318,693 for the period of January 1, 2017 through December 31, 2017 subject to appropriation of funds.**
- (b) **Agreement between the City and Standard Insurance Company to provide long-term disability insurance to employees at a cost not to exceed \$2,165,363 for the period of January 1, 2017 through December 31, 2017.**
- (c) **Agreement between the City and Life Insurance Company of North America, an affiliated Cigna company to provide voluntary AD&D insurance to employees and retirees at a cost not to exceed \$216,000 for the period of January 1, 2017 through December 31, 2017.**

CEQA: Not a Project, File No. PP10-066(a), Professional Services that involve no physical changes to the environment. (Human Resources)

Item 2.21 was renumbered from Item 3.6.

Documents Filed: Memorandum from Director of Human Resources Joseph Angelo, dated March 16, 2016, recommending adoption of a resolution.

Action: Resolution No. 77701, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Amendments to Agreements for Life, Accidental Death and Dismemberment (AD&D) and Disability Insurance with Standard Insurance Company and for Voluntary AD&D Insurance with Life Insurance Company of North America, An Affiliated Cigna Company, Extending the Terms by One Year to December 31, 2017", was adopted. (11-0.)

- 2.22 As recommended by the Rules and Open Government Committee meeting on March 23, 2016, adopt a position of support for AB 1591 (Frazier) – Transportation Funding. CEQA: Not a Project, File No. PP10-069(d), Legislative Positions. (Transportation)
[Rules Committee referral 3/23/16 – Item G(2)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated March 25, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: A position of support for AB 1591 (Frazier) – Transportation Funding was adopted. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

- 3.8 As recommended by the Rules and Open Government Committee on March 16, 2016, accept the Smart City Vision for the City of San José. CEQA: Not a Project, File No. PP10-069(e), City Administrative Activities. (Mayor)
[Rules Committee referral 3/16/16 – Item G(6)]

Heard Immediately Following the Consent Calendar.

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Chappie Jones, Council Member Raul Peralez and Council Member Johnny Khamis, dated March 29, 2016, recommending adoption of the Smart City Vision for the City of San José and direction to the City Manager. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated March 17, 2016, transmitting the recommendations of the Rules and Open Government Committee. (3) Staff presentation dated March 29, 2016 describing Smart City Vision. (4) Nine letters/emails from the public all dated March 03, 2016 providing comments about the Smart City Vision for San José.

Mayor Sam Liccardo provided introductory remarks.

Mayor's Senior Policy Advisor, Director of Innovation Shireen Santosham presented the report on Smart City Vision for the City of San José.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Jessica Weare, Jonathan Noble, Microsoft; and John Messina expressed support to the Smart City Vision.

Motion: Council Member Chappie Jones moved approval of the memorandum he cosigned with Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Raul Peralez and Council Member Johnny Khamis. Vice Mayor Rose Herrera seconded the motion.

3.8 (Cont'd.)

Council discussion ensued.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Members Chappie Jones, Raul Peralez and Johnny Khamis, dated March 29, 2016, was approved: (1) Adopt the Smart City Vision for the City of San José, which includes: (a) Five key goals: Safe City, Inclusive City, User-Friendly City, Sustainable City and a Demonstration City. (b) The Core Values to guide the work of the City Staff. (c) Direct the City Manager to create an Office of Innovation and Digital Strategy by realigning existing resources through the annual budget process. (d) Form a New Smart City and Continuous Improvement Council Committee. (2) Direct the City Manager to develop a work plan for implementation to return to Council by September 15, 2016. (11-0.)

- 3.3 (a) **Approve an ordinance amending Section 6.88.600 of Chapter 6.88 of Title 6 of the San José Municipal Code to change the deadline for medical marijuana collectives to file their annual audit from April 15 of every year to September 30 of every year.**
- (b) **Adopt a resolution amending the Administrative Citation Schedule of Fines to create escalating fines for certain violations of Chapter 6.88 of Title 6 of the San José Municipal Code (Code) related to the City's Medical Marijuana Program, and repealing Resolution No. 77570.**
- (c) **Accept the Administration's report on the cost of creating a Division of Medical Marijuana Control and sources of funding.**
- (d) **Discussion and follow up on Council referrals regarding the Medical Marijuana Program.**

CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy change that involves no changes in the physical environment. (City Manager/Police)

Documents Filed: (1) Memorandum from Vice Mayor Rose Herrera, dated March 16, 2016, recommending direction to Staff as described in "Action". (2) Memorandum from Council Member Ash Kalra, dated March 10, 2016, recommending direction to Staff as described in "Action". (3) Memorandum from Assistant to the City Manager Angelique Gaeta and Chief of Police Edgardo Garcia, dated March 18, 2016, recommending actions as described in Item 3.3(a)-(d) above. (4) Supplemental memorandum from Assistant City Manager David Sykes, dated March 25, 2016, responding to Council direction of December 8, 2015 that the Administration provide an analysis of the cost of creating a Division of Medical Marijuana Control and sources of funding. (5) Supplemental memorandum from Assistant to the City Manager Angelique Gaeta and Director of Planning, Building and Code Enforcement Harry Freitas, dated March 25, 2016, responding to Council direction of December 8, 2015 for Staff to return in March 2016 with an analysis on allowing transactions/transfers with registered and licensed/permitted cultivators and manufacturers of medical marijuana products throughout the State of California and with changes to Tile 20. (6) Staff presentation dated March 29, 2016 summarizing Actions Related to the Medical Marijuana Program.

Assistant City Manager David Sykes presented introductory comments.

3.3 (Cont'd.)

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Providing comments and suggestions were Corinna Reyes, Susan M. Landry, Jerry Strangis, Larry Thucker, Caliva; John Messina, Matt Lucero, Buddy's Cannabis; Cheri Heberling, Blu Star Manufacturing; Josh Santaga, Haze Dispensary and Jim Stamm. Selene Rojas, Keeping Youth Safe Coalition expressed opposition.

Assistant to the City Manager Angelique Gaeta offered the report on Actions Related to the Medical Marijuana Program.

Council discussion ensued.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis and carried, Ordinance No. 29715, entitled: "An Ordinance of the City of San José Amending Section 6.88.600 of Chapter 6.88 of Title 6 of the San José Municipal Code to Change the Date by Which Medical Marijuana Collectives Shall File an Annual Audit", was passed for publication and Resolution No. 77702, entitled: "A Resolution of the Council of the City of San José Amending the Administrative Citation Schedule of Fines for Certain Violations of the San José Municipal Code in Order to Create Escalating Fines for Certain Violations of Chapter 6.88 of Title 6 of the San José Municipal Code and Repealing Resolution No. 77570", was adopted. (1) The supplemental memorandum from Assistant to the City Manager Angelique Gaeta and Director of Planning, Building and Code Enforcement Harry Freitas, dated March 25, 2016, was approved, responding to the City Council direction of December 8, 2015 for the Staff to return in March 2016 with an analysis on allowing transactions/transfers with registered and licensed/permitted cultivators and manufacturers of medical marijuana products throughout the State of California and with changes to Title 20 regarding the following: (a) Allow secondary/multiple locations for cultivation, manufacturing and extraction for the registered collectives (not to include retail locations). (b) Allow cultivation throughout the State of California, charging collectives the Staff time and expense to conduct inspections. (c) Allow collectives to inhabit a single location/site for multiple, separate grows. (d) Remove the 50-foot restriction for cultivation and manufacturing but keep it in place for retail dispensary locations. (e) Allow greenhouse, but not sun-grown cultivation, in appropriately zoned locations. (2) Clarify Staff direction moving forward into the California Environmental Quality Act (CEQA) review process, returning to Council in October 2016 with final (CEQA) clearance and changes to the Municipal Code including: (a) Maintain the zoning districts and sensitive-use buffers for cultivation, manufacturing and distribution as outlined in Title 20 and applying to all of the following. (b) Allow each individual collective a maximum of two locations for cultivation and/or manufacturing. (c) Allow each individual collective one cultivation – not manufacturing – location anywhere in the State of California that would count towards the maximum two locations in Item (b). (d) Allow that a maximum of two collectives may share a single site for cultivation – not manufacturing and not at a dispensing location – and that their crops are keep separate and closed to the public. (3) Complete CEQA review for greenhouses and return to Council with final CEQA review in Spring of 2017. (10-1. Noes: M. Nguyen.)

3.3 (Action Cont'd.)

Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis and carried, the memorandum from Vice Mayor Rose Herrera, dated March 16, 2016, was approved: (a) Staff was directed to continue working with manufacturers toward having childproof packing for all marijuana products, including edibles. (b) Staff was directed to return to Council every three months with an information memorandum updating the progress of implementation of childproof packing for marijuana products. The memorandum from Council Member Ash Kalra, dated March 10, 2016, was approved, and in advance of the matter coming before Council, clarify and direct the City Manager on the following items: (a) Clarify the December 8, 2015 direction from the Mayor and Council to have Staff analysis for the City allowing for Transactions/Transfers with Registered and Licensed/Permitted Cultivators and Manufacturers of Cannabis Products throughout the State of California. (b) In addition to the analysis of Transactions/Transfers, add Distributors, as well as Delivery to patients by legally certified San José collectives to the analysis. (c) Delay the current audit deadline for medical marijuana dispensaries until September 30, 2016. (d) Delay final determination on details of packing requirements until there is an opportunity for feedback from the State on how it is proceeding on these complex issues. (e) Lobbying the State in order to allow cities to preserve vertical integration as part of local control. (f) Work with the San José Police Department and the Santa Clara County District Attorney's Office to continue the work of closing illegal dispensaries and delivery operators throughout the City and report back regarding the status of the closures to Council on a semi-annual basis starting in June 2016. (10-1. Noes: M. Nguyen.)

Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Chappie Jones and carried unanimously, Staff was directed to explore adopting guidelines that may delegate the issue of edibles to the County of Environmental Health with possible enforcement features. Staff was requested to encourage the County to have a Study Session on Marijuana Edibles with City of San José residents encouraged to attend. (10-1. Noes: M. Nguyen.)

Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Raul Peralez and carried, the Administration's report on the cost of creating a Division of Medical Marijuana Control and sources of funding was accepted, with final approval during the Budget Process. (10-1. Noes: M. Nguyen.)

3.4 **Accept staff report and public input on the Annual Summary of Upcoming Labor Negotiations. CEQA: Not a Project, File No. PP10-069(a), Annual Reports that involve no approvals of any City Actions. (City Manager)**

Documents Filed: (1) Memorandum from City Manager Norberto Dueñas, dated March 11, 2016, recommending acceptance of the report and the public input. (2) Staff presentation dated March 29, 2016 summarizing the Annual Summary of Labor Negotiations.

3.4 (Cont'd.)

Director of Employee Relations Jennifer Schembri presented a brief report and responded to Council questions.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis and carried unanimously, the staff report and public input on the Annual Summary of Upcoming Labor Negotiations were accepted. (11-0.)

- 3.5 (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund in Fiscal Year 2015-2016:**
- (1) Increase the Personal Services appropriation to the Fire Department in the amount of \$458,715.**
 - (2) Increase the Non-Personal/Equipment appropriation to the Fire Department in the amount of \$155,707.**
 - (3) Decrease the Staffing for Adequate Fire and Emergency Response (SAFER) 2014 Grant Earmarked Reserve by \$189,509.**
 - (4) Increase the estimate for Revenue from the Federal Government by \$424,913.**
- (b) Approve the following position additions to the Fire Department, effective April 1, 2016:**
- (1) 3.0 Fire Captain positions.**
 - (2) 4.0 Fire Engineer positions.**
 - (3) 7.0 Firefighter positions.**

CEQA: Not a Project, File No. PP10-067(c), Grant Distribution that would not result in a physical change to the environment. (Fire/City Manager)

Documents Filed: Memorandum from Fire Chief Curtis Jacobson and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated March 17, 2016, recommending appropriation ordinance and funding sources resolution amendments and approval of the additional positions to the Fire Department.

Fire Chief Curtis Jacobson, Deputy Fire Chief Robert Sapien and Senior Deputy City Manager/Budget Director Jennifer A. Maguire responded to Council questions.

Motion: Vice Mayor Rose Herrera moved approval of the Staff recommendations. Council Member Chappie Jones seconded the motion.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Sean Kaldor, San José Fire Fighters, expressed support to the Staff recommendations.

3.5 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, Ordinance No. 29716, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the General Fund for the Personal Services and Non-Personal/ Equipment Appropriations to the Fire Department; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 77703, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 77423 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2015-2016 to Adjust Revenues in the General Fund", were adopted and the following position additions to the Fire Department, effective April 1, 2016, were approved: 3.0 Fire Captain positions; 4.0 Fire Engineer positions and 7.0 Firefighter positions. (11-0.)

3.6 Adopt a resolution authorizing the City Manager to negotiate and execute amendments to extend the term by one year to December 31, 2017 of the following three agreements:

- (a) **Agreement between the City and Standard Insurance Company to provide life insurance, voluntary supplemental life insurance and accidental death & dismemberment (AD&D) insurance to employees and retirees at a cost not to exceed \$1,318,693 for the period of January 1, 2017 through December 31, 2017 subject to appropriation of funds.**
- (b) **Agreement between the City and Standard Insurance Company to provide long-term disability insurance to employees at a cost not to exceed \$2,165,363 for the period of January 1, 2017 through December 31, 2017.**
- (c) **Agreement between the City and Life Insurance Company of North America, an affiliated Cigna company to provide voluntary AD&D insurance to employees and retirees at a cost not to exceed \$216,000 for the period of January 1, 2017 through December 31, 2017.**

CEQA: Not a Project, File No. PP10-066(a), Professional Services that involve no physical changes to the environment. (Human Resources)

Item 3.6 was renumbered to Item 2.21. See Item 2.21 for Action.

3.7 Approve the FY 2016-2017 Mayor's March Budget Message. CEQA: Not a Project, File No. PP10-069(a), Annual Reports that involve no approvals of any City Actions. (Mayor)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated March 18, 2016, recommending direction to the City Manager to submit a proposed budget for Fiscal Year 2016-2017 that is balanced and guided by the policy direction and framework of priorities outlined in the March Budget Message. (2) Staff presentation dated March 29, 2016 summarizing the Fiscal Year 2016-2017 Mayor's March Budget Message. (3) Four letters from the public all dated March 29, 2016 pertaining to the Fiscal Year 2016-2017 Mayor's March Budget Message.

Mayor Sam Liccardo presented introductory remarks. Budget Director Lee Wilcox provided the Report on the Mayor's March Budget Message for Fiscal Year 2016-2017.

3.7 (Cont'd.)

Motion: Council Member Raul Peralez moved approval of the Mayor's March Budget Message for Fiscal Year 2016-2017. Vice Mayor Rose Herrera seconded the motion.

Mayor Sam Liccardo and Budget Director Lee Wilcox responded to Council questions and concerns.

Mayor Sam Liccardo directed Administration Staff to request a report out from the Office of Immigration.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Deb Kramer, Keep Coyote Creek Beautiful, expressed support to the Mayor's March Budget Message for Fiscal Year 2016-2017 and urged the Council to add funds for finishing the trails to provide better transportation infrastructure and encourage people to exercise, walk, bike and run on the trails.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Sam Liccardo, dated March 18, 2016, was approved, and to direct the City Manager to submit a proposed budget for Fiscal Year 2016-2017 that is balanced and guided by the policy direction and framework of priorities outlined in this March Budget Message. Administration Staff was directed to request a report out from the Office of Immigration. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Adopt a resolution:

- (a) **Updating the findings for the Inclusionary Housing Ordinance ("Ordinance").**
- (b) **Directing staff to implement a grace period in the Inclusionary Housing Guidelines for projects subject to the Ordinance, providing an exemption from its requirements if all Planning Permits needed for the project are obtained by June 30, 2016.**

CEQA: Determination of Consistency to the Final Program EIR for the Envision San José 2040 General Plan and Supplemental EIR (SCH# 2009072096), File No. PP16-025. (Housing)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated March 28, 2016, recommending acceptance of the Staff Report. (2) Memorandum from Director of Housing Jacky Morales-Ferrand, dated March 17, 2016, recommending adoption of a resolution. (3) Supplemental memorandum from Director of Housing Jacky Morales-Ferrand, dated March 28, 2016, clarifying the nature of the proposed exemption from the ordinance cited in the March 7, 2016 Staff Report. (4) Staff presentation dated March 29, 2016 summarizing the Implementation of the Inclusionary Housing Ordinance.

4.1 (Cont'd.)

Housing Division Manager David Bopf provided introductory remarks. Senior Development Officer Patrick Heisinger offered the Staff Report. Deputy City Attorney Shasta Greene was present.

Council discussion ensued.

Action: Upon motion by Council Member Ash Kalra, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77704, entitled: "A Resolution of the Council of the City of San José Regarding the Implementation of the Inclusionary Housing Ordinance", was adopted. (10-1. Noes: M. Nguyen.)

4.2 Approve a Grant Agreement between the City of San José and WeHOPE, a California nonprofit public benefit corporation, also known as Project WeHOPE, in the amount of \$350,000, from March 1, 2016 through June 30, 2017, to provide mobile hygiene services to homeless persons in San José under the Essential Services Program. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts. (Housing)

Documents Filed: (1) Memorandum from Director of Housing Jacky Morales-Ferrand, dated March 17, 2016, recommending approval of a grant agreement. (2) Staff presentation dated March 29, 2016 summarizing the Essential Services: Mobile Hygiene Program.

Housing Division Manager David Bopf and Homelessness Response Team Kelly Hemphill responded to Council questions and concerns.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, a Grant Agreement between the City of San José and WeHOPE, a California nonprofit public benefit corporation, also known as Project WeHOPE, in the amount of \$350,000, from March 1, 2016 through June 30, 2017, to provide mobile hygiene services to homeless persons in San José under the Essential Services Program was approved. (11-0.)

TRANSPORTATION & AVIATION SERVICES

6.1 (a) Approve a Consultant Agreement with Kimley-Horn & Associates, Inc. for Airport Runway Incursion/Design Standards Analysis services at the Norman Y. Mineta San José International Airport in an amount not to exceed \$1,864,889 and for a term from date of execution to September 30, 2018.

(b) Adopt a resolution authorizing the Director of Aviation to exercise an option to extend the agreement for an additional one-year term from October 1, 2018 through September 30, 2019.

CEQA: Not a Project, PP10-066(d), Consultant services for design/study/research/inspection with no commitment to future action. (Airport)

6.1 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Aviation Services Kimberly J. Becker, dated March 16, 2016, recommending approval of a consultant agreement and adoption of a resolution. (2) Staff presentation dated March 29, 2016 summarizing the Runway Incursion Mitigation Study.

Director of Aviation Services Kimberly J. Becker responded to questions from Council Member Chappie Jones.

Action: Upon motion by Council Member Donald Rocha, seconded by Council Member Johnny Khamis and carried unanimously, a Consultant Agreement with Kimley-Horn & Associates, Inc. for Airport Runway Incursion/Design Standards Analysis services at the Norman Y. Mineta San José International Airport in an amount not to exceed \$1,864,889 and for a term from date of execution to September 30, 2018 was approved and Resolution No. 77705, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Aviation to Exercise an Option to Extend the Consultant Agreement with Kimley-Horn & Associates, Inc. with the Norman Y. Mineta San José International Airport", was adopted. (10-0-1. Absent: Oliverio.)

ENVIRONMENTAL & UTILITY SERVICES

7.1 As recommended by the Transportation and Environment Committee on March 7, 2016:

- (a) Accept the status report on the community's efforts to reduce water use by 30 percent for the period January 2015 through November 2015.
- (b) Adopt a resolution superseding Resolution No. 77327, to be in effect through June 30, 2016, continuing the declaration of a 30 percent city-wide water shortage and continuing the watering schedule and exceptions thereto established by Resolution No. 77327.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approval of any City Actions and File No. PP10-068, General Procedure and Policy Making. (Environmental Services)

[Transportation and Environment Committee referral from 3/7/16 – Item (d)(4)]

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated March 17, 2016, transmitting the recommendations of the Transportation and Environment Committee. (2) Staff presentation dated March 29, 2016 summarizing the Drought Response Update.

Director of Environmental Services Kerrie Romanow provided introductory comments. Division Manager of Environmental Services Jeffrey Provenzano presented the report.

Brief Council discussion ensued.

7.1 (Cont'd.)

Action: Upon motion by Council Member Chappie Jones, seconded by Council Member Tam Nguyen and carried unanimously, the status report on the community's efforts to reduce water use by 30 percent for the period January 2015 through November 2015 was accepted and Resolution No. 77706, entitled: "A Resolution of the Council of the City of San José Declaring the Continuation of a Thirty Percent (30%) Water Shortage Citywide and Continuing a Watering Schedule and Exceptions Thereto Pursuant to San José Municipal Code Section 15.10.360 and Superseding Resolution No. 77327", was adopted. (8-0-3. Absent: M. Nguyen, Oliverio, Rocha.)

7.2 **As recommended by the Transportation and Environment Committee on March 7, 2016, accept the update on the status of the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit and Long-Term Trash Load Reduction Plan. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approval of City Actions. (Environmental Services)**
[Transportation and Environment Committee referral from 3/7/16 – Item (d)(5)]

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated March 17, 2016, transmitting the recommendations of the Transportation and Environment Committee. (2) Supplemental memorandum from Director of Environmental Services Kerrie Romanow, dated March 28, 2016, providing more information on (1) The City's partnership with community based organizations that conduct creek cleanups. (2) The City's petition to the State Water Resources Control Board to review the recently adopted Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit and (3) State legislation supporting funding of stormwater projects. (3) Staff presentation dated March 29, 2016 summarizing the Stormwater Permit and Long Term Trash Load Reduction Plan Update.

Deputy Director of Environmental Services Napp Fukuda provided the report and responded to Council questions and concerns.

Motion: Council Member Johnny Khamis moved approval of the Staff recommendations. Vice Mayor Rose Herrera seconded the motion.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Deb Kramer, Keep Coyote Creek Beautiful and Steve Holmes, South Bay Clean Creeks Coalition expressed support to the Staff recommendations and urged the Council's continued support.

Action: On a call for the question, the motion carried unanimously, the update on the status of the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit and Long-Term Trash Load Reduction Plan was accepted. (8-0-3. Absent: M. Nguyen, Oliverio, Rocha.)

**7.3 As recommended by the Transportation and Environment Committee on March 7, 2016, accept the Audit Report on the efficiency and effectiveness of street sweeping services. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approval of City Actions. (City Auditor)
[Transportation and Environment Committee referral from 3/7/16 – Item (d)(3)]**

Documents Filed: (1) Memorandum from Council Member Raul Peralez, dated March 28, 2016, recommending acceptance of the Audit Report with direction to Staff as described in “Action” below. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated March 17, 2016, transmitting the recommendations of the Transportation and Environment Committee.

City Auditor Sharon W. Erickson offered the Audit Report on the efficiency and effectiveness of street sweeping services and Assistant Director of Transportation Kevin O’Connor presented the Administration’s Response to the Audit.

Motion: Council Member Raul Peralez moved approval of his memorandum dated March 28, 2016 with direction to Staff as described in “Action” below. Vice Mayor Rose Herrera seconded the motion.

Council discussion ensued.

Action: On a call for the question, the motion carried unanimously, the memorandum from Council Member Raul Peralez, dated March 28, 2016, was approved, accepting the Audit on Street Sweeping: Significant Investment and Re-Tooling Are Needed to Achieve Cleaner Streets. Staff was directed to report back to Council on the feasibility of developing a street sweeping text notification system. (8-0-3. Absent: M. Nguyen, Oliverio, Rocha.)

NOTICE OF CITY ENGINEER’S PENDING DECISION ON FINAL MAPS

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>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10297	Area generally bounded by Hwy. 85, Great Oaks Blvd., and Little Ave.	2	iStar San José, LLC	11 Lots	Residential/ Commercial	Approve

ADJOURNMENT

The Council of the City of San José was adjourned at 8:08 p.m. in honor of Joseph Horwedel, the City's Director of the Department of Planning, Building and Code Enforcement from 2006-2014, who passed away on February 22, 2016. His colleagues at City Hall and in the development community celebrate Joe's distinguished 33-year public service career and laud him for his contributions to promoting an exceptional quality of life for residents who live, work and play in the 10th largest city in America. Under his leadership, San José attracted several high profile development projects and investments which have generated jobs and tax revenues for the City's General Fund. Joe's vision and legacy will live on across San José's skyline, and in the hearts of all of us who were graced by his presence in our lives.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC
City Clerk

smd/03-29-16 MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website <http://www.sanjosca.gov/civiccenter>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.