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## MINUTES OF THE CITY COUNCIL

**SAN JOSE, CALIFORNIA**

**TUESDAY, JUNE 21, 2016**

The Council of the City of San José convened in Regular Session at 8:41 a.m. in the Council Chamber at City Hall.

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

Absent: Council Members - Herrera. (Excused)

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

There was no report.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 8:48 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code 54957 pertaining to Public Employment/Public Employee Appointment Pursuant to Government Code Section 54957; Department: IT; Title: IT Director. (B) to confer with Legal Counsel pursuant to Government Code 54956.9 subsection (c) pertaining to initiation of litigation in two (2) matters. (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) In re: Claim of Duran-Olivas; Amount of Money or Other Relief Sought: Administrative Appeal. (2) In re: Claim of McGehee; Amount of Money or Other Relief Sought: Administrative Appeal. (3) In re: Claim of Wardall; Amount of Money or Other Relief Sought: Administrative Appeal. (4) In re: Claim of Jones; Amount of Money or Other Relief Sought: Administrative Appeal. (5) Stand for San José, et al. v. City, et al. Names of Parties Involved: Stand for San José and Eileen Hannan, City of San José, Redevelopment Agency of the City of San José, Diridon Development Authority; Court: Superior Court of California, County of Santa Clara; Case: 1-11-CV-214196; Amount of Money or Other Relief Sought: Injunctive Relief. (6) Vietnamese-American Community of Northern California v. City et al. Names of Parties Involved: Vietnamese-American Community of Northern California, City of San José, City

**CLOSED SESSION (Cont'd.)**

Council of San José; Case No: 1-08-CV-107082; Amount of Money or Other Relief Sought: For declaratory and injunctive relief according to proof. (7) 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. (8) 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. (9) American Federation of State, County and Municipal Employees, et al. v. City; 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. (10) 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. (11) 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. (12) 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. (13) 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. (14) 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. (15) 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. (16) AFSCME,

## CLOSED SESSION (Cont'd.)

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. (17) 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 Money or Other Relief Sought: Verified Complaint in Quo Warranto. (18) Peter Constant, Steven Haug and Silicon Valley Taxpayers' Association v. Superior Court. Names of Parties Involved: Peter Constant, Steven Haug, Silicon Valley Taxpayers' Association, A California Non-Profit Corporation, Proposed Intervenors, Appellants and Petitioners, Superior Court of California, County of Santa Clara, Respondent, The People of the State of California ex rel, San José Police Officers' Association, Plaintiff, Respondent and Real Party in Interest, City of San José, City Council of San José, Defendants, Respondents and Real Parties in Interest; Court: Sixth District Court of Appeal; Case No: H043540; Amount of Money or Other Relief Sought: Petition for Writ of Mandate or in the alternative, supersedes or other appropriate relief. (19) 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. (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.

## **CLOSED SESSION (Cont'd.)**

(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 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. (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 of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 10:55 a.m. and reconvened to Open Session at 11:03 a.m. in the Council Chamber. Council recessed from the Open Session at 11:04 a.m. and reconvened in Regular Session at 1:32 p.m.

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

Absent: Council Members - All Present.

## **INVOCATION**

Rabbi Menachem Levine, Congregation Am Echad offered the Invocation. (District 6)

## **PLEDGE OF ALLEGIANCE**

Mayor Sam Liccardo led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

*Heard after Ceremonial Items.*

Upon motion by Council Member Johnny Khamis, seconded by Vice Mayor Rose Herrera and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with two ceremonials from June 14, 2016 added to the June 21, 2016 Special Evening Meeting. (9-0-2. Absent: Kalra, Rocha.)

**CLOSED SESSION REPORT**

*Heard after Ceremonial Items.*

City Attorney Doyle disclosed the following Closed Session actions of June 21, 2016:

A. Authority to Pursue Appellate Review in a Litigation Case:

Case Name: Stand for San José, et al. v. City, et al.

Adverse Party of Parties: Stand for San José, Eileen Hannan, Michelle Brenot, Robert Brown, Karen Shirey, Fred Shirey and Robert Shields.

Substance of Litigation: Appeal of court’s order for attorney fees.

Council Vote: Ayes: Carrasco, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Noes: None.

Abstain: None.

Absent: Herrera.

**CEREMONIAL ITEMS**

**1.1 Presentation of a commendation to Estela Ramirez, Elena Castellon, Olga Garcia, Hector Espinoza and Victor Angeles for their 10 years of dedicated service, hard work and commitment to San José City Hall. (Peralez)**

Mayor Sam Liccardo and Council Member Raul Peralez recognized and commended Estela Ramirez, Elena Castellon, Olga Garcia, Hector Espinoza and Victor Angeles for their dedication.

**1.2 Presentation of a proclamation recognizing June 25 and 26, 2016 as, “Radio Amateur Civil Emergency Service (R.A.C.E.S.) Field Day,” in the City of San José. (Khamis)**

Mayor Sam Liccardo and Council Member Khamis recognized June 25 through June 26, 2016 as “Radio Amateur Civil Emergency Service (R.A.C.E.S.) Field Day.”

**CONSENT CALENDAR**

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

**2.1 Approval of Minutes.**

There were none.

**2.2 Final adoption of ordinances.**

- (a) **ORD. NO. 29743** – An ordinance of the Council of the City of San José dedicating as public right-of-way approximately 27,000 square feet of property along the west side of Zanker Road located over a portion of the San José-Santa Clara Regional Wastewater facility for the purpose of constructing roadway improvements on Zanker Road. CEQA: Addendum to the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR, File No. PP15-120. (Environmental Services/Public Works)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29743 executed on June 10, 2016, submitted by the City Clerk.

Action: Ordinance No. 29743 was adopted. (11-0.)

**2.3 Approval of Council Committee Minutes.**

- (a) **Community and Economic Development Committee Minutes of May 23, 2016. (Khamis)**
- (b) **Rules and Open Government Committee Minutes of May 25, 2016. (Mayor)**
- (c) **Rules and Open Government Committee Minutes of June 1, 2016. (Mayor)**  
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.  
[Deferred from 6/14/16 – Items 2.3(a) and (b)]

Documents Filed: (1) The Community and Economic Development Committee Minutes dated May 23, 2016. (2) The Rules and Open Government Committee Minutes dated May 25, 2016 and June 1, 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.**

No Report.

**2.6 Report from the Council Liaison to the Retirement Boards.**

No Report.

- 2.7 (a) **Approve a Master Consultant Agreement with ICF Jones & Stokes, Inc. to provide Financial and Strategic Planning at Norman Y. Mineta San José International Airport for a term of three years from the date of approval, with two one-year options by the City to extend, in an amount not to exceed \$500,000, with each service order subject to appropriation of funds.**
- (b) **Adopt a resolution authorizing the City Manager to exercise up to two one-year options to extend the Agreement, with no increase in total compensation.**
- CEQA: Not a Project, File No. PP10-066(d), Consultant services for design/study/research/inspection. (Airport)**

Documents Filed: Memorandum from Director of Aviation Services Kimberly J. Becker, dated June 8, 2016, recommending approval of a master consultant agreement and adoption of a resolution.

Action: A Master Consultant Agreement with ICF Jones & Stokes, Inc. to provide Financial and Strategic Planning at Norman Y. Mineta San José International Airport for a term of three years from the date of approval, with two one-year options by the City to extend, in an amount not to exceed \$500,000, with each service order subject to appropriation of funds was approved and Resolution No. 77793, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Extend the Master Consultant Agreement with ICF Jones and Stokes, Inc. for Up to Two Additional One Year Periods With No Increase in Total Compensation”, was adopted. (11-0.)

- 2.8 (a) **Approve a Consultant Agreement with Faith Group, LLC to provide Airport Chief Technology Officer services at the Norman Y. Mineta San José International Airport for a term of five years, effective July 5, 2016, with two one-year options by the City to extend, in an amount not to exceed \$1,189,000 for the base term and the option years, subject to the appropriation of funds.**
- (b) **Adopt a resolution authorizing the City Manager to exercise up to two one-year options to extend the Agreement, with no increase to the total compensation.**

**CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (Airport)**

Documents Filed: Memorandum from Director of Aviation Services Kimberly J. Becker, dated June 8, 2016, recommending approval of a consultant agreement and adoption of a resolution.

Assistant Director of Aviation John Aitken responded to questions from Mayor Sam Liccardo.

**2.8 (Cont'd.)**

Action: Upon motion by Council Member Johnny Khamis, seconded by Vice Mayor Rose Herrera and carried unanimously, a Consultant Agreement with Faith Group, LLC to provide Airport Chief Technology Officer services at the Norman Y. Mineta San José International Airport for a term of five years, effective July 5, 2016, with two one-year options by the City to extend, in an amount not to exceed \$1,189,000 for the base term and the option years, subject to the appropriation of funds, was approved and Resolution No. 77798, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Extend the Consultant Agreement with Faith Group, LLC for Up to Two Additional One Year Periods With No Increase in Total Compensation”, was adopted. (11-0.)

**2.9 Adopt a resolution authorizing the City Attorney to:**

- (a) Negotiate and execute an Agreement with West Publishing Corporation for its Westlaw online legal research service for an initial term beginning July 1, 2016 through June 30, 2019 for a maximum compensation not to exceed \$174,480, subject to the annual appropriation of funds.**
- (b) Execute up to three one-year options to extend the term of the Agreement through June 30, 2022, for an estimated maximum compensation not to exceed \$185,520, subject to the annual appropriation of funds.**

**CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (City Attorney)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated June 9, 2016, recommending adoption of a resolution.

Action: Resolution No. 77799, entitled: “A Resolution of the Council of the City of San José Authorizing the City Attorney to: (A) Negotiate and Execute an Agreement With West Publishing Corporation for Its Westlaw Online Legal Research Service for An Initial Term of July 1, 2016 through June 30, 2019 For a Maximum Compensation Not To Exceed \$174,480 Subject to the Annual Appropriation of Funds and (B) Execute Up to Three One Year Options to Extend the Term of the Agreement through June 30, 2022 For an Estimated Maximum Compensation Not To Exceed \$185,520 Subject to the Annual Appropriation of Funds”, was adopted. (11-0.)

**2.10 Adopt a resolution revising the regulation and procedures of the San José Ethics Commission, and repealing Council Resolution No. 76954, which sets forth the current regulations and procedures for the San José Ethics Commission’s investigations and hearings. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney)**

Action: Deferred to June 28, 2016 per Administration.

- 2.11 Approve an ordinance amending Section 12.06.040 of Chapter 12.06 of Title 12 of the San José Municipal Code to amend the definition of “committee” to increase the qualifying threshold from \$1,000 to \$2,000 to be in accordance with the Political Reform Act. CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making. (City Attorney)**

Action: Deferred to June 28, 2016 per Administration.

- 2.12 Adopt a resolution authorizing the City Attorney to execute a Thirteenth Amendment to the Agreement for Legal Services with Hogan Lovells US LLP for legal services related to aviation matters at the Norman Y. Mineta San José International Airport, extending the term of the Agreement from June 30, 2016 to June 30, 2017, with no increase in total compensation. CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (City Attorney)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated June 9, 2016, recommending adoption of a resolution.

Action: Resolution No. 77800, entitled: “A Resolution of the Council of the City of San José Authorizing the City Attorney to Execute a Thirteenth Amendment to Agreement for Legal Services with Hogan Lovells US LLP”, was adopted. (11-0.)

- 2.13 Adopt a resolution authorizing the City Manager to:**
- (a) Negotiate and execute an Agreement with Gonzalez, Quintana, Hunter & Cruz for legislative representation services in Sacramento for three years for the period July 1, 2016 to June 30, 2019, for a total amount not to exceed \$360,000, subject to the annual appropriation of funds.**
  - (b) Negotiate and execute an Agreement with California Consulting, LLC for grant writing services for three years for the period of July 1, 2016 to June 30, 2019, for a total amount not to exceed \$78,000, subject to the annual appropriation of funds.**

**CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (City Manager)**

Documents Filed: (1) Memorandum from Deputy City Manager Julie Edmonds-Mares, dated June 10, 2016, recommending adoption of a resolution. (2) Letter from the Treatment Plant Advisory Committee, Sam Liccardo, Chair, dated June 10, 2016, expressing concurrence with the Staff recommendations.

Action: Resolution No. 77801, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Gonzalez, Quintana, Hunter & Cruz, LLC for Legislative Representation Services in Sacramento for Three Years for the Period of July 1, 2016 to June 30, 2019 For a Total Amount Not To Exceed \$360,000 and To Negotiate and Execute an Agreement With California Consulting, LLC for State Grant Writing Services for the Period of July 1, 2016 to June 30, 2019 For a Total Amount Not To Exceed \$78,000”, was adopted. (11-0.)

- 2.14 Adopt a resolution authorizing the City Manager to:**
- (a) Negotiate and execute an Amendment to the current Agreement with Squire Patton Boggs LLP for legislative representation services in Washington, D.C. to extend the term for one year for the period July 1, 2016 to June 30, 2017, in an amount not to exceed \$144,000, subject to the appropriations of funds; and**
  - (b) Exercise an option to extend the Agreement for an additional one-year term from July 1, 2017 to June 30, 2018, in an amount not to exceed \$144,000, subject to the appropriation of funds.**

**CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (City Manager)**

Documents Filed: Memorandum from Deputy City Manager Julie Edmonds-Mares, dated June 10, 2016, recommending adoption of a resolution.

Action: Resolution No. 77802, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager To: (a) Negotiate and Execute An Amendment to the Agreement With Squire Patton Boggs LLP for Legislative Representation Services in Washington, D.C. To Extend the Term for One Year for the Period July 1, 2016 to June 30, 2017, In An Amount Not To Exceed \$144,000 Subject To the Appropriation of Funds and (B) Exercise An Option To Extend the Agreement for an Additional One Year from July 1, 2017 to June 30, 2018 In An Amount Not To Exceed \$144,000 Subject To the Appropriation of Funds", was adopted. (11-0.)

- 2.15 Authorize travel for City Manager, Norberto Dueñas to Baltimore, Maryland on June 26 – 29, 2016 to participate in the National Summit on Preventing Youth Violence – *A Hopeful Future: Sustaining Our Work to End Youth Violence*. Source of Funds: City Manager's Non Personal Services Appropriation. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)**

Documents Filed: Memorandum from City Manager Norberto Dueñas, dated June 6, 2016, requesting authorization to travel.

Action: Travel for City Manager Norberto Dueñas was authorized.

- 2.16 Adopt a resolution, to be in effect through June 30, 2017, declaring a Citywide water shortage of 20 percent and limiting use of potable water for landscape and turf irrigation to three scheduled days per week, except when watering by hand or by drip irrigation, or for maintenance of public parks, playing fields, day care centers, golf course greens, and school grounds, provided such irrigation is done in a water efficient manner, or for fire protection, soil erosion control, plants/trees grown for consumption, nursery/garden center plants for sale, and environmental mitigation projects. CEQA: Exempt, File No. PP15-032. (Environmental Services)**

*Item 2.16 was renumbered to Item 7.2. Please see Item 7.2 for Action.*

**2.17 Adopt a resolution to:**

- (a) Set a Public Hearing for Tuesday, August 9, 2016, at 1:30 p.m. to approve the placement of the 2016-2017 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessment on the 2016-2017 Santa Clara County Secured Property Tax Roll, and direct the City Clerk to publish notice of the time and place of the Public Hearing.**
- (b) Allow the Director of Finance to file the Fiscal Year 2016-2017 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Report with the City Clerk on or before July 15, 2016 instead of July 5, 2016.**

**CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (Finance)**

Action: Deferred to June 28, 2016 per Administration.

- 2.18 Adopt a resolution to set a Public Hearing for Tuesday, August 9, 2016, at 1:30 p.m. to approve the placement of the 2016-2017 Annual Residential Solid Waste Collection Service Charges and any previously unbilled Residential Solid Waste Collection Service Charges on the 2016-2017 Santa Clara County Secured Property Tax Roll, and direct the City Clerk to publish notice of the time and place of the Public Hearing. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities. (Finance)**

Action: Deferred to June 28, 2016 per Administration.

**2.19 Adopt a resolution authorizing the City Manager to:**

- (a) Execute a Purchase Order with Tucker Construction, Inc. (San José, CA) to provide all labor, material and equipment to perform expansion joint and concrete maintenance and repair services at the Regional Wastewater Facility for the term June 22, 2016 through June 21, 2017, in an amount not-to-exceed \$300,000.**
- (b) Approve a contingency of \$50,000 in the event that additional repairs are required.**
- (c) Exercise up to four, one-year options to extend the term through June 30, 2021, with any price increases subject to approval by the City and subject to the annual appropriation of funds.**

**CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)**

Documents Filed: (1) City Council Action Request from Director of Finance Julia H. Cooper, dated June 16, 2016, recommending adoption of a resolution. Letter from the Treatment Plant Advisory Committee, Sam Liccardo, Chair, dated June 10, 2016, expressing concurrence with the Staff recommendations.

**2.19 (Cont'd.)**

Action: Resolution No. 77803, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager To (1) Execute a Purchase Order with Tucker Construction, Inc. (San José, CA) To Provide All Labor, Material and Equipment to Perform Expansion Joint and Concrete Maintenance and Repair Services at the Regional Wastewater Facility for the Term June 22, 2016 through June 21, 2017 In An Amount Not To Exceed \$300,000; (2) Approve a Contingency of \$50,000 in the Event That Additional Repairs are Required and (3) Exercise Up to Four One-Year Options to Extend the Term Through June 30, 2021 With Any Price Increases Subject to Approval by the City and Subject to the Appropriation of Funds", was adopted. (11-0.)

**2.20 Adopt a resolution authorizing the City Manager to:**

- (a) Execute a Purchase Order with Pierce Manufacturing, Inc. for the purchase of one Tractor Drawn Aerial Ladder Fire Truck, in an amount not to exceed \$1,239,287 excluding applicable sales tax and license fees.**
- (b) Approve a contingency of \$20,000 to fund any additional costs for final design or configuration changes.**

**CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)**

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

Action: Resolution No. 77804, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Purchase Order With Pierce Manufacturing, Inc. for the Purchase of One Tractor Drawn Aerial Ladder Fire Truck, In An Amount Not To Exceed \$1,239,287 Excluding Applicable Sales Tax and License Fees and Approve a Contingency of \$20,000 to Fund Any Additional Costs for Final Design or Configuration Changes", was adopted. (11-0.)

**2.21 Adopt a resolution authorizing the City Manager to submit a grant application, not to exceed \$350,000, to the National Endowment for the Humanities to support the Library Department's California Room Digitization project, and authorizing the City Manager to negotiate and execute all related agreements subject to accepting an award and the appropriation of funds. CEQA: Not a Project, File No. PP10-068(a), General Procedure and Policy Making. (Library)**

Documents Filed: Memorandum from Library Director Jill Bourne, dated June 8, 2016, recommending adoption of a resolution.

Action: Resolution No. 77805, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager To Submit a Grant Application Not To Exceed \$350,000 To the National Endowment for the Humanities to Support the Library Department's California Room Digitization Project and Authorizing the City Manager To Accept the Award and Negotiate and Execute All Related Agreements Subject to the Appropriation of Funds", was adopted. (11-0.)

- 2.22 Adopt a resolution amending Exhibit B of Resolution No. 73587, as amended, to remove the sunset date of June 30, 2016, for the deferral of payment of parkland fees charged pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code for high-rise multi-family residential projects located in the Downtown Core area. CEQA: Not a Project, File No. PP10-067, Section No. 15273, Rates, Tolls, Fares, and Charges. Council District 3. (Parks, Recreation and Neighborhood Services)**

*Item 2.22 was renumbered to Item 4.2. See Item 4.2 for Action.*

- 2.23 Accept the report on the status of the development of the proposed Citywide softball facility. CEQA: Evergreen East Hills Vision Strategy and Supplemental EIR, Resolution No. 74742, File No. PP14-088. Council District 8. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated June 8, 2016, recommending acceptance of the report.

Action: The report on the status of the development of the proposed Citywide softball facility was accepted. (11-0.)

- 2.24 Approval of a First Amendment to Parkland Agreement with The Flea Market, Inc., Bumb & Associates, BGT Development, LLC, and KB Home South Bay Inc., to extend the date of parkland dedication from May 31, 2016 to three years from the effective date of this amendment and amend Exhibit C to reflect the current surplus of 1.445 acres in parkland credit. CEQA: San José Flea Market EIR, File No. PDC03-108, Resolution No. 73956, for park site. (Parks, Recreation and Neighborhood Services)**

Documents Filed: City Council Action Request from Assistant Director of Parks, Recreation and Neighborhood Services Matt Cano, dated June 6, 2016, recommending approval of a first amendment to the Parkland Agreement.

Action: A First Amendment to Parkland Agreement with The Flea Market, Inc., Bumb & Associates, BGT Development, LLC, and KB Home South Bay Inc., to extend the date of parkland dedication from May 31, 2016 to three years from the effective date of this amendment and amend Exhibit C to reflect the current surplus of 1.445 acres in parkland credit as approved. (11-0.)

- 2.25 Adopt a resolution authorizing the City Manager to negotiate and execute a First Amendment to the Agreement between the City of San José and Compass Group USA, Inc. by and through its Bateman division for senior nutrition services at multiple City-owned community centers to add an additional \$89,534 for a total contract not to exceed amount of \$2,149,534. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Parks, Recreation and Neighborhood Services)**

## 2.25 (Cont'd.)

Documents Filed: City Council Action Request from Assistant Director of Parks, Recreation and Neighborhood Services Matt Cano, dated June 6, 2016, recommending adoption of a resolution.

Action: Resolution No. 77806, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a First Amendment to the Agreement with Compass Group USA, Inc. By and Through Its Bateman Division for Senior Nutrition Services at Multiple City Owned Community Centers, To Increase the Maximum Compensation by \$89,534 For A Revised Maximum Compensation Not To Exceed \$2,149,534", was adopted. (11-0.)

## 2.26 **Adopt a resolution authorizing the City Manager to negotiate and execute all grant agreements, amendments and extensions with San José Conservation Corps and San José Streets Team for the following departments and terms:**

- (a) **Parks, Recreation and Neighborhood Services Department with a term of one year, beginning on or after July 1, 2016, with the option to extend the agreement for up to four additional one-year terms through June 30, 2021, with the first year compensation in an amount not to exceed \$360,000 and with compensation for subsequent years subject to City Council appropriation.**
- (b) **Environmental Services Department with a term of one year, beginning on or after July 1, 2016, with the option to extend the agreement for up to four additional one-year terms through June 30, 2021, with the first year compensation in an amount not to exceed \$300,000 and with compensation for subsequent years subject to City Council appropriation.**
- (c) **Housing Department with a term of one year, beginning on or after July 1, 2016, with the option to extend the agreement for up to four additional one-year terms through June 30, 2021, with the first year compensation in an amount not to exceed \$365,000 and with compensation for subsequent years subject to City Council appropriation.**
- (d) **Department of Transportation with a term of one year, beginning on or after July 1, 2016, with the option to extend the agreement for up to four additional one-year terms through June 30, 2021, with the first year compensation in an amount not to exceed \$50,000 and with compensation for subsequent years subject to City Council appropriation.**

**CEQA: Exempt, Section 15301 Existing Facilities, File No. PP16-042. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated June 8, 2016, recommending adoption of a resolution.

Action: Resolution No. 77807, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute All Grant Agreements, Amendments and Extensions with San José Conservation Corps and San José Streets Team for Value Added Community Maintenance Services", was adopted. (11-0.)

**2.27 Adopt a resolution authorizing the following, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager:**

- (a) Authorize the City Manager to negotiate and execute all agreements, amendments, and extensions for the Department of Parks, Recreation and Neighborhood Services identified in the "Compensation Paid by the City of San José" (Attachment A in the staff memorandum) consistent with the 2016-2017 Adopted Budget.**
- (b) Authorize the City Manager to negotiate and execute all agreements, amendments, and extensions to accept funds for the Department of Parks, Recreation and Neighborhood Services identified in the "Compensation Paid to the City of San José" (Attachment B in the staff memorandum).**
- (c) Authorize the City Manager to accept any funds exceeding the figures identified in Attachment B in the staff memorandum for the specified programs and purposes identified as "Compensation Paid to the City" provided that the City Manager determines that the City is able to provide the services and comply with any additional requirements associated with the increased grant funds. The City Manager shall also bring forward to City Council, any items which require approval for budgetary adjustments and appropriations actions necessary for such programs.**
- (d) Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2016-2017 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment C in the staff memorandum) consistent with Adopted Budget amounts for the following City programs or services:**
  - (1) After School Education and Safety;**
  - (2) Bringing Everyone's Strengths Together;**
  - (3) Children's Health Program;**
  - (4) Citywide Aquatics Program;**
  - (5) Community Center Reuse Program;**
  - (6) Family Camp Facility Use Agreement(s);**
  - (7) Grace Baptist Church;**
  - (8) Happy Hollow Education Program Leisure and Recreation Fee Class Vendor Agreements;**
  - (9) Leisure and Recreation Programs;**
  - (10) Little League Agreement(s);**
  - (11) Mayor's Gang Prevention Task Force;**
    - (a) Grant Revenue**
    - (b) Related Sub-Contractor Agreements where applicable**
    - (c) Facility Use**
    - (d) Memoranda of Understanding**
  - (11) (e) Evaluation Consultant Agreements for the Mayor's Gang Prevention Task Force and Bringing Everyone's Strengths Together programs**
  - (12) Recreation of City Kids Program;**
  - (13) Safe Summer Initiative Grant;**

- 2.27 (d) (14) Senior Education and Outreach Grants;  
(15) Senior Health and Wellness Grants;  
(16) Senior Transportation Services; and  
(17) Summer Food Service Program.

**CEQA: Not a Project, File PP10-066(e), Services that involve no change to the environment and any future actions would require further environmental review. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated June 8, 2016, recommending adoption of a resolution.

Action: Resolution No. 77808, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Various Agreements and Amendments to Agreements and To Accept Grant Funds for Parks, Recreation and Neighborhood Services Programs and Authorizing the Director of Parks, Recreation and Neighborhood Services to Negotiate and Execute Various Agreements and Amendments to Agreements, All Consistent With the Amounts Budgeted for These Programs in the Adopted Budget for Fiscal Year 2016-2017 and Subject to Appropriation of Funds", was adopted. (11-0.)

- 2.28 **Adopt a resolution authorizing the City Manager to submit, negotiate and execute Grant Agreements with the Santa Clara Valley Open Space Authority for an amount up to \$1,040,000 for the following projects:**  
(a) Coyote Creek Trail (Singleton Road Crossing) for \$200,000.  
(b) Thompson Creek Trail (Tully Road to Quimby Road) for \$840,000.

**CEQA: Coyote Creek Trail (Singleton Road Crossing) – Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR and Final Supplemental EIR, File No. PP16-055 and Thompson Creek Trail - Mitigated Negative Declaration, File No. PP04-283. Council Districts 7 and 8. (Parks, Recreation, and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated June 10, 2016, recommending adoption of a resolution.

Action: Resolution No. 77809, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Submit, Negotiate and Execute Grant Agreements With the Santa Clara Valley Open Space Authority for An Amount Up To \$1,100,000 for the Following Projects: (A) Five Wounds Trail, (B) Coyote Creek Trail and (C) Thompson Creek Trail", was adopted. (11-0.)

- 2.29 **Approve an ordinance amending Section 24.02.450 of Chapter 24.02 of Title 24 of the San José Municipal Code to facilitate the fee refund process. CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making Resulting in No Physical Change in the Environment. (Planning, Building and Code Enforcement)**

Documents Filed: City Council Action Request from Director of Planning, Building and Code Enforcement Harry Freitas, dated June 6, 2016, recommending approval of an ordinance.

**2.29 (Cont'd.)**

Action: Ordinance No. 29749, entitled: “An Ordinance of the City of San José Amending Section 24.02.450 of Chapter 24.02 of Title 24 of the San José Municipal Code Relating to Fee Refunds”, was passed for publication. (11-0.)

**2.30 Approve Contract Change Order No. 1 for 6736 – Large Trash Capture Device Installation - Phase III project in the amount of \$289,100 and extension of 10 working days for a total contract time of 130 working days. CEQA: Citywide Large Trash Capture Device Installation Addendum to a Mitigated Negative Declaration, File No. PP15-081. Council Districts 2 and 7. (Public Works)**

Documents Filed: City Council Action Request from Director of Public Works Barry Ng, dated June 6, 2016, recommending approval of the Change Order No. 1.

Action: The Contract Change Order No. 1 for 6736 – Large Trash Capture Device Installation - Phase III project in the amount of \$289,100 and extension of 10 working days for a total contract time of 130 working days was approved. (11-0.)

**2.31 Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2016-2017 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein. CEQA: Exempt, File No. PP13-057, Landscape maintenance. Council Districts 2, 3, 4 and 8. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated June 8, 2016, recommending adoption of resolutions.

Action: Resolution No. 77810, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 1 (Los Paseos) for Fiscal Year 2016-2017 and Levying Assessments”; Resolution No. 77811, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 2 (Trade Zone Boulevard – Lundy Avenue) for Fiscal Year 2016-2017 and Levying Assessments”; Resolution No. 77812, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 5 (Orchard Parkway – Plumeria Drive) for Fiscal Year 2016-2017 and Levying Assessments”; Resolution No. 77813, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 8 (Zanker - Montague) for Fiscal Year 2016-2017 and Levying Assessments”; Resolution No. 77814, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 9 (Santa Teresa – Great Oaks) for Fiscal Year 2016-2017 and Levying Assessments”; Resolution No. 77815, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 11 (Brokaw Road from Junction Avenue to Old Oakland Road) for Fiscal Year 2016-2017 and Levying Assessments”; Resolution No. 77816, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 13 (Karina – O’Nel) for Fiscal Year 2016-2017 and Levying Assessments”;

**2.31 (Cont'd.)**

Resolution No. 77817, entitled: "A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 15 (Silver Creek Valley) for Fiscal Year 2016-2017 and Levying Assessments"; Resolution No. 77818, entitled: "A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 18 (The Meadowlands) for Fiscal Year 2016-2017 and Levying Assessments"; Resolution No. 77819, entitled: "A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 19 (River Oaks Area Landscaping) for Fiscal Year 2016-2017 and Levying Assessments"; Resolution No. 77820, entitled: "A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 20 (Renaissance – North First Landscaping) for Fiscal Year 2016-2017 and Levying Assessments"; Resolution No. 77821, entitled: "A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 21 (Gateway Place – Airport Parkway) for Fiscal Year 2016-2017 and Levying Assessments"; and Resolution No. 77822, entitled: "A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 22 (Hellyer Avenue – Silver Creek Valley Road) for Fiscal Year 2016-2017 and Levying Assessments", were adopted. (11-0.)

**2.32 Approve the Second Amendment to the Master Agreement with AECOM Technical Services, Inc., for various City projects to extend the term of the Agreement from June 30, 2016 to June 30, 2018, at no additional cost for a total amount not to exceed \$500,000. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated June 8, 2016, recommending approval of the second amendment to the master agreement.

Action: The Second Amendment to the Master Agreement with AECOM Technical Services, Inc., for various City projects to extend the term of the Agreement from June 30, 2016 to June 30, 2018, at no additional cost for a total amount not to exceed \$500,000 was approved. (11-0.)

**2.33 Adopt a resolution:**

- (a) **Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2016-2017 as filed or modified by Council;**
- (b) **Confirming the individual assessments as proposed, or modified by Council.**
- (c) **Directing the City to pay the assessment on City-owned property within the district in the amount of approximately \$10,047.**
- (d) **Directing the Director of Public Works to deliver the assessment role to the County for collection with the property taxes.**

**CEQA: Exempt, File No. PP13-057, Landscape maintenance in the public right-of-way and public facilities. Council District 6. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated June 7, 2016, recommending adoption of a resolution.

**2.33 (Cont'd.)**

Action: Resolution No. 77823, entitled: "A Resolution of the Council of the City of San José Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2016-2017 As Filed, Or Modified by the City Council; Confirming the Individual Assessments as Proposed or Modified by the City Council, Including the Assessment on City Owned Property of Approximately \$10,047; Directing that the City Assessment Payment Be Made and Directing the Director of Public Works to Deliver the Assessment Roll to the County of Santa Clara for Collection with the Property Taxes", was adopted. (11-0.)

**2.34 Adopt a resolution:**

- (a) **Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of an approximately 2,498 square foot portion of the 20-foot Building Setback Line Easement ("BSL") at 1026 Woodview Place.**
- (b) **Summarily vacating a portion of the BSL which is in excess and no longer necessary for public purposes.**
- (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, File No. PDA81-029-01. Council District 10. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 31, 2016, recommending adoption of a resolution.

Action: Resolution No. 77824, entitled: "A Resolution of the Council of the City of San José Summarily Vacating a Portion of a 20 Foot Building Setback Line Easement at 1026 Woodview Place", was adopted. (11-0.)

- 2.35 Approve the Second Amendment to the Master Agreement with Brown and Caldwell for continuing the design services on the Citywide Outfall Rehabilitation and Autumn Street Outfall 67F Rehabilitation Projects to extend the term of agreement from June 30, 2016 to June 30, 2017 at no additional cost for a total amount not to exceed \$500,000. CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design with no commitment to future action. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated June 2, 2016, recommending approval of the second amendment to the master agreement.

Action: The Second Amendment to the Master Agreement with Brown and Caldwell for continuing the design services on the Citywide Outfall Rehabilitation and Autumn Street Outfall 67F Rehabilitation Projects to extend the term of agreement from June 30, 2016 to June 30, 2017 at no additional cost for a total amount not to exceed \$500,000 was approved. (11-0.)

- 2.36 (a) Report on bids and award of construction contract for the 6325 – Thompson Creek Trail (Tully Road – Quimby Road) Rebid Project to the low bidder, Bridgeway Civil Constructors, Inc., for the base bid and Bid Alternate No. 1 for a total of \$1,174,068, and approval of a contingency in the amount of \$117,406.
- (b) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction and Conveyance Tax Fund: Parks Purposes Council District 8:
- (1) Increase the appropriation Trail: Thompson Creek (Tully Road to Quimby Road) appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$834,000.
  - (2) Decrease the Infrastructure Backlog Reserve by \$700,000.
  - (3) Decrease the Unrestricted Ending Fund Balance by \$134,000.

**CEQA: Mitigated Negative Declaration, File No. PP14-057. Council District 8. (Public Works/Parks, Recreation, and Neighborhood Services/City Manager)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 7, 2016, recommending report on bids and award of the contract to the low bidder and appropriation ordinance and funding sources resolution amendments.

Action: The report on bids and award of construction contract for the 6325 – Thompson Creek Trail (Tully Road – Quimby Road) Rebid Project to the low bidder, Bridgeway Civil Constructors, Inc., for the base bid and Bid Alternate No. 1 for a total of \$1,174,068, and approval of a contingency in the amount of \$117,406 was approved; Ordinance No. 29759, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29262 to Appropriate Monies in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #8 for the Trail: Thompson Creek (Tully Road to Quimby Road) Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (A Resolution was not required.) (11-0.)

- 2.37 (a) Approve a Second Amendment for Final Design Services with the Santa Clara Valley Transportation Authority for the Santa Clara-Alum Rock Bus Rapid Transit (SC/AR BRT) Project in an amount not to exceed \$375,000 compensation from the VTA and extend the term to December 31, 2016.
- (b) Adopt the following 2015-2016 Appropriation Ordinance and Funding Source Resolution amendments in the Construction Excise Tax Fund:
- (1) Increase the estimate for Earned Revenue by \$375,000.
  - (2) Increase the SC/AR BRT appropriation to the Department of Transportation by \$375,000.
- (c) Adopt a resolution authorizing the City Manager to negotiate and execute a Third Amendment for the Final Design Services with the Santa Clara Valley Transportation Authority for the SC/AR BRT Project to increase the City’s compensation by up to \$100,000 and to extend the term of the agreement for up to one year.

**CEQA: Bus Rapid Transit on Santa Clara Avenue and Alum Rock Avenue Final EIR. (Public Works/City Manager)**

2.37 (Cont'd.)

Documents Filed: Memorandum from Director of Public Works Barry Ng, Director of Transportation James Ortbal and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 7, 2016, recommending approval of a second amendment for final design services and adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Action: A Second Amendment for Final Design Services with the Santa Clara Valley Transportation Authority for the Santa Clara-Alum Rock Bus Rapid Transit Project in an amount not to exceed \$375,000 compensation from the VTA and extend the term to December 31, 2016 was approved; Ordinance No. 29760, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29262 to Appropriate Monies in the Construction Excise Tax Fund for the Bus Rapid Transit – Santa Clara/Alum Rock Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; Resolution No. 77794, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 77796 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2016-2017 to Adjust Revenues in the Construction Excise Tax Fund" and Resolution No. 77825, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Third Amendment to the Final Design Services Agreement with the Santa Clara Valley Transportation Authority for the SC/AR BRT Project to Increase the Compensation Received By the City By Up To \$100,000 and To Extend the Term For Up To One Year", were adopted. (11-0.)

- 2.38 (a) **Retroactively accept an invitation from the City of Toronto, Ontario, Canada, to participate in the Big Transportation Data for Big Cities Conference in Toronto on June 12-15, 2016. In collaboration with the City of Toronto, the University of Toronto will be partially reimbursing invited cities for the cost of attending the conference.**
- (b) **Retroactively approve travel to Toronto for Kevin O'Connor, Assistant Director of Transportation, Chris Mills, Transportation Department IT Manager, and Nhon Nguyen, DOT Data Analyst, as San José's representatives at the conference.**

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

Documents Filed: Memorandum from City Manager Norberto Dueñas, dated June 8, 2016, recommending retroactive acceptance of the invitation and approval of travel.

Action: An invitation from the City of Toronto, Ontario, Canada, to participate in the Big Transportation Data for Big Cities Conference in Toronto on June 12-15, 2016 and travel to Toronto for Kevin O'Connor, Assistant Director of Transportation, Chris Mills, Transportation Department IT Manager, and Nhon Nguyen, DOT Data Analyst, as San José's representatives at the conference were retroactively accepted. (11-0.)

- 2.39 Adopt a resolution to repeal Resolution No. 77339 and set forth speed limits in the City of San José in compliance with State law to:**
- (a) Re-establish speed limits with changes to two roadways, including portions of First Street and Gish Road.**
  - (b) Establish a 15 mph school zone speed limit on Plummer Avenue between Maxine Avenue and Minardi Avenue.**
- CEQA: Exempt, File No. PP10-113. Council Districts 3, 6, and 7. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James Ortbal, dated May 31, 2016, recommending adoption of a resolution.

Action: Resolution No. 77826, entitled: "A Resolution of the Council of the City of San José (1) Reestablishing Speed Limits With Changes on Two Roadway Segments, (2) Establishing a 15 MPH Speed Limit During School Hours When Children Are Present On Plummer Avenue and (3) Repealing Resolution No. 77339", was adopted. (11-0.)

- 2.40 (a) Report on bids and award of a construction contract for the 7722 – North First Street Safety Enhancement Project, to the low bidder, Graham Contractors, Inc. in the amount of \$758,470.**
- (b) Approve a 10% contingency in the amount of \$75,847.**
- CEQA: Exempt, File No. PP13-069. Council District 4. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James Ortbal, dated May 31, 2016, recommending report on bids, award of contract to the low bidder, with related contingency.

Action: The report on bids and award of a construction contract for the 7722 – North First Street Safety Enhancement Project, to the low bidder, Graham Contractors, Inc. in the amount of \$758,470, with related contingency was approved. (11-0.)

- 2.41 (a) Authorizing the City Manager or designee to negotiate and execute the Parking Agreement with WeWork, for the issuance of up to 219 parking permits for use at various City owned and/or operated parking facilities for up to five years.**
- (b) Authorizing the City Manager, or designee, to approve amendments to the parking agreement.**
- CEQA: Not a Project, File No. PP10-066(f), Agreement for lease of existing space. Council District 3. (Transportation)**

Action: Item 2.41 was dropped.

- 2.42 Approve the First Amendment to the Agreement between the City of San José and Mark Thomas & Company, Inc. for engineering consultant services for the US 101/Mabury Road interchange project to extend the term from July 1, 2016 to December 31, 2018, at no additional cost. CEQA: Oakland/Mabury Transportation Development Policy EIR (“TDP EIR”) (Resolution 74195.1 adopted 12/18/2007, as addended in September 2009 by File No. PDC09-006) and Addenda thereto. Council Districts 3 and 4. (Transportation)**

Documents Filed: City Council Action Request from Director of Transportation James Ortbal, dated June 6, 2016, recommending approval of the first amendment to the agreement.

Action: The First Amendment to the Agreement between the City of San José and Mark Thomas & Company, Inc. for engineering consultant services for the US 101/Mabury Road interchange project to extend the term from July 1, 2016 to December 31, 2018, at no additional cost was approved. (11-0.)

- 2.43 Adopt a resolution authorizing the City Manager or designee to:**
- (a) Execute and submit a grant application to the Santa Clara Valley Water District for a Habitat Restoration Grant entitled “Safe, Clean Water and Natural Flood Protection Program D3 Grants and Partnerships to Restore Wildlife Habitat” in the amount not to exceed \$191,040 for a total project cost of \$502,039 in the Evergreen Specific Plan area.**
  - (b) Certify that the City of San José has allocated sufficient funds to construct and maintain the creek as identified in the project scope, that funds are available to begin the project, and that the City of San José will expend the funds prior to January 2018.**
  - (c) Conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, and payment requests which may be necessary for the completion of the grant application and project.**
- CEQA: Exempt, File Nos. PP16-029 & PP16-030. Council District 8. (Transportation)**

Documents Filed: Memorandum from Director of Transportation James Ortbal, dated May 31, 2016, recommending adoption of a resolution.

Action: Resolution No. 77827, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Apply for Grant or Partnership Funds Under the Santa Clara Valley Water District’s Safe, Clean Water and Natural Flood Protection Program”, was adopted. (11-0.)

- 2.44 Approve travel for Mayor Liccardo’s travel to Baltimore, Maryland from June 26, 2016 to June 27, 2016 for the opening portion of the U.S. Department of Justice, Summit on Preventing Youth Violence. Source of Funds: U.S. Department of Justice, Office of the Assistant Attorney General. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities, Travel. (Mayor)**

**2.44 (Cont'd.)**

Documents Filed: Memorandum from Mayor Sam Liccardo, dated June 13, 2016, requesting authorization for travel.

Action: The travel request for Mayor Sam Liccardo was approved. (11-0.)

**2.45 Approve the Olympic Flag Raising Ceremony on June 23, 2016, in recognition of the 2016 US Olympic Trials – Gymnastics. CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Economic Development)**

Documents Filed: City Council Action Request from Deputy City Manager/Director of Economic Development Kim Walesh, dated June 6, 2016, recommending approval of the Olympic Flag Raising Ceremony.

Action: The Olympic Flag Raising Ceremony on June 23, 2016, in recognition of the 2016 US Olympic Trials – Gymnastics was approved. (11-0.)

**2.46 As recommended by the Rules and Open Government Committee on June 15, 2016:**  
**(a) Approve the National Night Out scheduled for August 2, 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. (City Clerk)  
[Rules and Open Government Committee referral 6/15/16 – Item G.1.a.]**

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

Action: The Olympic Flag Raising Ceremony on June 23, 2016, in recognition of the 2016 US Olympic Trials – Gymnastics 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.)

**END OF CONSENT CALENDAR**

## STRATEGIC SUPPORT SERVICES

### 3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).

City Manager Norberto Dueñas announced that Rob Lloyd has been appointed as Chief Information Officer. Rob Lloyd provided a brief background of his achievements. City Manager Norberto Dueñas recognized and thanked Vijay Sammeta for his outstanding service and dedication as Chief Information Officer.

Council Member Pierluigi Oliverio requested the City Manager to provide information about whether the property owners that would be affected by the Riparian Corridor Ordinance were contacted.

### 3.3 Adopt 2015-2016 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund attachments to this memorandum. CEQA: Not a Project, File No PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (City Manager)

*Heard before the Consent Calendar.*

Documents Filed: (1) Memorandum from Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 9, 2016, recommending adoption of appropriation ordinance and funding sources resolution amendments. (2) Letter from Our City Forest, dated June 21, 2016, regarding the City of San José Funding Partnership.

Senior Deputy City Manager/Budget Director Jennifer A. Maguire and Director of Transportation James Ortbal responded to Council questions and concerns.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Stacy Stafford Scott and Rhonda Berry, President/CEO, Our City Forest expressed concerns regarding the funding partnership with the City of San José.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Magdalena Carrasco and carried unanimously, Ordinance No. 29761, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the General Fund, Various Special Funds and Various Capital Funds to Reflect Estimated 2015-2016 Revenue Receipts, Expenses and Encumbrances; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 77795, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 77423 To Implement the 2015-2016 Annual Report Recommendations and Make Appropriate Technical Adjustments to Adjust Revenues in the Various Operating Funds", were adopted. (11-0.)

- 3.4 (a) **Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2016-2017 and the Manager’s Final Budget Addendum.**
- (b) **Adopt the Annual Funding Sources Resolution for Fiscal Year 2016-2017 and the Manager’s Final Budget Addendum.**
- (c) **Adopt a resolution taking the following actions with respect to the City’s 2016-2017 “Gann Limit”:**
- (1) **Elect the per capita income index as the inflation factor for 2016-2017 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor.**
  - (2) **Elect the County of Santa Clara population growth index as the population factor for 2016-2017.**
  - (3) **Establish the Fiscal Year 2016-2017 Appropriation Limit at \$1,051,760,606 in compliance with Article XIII B of the State Constitution.**

**CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager)**

- (d) **Adopt a resolution amending the Schedule of Fees and Charges for Use of City Hall and City Hall Plaza, and superseding Resolution No. 76968, to add a lighting fee for the City Hall Rotunda, effective July 1, 2016, as follows:**

- (1) **\$1,000 per day for one color.**
- (2) **\$1,500 per day for two colors.**
- (3) **\$2,000 per day for three or more colors.**

**CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates & Fares. (Public Works/City Manager)**

- (e) **Adopt a resolution to repeal Resolution No. 77377 and set forth the Schedule of Parking Penalties and Late Payment Penalty for Parking Violations to increase the penalty for non-permitted cars parked and stored in residential permit zones from \$65 to \$70, effective July 1, 2016. CEQA: Not a project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates & Fares. (Transportation)**

*Heard before the Consent Calendar.*

Documents Filed: Memorandum from Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 17, 2016, recommending adoption of the annual appropriation ordinance and funding sources resolution amendments and resolutions.

Action: Upon motion by Council Member Raul Peralez, seconded by Vice Mayor Rose Herrera and carried unanimously, Ordinance No. 29762, entitled: “An Annual Appropriation Ordinance of the City of San José for City’s Fiscal Year Beginning July 1, 2016 and Ending June 30, 2017, Appropriating and Authorizing the Expenditure of Monies for the Operation of Each of the Offices, Departments and Agencies of the City During Said Fiscal Year and For Various Other Purposes and Objects for said Fiscal Year; and Providing for Transfers from Various City Funds to Other City Funds As May Be Necessary During Said Fiscal Year”; Resolution No. 77796, entitled: “A Resolution of the

**3.4 (Action Cont'd.)**

Action: (Cont'd.) Council of the City of San José Adopting the Estimated Sources of Funds for Fiscal Year 2016-2017"; Resolution No. 77828, entitled: "A Resolution of the Council of the City of San José Electing the Population and Inflation Adjustment Factors and Establishing the 2016-2017 Appropriations Limit of the City of San José Pursuant to California Constitution Article XIII B and Section 7900 Et Seq. of the California Government Code"; Resolution No. 77829, entitled: "A Resolution of the Council of the City of San José Setting the Schedule of Fees for Use of the City Hall and Plaza and Superseding Resolution No. 76968, Effective July 1, 2016" and Resolution No. 77830, entitled: "A Resolution of the Council of the City of San José Setting Forth the Payment of Parking Penalties and Late Payment Penalty for Parking Violations and Repealing Resolution No. 77377, Effective July 1, 2016", were adopted. (11-0.)

**3.5 (a) Adopt a resolution:**

- (1) Authorizing the issuance and sale of the City of San José 2016 Tax and Revenue Anticipation Note (the "2016 Note") in the not to exceed principal amount of \$100,000,000 to be sold through a private placement.**
- (2) Approving, in substantially final form, the Note Purchase Agreement and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreement and other related documents, as necessary, in connection with the issuance of the 2016 Note and authorizing other related actions in connection therewith.**

**(b) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:**

- (1) Increase the estimate for Other Revenue in the amount of \$100,000,000.**
- (2) Increase the Citywide TRANs Debt Service appropriation to the Finance Department in the amount of \$100,000,000.**

**CEQA: Not a Project, File No. PP10-066, Agreements and Contracts and File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance / City Manager)**

*Heard before the Consent Calendar.*

Documents Filed: Memorandum from Director of Finance Julia H. Cooper and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 7, 2016, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Donald Rocha and carried unanimously, Resolution No. 77831, entitled: "A Resolution of the Council of the City of San José Providing for the Borrowing of Funds for Fiscal Year 2016-2017 and the Issuance and Sale of the City of San José 2016 Tax and Revenue Anticipation Note In An Amount Not To Exceed \$100,000,000 and Approving the Execution of a Note Purchase Agreement Relating to Such Note and Authorizing Other Actions in Connection Therewith"; Ordinance No. 29763, entitled: "An Ordinance of the City of San José

**3.5 (Action Cont'd.)**

Action: (Cont'd.) Amending Ordinance No. 29262 to Appropriate Monies in the General Fund for the Citywide Transportation Debt Service; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77797, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 77796 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2016-2017 to Adjust Revenues in the General Fund”, were adopted. (11-0.)

- 3.6 (a) Interview applicants for appointment to the Planning Commission.**  
**(b) Appoint up to four (4) applicants to the Planning Commission to an unexpired term ending June 30, 2020.**  
**(c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.**  
**CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)**

*Item 3.6 was heard last in the afternoon.*

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 10, 2016, recommending as indicated above in Item 3.6(a)-(c).

Mayor Sam Liccardo pointed out that Ms. Yesney and Ms. Ballard are both incumbents and have been interviewed previously and noted that Ms. Ballard could not be present today.

Motion: Council Member Pierluigi Oliverio moved approval of the appointments of Michelle Yesney and Shiloh Ballard to the Planning Commission. Council Member Chappie Jones seconded the motion.

Action: On a call for the question, the motion carried unanimously, Michelle Yesney was appointed to the Planning Commission to an unexpired term ending June 30, 2020, with a vote of eleven Council Members (11-0. Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.); Shiloh Ballard was appointed to the Planning Commission to an unexpired term ending June 30, 2020, with a vote of eleven Council Members (11-0. Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.)

- 3.7 (a) Adopt a resolution to approve Council Policy 0-4, “Consolidated Policy Governing Boards and Commissions,” updating and combining Council Policy 0-4 (Consolidated Board and Commission Policies) and Council Policy 0-36 (City Council/Commission Code of Conduct).**  
**(b) Approve an ordinance amending various sections of Chapter 2.08 of Title 2 of the San José Municipal Code to update and clarify provisions such as voting and appointment processes for various boards and commissions, Retirement Board and Youth Commission term limits, and deleting sections relating to eliminated commissions.**

- 3.7 (c) Approve an ordinance amending Sections 2.08.1600, 12.02.010, 12.04.025, 12.04.080, 12.04.100, 12.05.080, 12.06.920, and 12.21.430 of the San José Municipal Code renaming the Ethics Commission to Title 12 Commission to reflect the commission's duties and responsibilities regarding Title 12 as set forth in Section 12.04.070 of the Municipal Code.

**CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (City Clerk)**

Action: Deferred To August 9, 2016 Per Rules & Open Government Committee.

- 3.8 (a) Accept staff's report analyzing "Initiative Ordinance Amending Title 4 of the San José Municipal Code to Require Employers to Offer Additional Work Hours to Existing Qualified Part-Time Employees Before Hiring New Staff or Contracted Services" (Initiative) pursuant to California Elections Code Section 9212.
- (b) Adopt the proposed ordinance as submitted.
- (c) Adopt a resolution calling an election to submit the Initiative to the voters at the next General Election on Tuesday, November 8, 2016.
- (d) Direct staff to return on June 28, 2016, to approve one of the following options:
- (1) Adopt the proposed ordinance as submitted; OR
  - (2) Adopt a resolution calling an election to submit the Initiative to the voters at the next General Election on Tuesday, November 8, 2016.

**CEQA: Not a Project, File No. PP10-069(c), Potential actions under Election Code Section 9215, in response to voter-sponsored initiative. (City Manager/City Attorney/City Clerk)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 20, 2016, recommending accepting the Staff Report and deferring the adoption of a proposed ordinance or resolution to June 28, 2016. (2) Memorandum from City Attorney Richard Doyle and Deputy City Manager/Director of Economic Development Kim Walesh, dated June 15, 2016, recommending actions as described above in 3.8(a)-(d). (3) Staff presentation dated June 21, 2016 summarizing the Part Time Employees Opportunity to Work Initiative Ordinance. (4) Letter from Jessica Lynam, Director, California Restaurant Association, dated June 20, 2016, regarding the proposed ordinance.

Deputy City Manager/Director of Economic Development Kim Walesh provided highlights of the Initiative Ordinance Amending Title 4 of the San José Municipal Code to Require Employers to Offer Additional Work Hours to Existing Qualified Part-Time Employees Before Hiring New Staff or Contracted Services. City Attorney Richard Doyle provided clarifications.

Council discussion ensued.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Donald Rocha and carried unanimously, the Staff Report was accepted. Staff was directed to return on June 28, 2016 to adopt a resolution calling an election to submit the Initiative to the voters at the next General Election on Tuesday, November 8, 2016. (11-0.)

- 3.9 Adopt a resolution authorizing the City Manager to:**
- (a) Execute the First Amendment to the GIS Migration Agreement with Environmental Systems Research Institute, Inc. (ESRI) to implement data migration to ESRI's Local Government Information Model for the Planning, Building and Code Enforcement Department and the Environmental Services Department Municipal Water Systems, to increase maximum compensation by \$293,000 for a revised maximum compensation of \$510,300, and to extend the initial term through January 31, 2018.**
  - (b) Execute change orders to cover any additional requirements for a not-to-exceed contingency amount of \$50,000, subject to the appropriation of funds.**
  - (c) Negotiate and execute subsequent amendments to the Agreement to increase the maximum compensation by up to \$500,000 for a revised maximum compensation not to exceed \$1,010,300, to implement the GIS data migration for other City Departments, and to extend the term if necessary to complete the work, subject to the appropriation of funds.**

**CEQA: Not a Project, File No. PP10-066(a) Agreements and Contracts. (Finance)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated June 8, 2016, recommending adoption of a resolution.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, Resolution No. 77837, entitled: "A Resolution of the Council of the City of San José Authorizing The City Manager To (1) Execute The First Amendment To The GIS Migration Agreement With Environmental Systems Research Institute, Inc. To Implement Data Migration To ESRI's Local Government Information Model For The Planning, Building And Code Enforcement Department and The Environmental Services Department Municipal Water Systems, To Increase Maximum Compensation By \$293,000 For A Revised Maximum Compensation Of \$510,300, and To Extend The Initial Term Through January 31, 2018; (2) Execute Change Orders To Cover Any Additional Requirements For A Not-To-Exceed Contingency Amount Of \$50,000, Subject To The Appropriation Of Funds; and (3) Negotiate And Execute Subsequent Amendments To The Agreement To Increase The Maximum Compensation By Up To \$500,000 For A Revised Maximum Compensation Not To Exceed \$1,010,300, To Implement The GIS Data Migration For Other City Departments, and To Extend The Term If Necessary To Complete The Work, Subject To The Appropriation Of Funds", was adopted. (11-0.)

- 3.10 (a) Adopt a resolution authorizing the City Manager to:**
- (1) Negotiate and execute an Agreement or Agreements with Blue Shield of California to provide a City-funded PPO medical insurance plan for employees, pre-65 retirees and their dependents; to provide fully-funded HMO and PPO medical insurance plans for post-65 only Medicare retirees and their dependents; provide wellness and support services to plan participants/enrollees; assist the City with claims administration and management; and coordinate Medicare plans for the period from January 1, 2017 through December 31, 2017, and to**

- 3.10 (a) (1) exercise up to three one-year options to renew the Agreements through December 31, 2020, for premium costs not to exceed \$30,332,537 for calendar year 2017 and with annual cost adjustments for each subsequent year based on the annual premiums as determined by Blue Shield of California, number of enrollees in the group insurance plans, coverage elected by participants, and pursuant to collective bargaining agreements, for a maximum amount not to exceed \$140,773,306 for a potential four year term, subject to the annual appropriation of funds by the City Council.
- (2) Negotiate and approve annual premium renewal rates, and negotiate and execute any annual group health plan or policy contracts and any ancillary documents, such as Evidences of Coverage (EOC) documents and Business Associate Agreements, with Blue Shield of California that are necessary to facilitate the medical insurance services Agreements for the period of January 1, 2017 through December 31, 2017, and any of the three one-year options to renew the Agreements through December 31, 2020.
- (3) In the event that Blue Shield's proposed annual renewal rates are not acceptable to the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager to terminate the agreement(s) or group plan contract(s).
- (b) Adopt a resolution authorizing the City Manager to:
- (1) Negotiate and execute an Agreement or Agreements with Sutter Health Plus to provide fully-funded HMO medical insurance plans, wellness services, and support services to the City for employees, pre-65 retirees, and their dependents for the period from January 1, 2017 through December 31, 2017, and to exercise up to three one-year options to renew the Agreements through December 31, 2020, for premium costs not to exceed \$13,640,082 for calendar year 2017 and with annual cost adjustments for each subsequent year based on the annual premiums as determined by Sutter Health Plans, number of enrollees in the group insurance plans, coverage elected by participants, and pursuant to collective bargaining agreements, for a maximum amount not to exceed \$58,215,869 for a potential four year term, subject to the annual appropriation of funds by the City Council.
- (2) Negotiate and approve annual premium renewal rates, and negotiate and execute any annual group health plan or policy contracts and any ancillary documents, such as Evidences of Coverage (EOC) documents and Business Associate Agreements, with Sutter Health Plus that are necessary to facilitate the medical insurance services Agreements for the period of January 1, 2017 through December 31, 2017, and any of the three one-year options to renew the Agreements through December 31, 2020.
- (3) In the event that Sutter Health Plus's proposed annual renewal rates are not acceptable to the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager to terminate the agreement(s) or group plan contract(s).

- 3.10 (c) **Authorize the City Manager to select and purchase individual and aggregate stop loss insurance policy(ies) (fiduciary liability coverage as may also be required) with the best value carrier to risk finance potential losses on claims associated with the City-funded PPO medical insurance plan for employees, pre-65 retirees and their dependents for the period from January 1, 2017 through December 31, 2017, and to exercise up to three one-year options to renew the policy(ies) through December 31, 2020, for premium costs not to exceed \$1,236,000 for calendar year 2017 and with annual cost adjustments for each subsequent year based on number of enrollees in the group insurance plans and coverage elected by participants, for an estimated maximum amount not to exceed of \$6,500,000 for a potential four year policy term, subject to the annual appropriation of funds by the City Council.**

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

Documents Filed: (1) Memorandum from Director of Human Resources Joseph Angelo, dated June 9, 2016, recommending adoption of resolutions. (2) Staff presentation dated June 21, 2016 summarizing the Medical Insurance Plan Proposal.

Director of Human Resources Joseph Angelo presented the Medical Insurance Plan Proposal and responded to Council questions.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Bob Leininger, San José Retired Employees Association, expressed support to the Staff recommendations.

Action: Upon motion by Council Member Johnny Khamis, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77838, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Agreements with Blue Shield of California to Provide Medical Insurance Plans for City of San José Employees, Retirees and Their Dependents for the Period of January 1, 2017 to December 31, 2017, With Options to Extend Through December 31, 2020" and Resolution No. 77839, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Agreements with Sutter Health to Provide Medical Insurance Plans for City of San José Employees, Retirees and Their Dependents for the Period of January 1, 2017 to December 31, 2017, With Options to Extend Through December 31, 2020", were adopted and the City Manager was authorized to select and purchase individual and aggregate stop loss insurance policy(ies) (fiduciary liability coverage as may also be required) with the best value carrier to risk finance potential losses on claims associated with the City-funded PPO medical insurance plan for employees, pre-65 retirees and their dependents for the period from January 1, 2017 through December 31, 2017, and to exercise up to three one-year options to renew the policy(ies) through December 31, 2020, for premium costs not to exceed \$1,236,000 for calendar year 2017 and with annual cost adjustments for each subsequent year based on number of enrollees in the group insurance plans and coverage elected by participants, for an estimated maximum amount not to exceed of \$6,500,000 for a potential four year policy term, subject to the annual appropriation of funds by the City Council. (11-0.)

- 3.11 Approve the Fourth Amendment to the Agreement with Athens Insurance Services, Inc., DBA Athens Administrators, to increase compensation by \$1,401,960 for a total amount not to exceed \$8,334,460 subject to appropriation of funds, modify the scope of services to transfer approximately 200 additional workers compensations claims, and extend the term through December 31, 2016. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Human Resources)**

Documents Filed: Memorandum from Director of Human Resources Joseph Angelo, dated June 8, 2016, recommending approval of the fourth amendment to the agreement.

Action: Upon motion by Council Member Johnny Khamis, seconded by Council Member Tam Nguyen and carried unanimously, the Fourth Amendment to the Agreement with Athens Insurance Services, Inc., DBA Athens Administrators, to increase compensation by \$1,401,960 for a total amount not to exceed \$8,334,460 subject to appropriation of funds, modify the scope of services to transfer approximately 200 additional workers compensations claims, and extend the term through December 31, 2016, was approved. (11-0.)

- 3.12 Council discussion and direction on staff's recommendations and options for a November 8, 2016, ballot measure to update and modernize the current Business Tax. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Finance)**

Documents Filed: (1) Replacement memorandum from Mayor Sam Liccardo, dated June 21, 2016, recommending acceptance of the Staff report and recommendations with direction to Staff. (2) Replacement memorandum from Council Member Donald Rocha, dated June 20, 2016, recommending the Council consider two alternatives. (3) Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh and Director of Finance Julia H. Cooper, dated June 9, 2016, recommending Council discussion and direction to Staff. (4) Staff presentation dated June 21, 2016 summarizing San José's Business Tax – Potential Modernization Measure. (5) Letter from Patricia Sausedo, dated June 19, 2016, regarding the Tax Modernization Measure.

Deputy City Manager/Director of Economic Development Kim Walesh and Director of Finance Julia H. Cooper presented the Staff Report on the Potential Modernization Measure and responded to Council questions and concerns.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing comments, suggestions, support and opposition to the modernization of the tax measure were Pat Sausedo, NAIOP Silicon Valley; Anil Babbar, Jessica Lynan, California Apartment Association; Charles Melton, Silicon Valley Leadership Group; Scott Myers-Lipton and Scott Knies, San José Downtown Association.

Mayor Sam Liccardo requested that Staff return with the structure and ballot language including additional analysis, and to look at comparable taxes and fees for other cities.

### 3.12 (Cont'd.)

Motion: Council Member Chappie Jones moved approval to direct Staff to return to Council on August 2, 2016 with the structure and ballot language including the additional analysis as outlined by Mayor Sam Liccardo, particularly looking at comparable taxes and fees for other cities. Vice Mayor Rose Herrera seconded the motion.

Mayor Sam Liccardo requested to amend the motion to direct Staff to include in the analysis contract employees and to expand exemptions by including a household adjusted gross income at four times the poverty level (\$47,520). The amendment was accepted by Council Member Chappie Jones and Vice Mayor Rose Herrera.

Council Member Johnny Khamis expressed opposition to the motion on the floor.

Action: On a call for the question, the motion carried, Staff was directed to return to Council on August 2, 2016 with the structure and ballot language including the additional analysis as outlined by Mayor Liccardo, particularly looking at comparable taxes and fees for other cities. Staff was further directed to include in the analysis contract employees and to expand exemptions by including a household adjusted gross income at four times the poverty level (\$47,520). (10-1. Noes: Khamis.)

## COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) **Conduct a Public Hearing regarding an economic subsidy in connection with an Industrial Project Completion Agreement with Super Micro Computer, Inc., pursuant to California Government Code Section 53083;**
- (b) **Approve the Industrial Project Completion Agreement with Super Micro Computer, Inc., in which the City will provide a traffic impact fee reduction from \$14.44 per square foot to \$5 per square foot for up to 446,500 square feet of construction at Super Micro Computer's industrial development project in North San José.**

**CEQA: North San José Area Development Policy FPEIR, Resolution No. 72768 and Addenda thereto; and Supermicro Green Park Master Plan Project Addendum to the NSJ FPEIR and GP2040 FPEIR, File No. H15-012. (Economic Development)**

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Welsh, dated June 7, 2016, recommending conducting a public hearing and approval of the agreement.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Ryan Ford, Supermicro Computer expressed support to the Staff recommendations.

Mayor Sam Liccardo closed the public hearing.

**4.1 (Cont'd.)**

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, the Industrial Project Completion Agreement with Super Micro Computer, Inc., in which the City will provide a traffic impact fee reduction from \$14.44 per square foot to \$5 per square foot for up to 446,500 square feet of construction at Super Micro Computer's industrial development project in North San José, was approved. (11-0.)

**4.2 Adopt a resolution amending Exhibit B of Resolution No. 73587, as amended, to remove the sunset date of June 30, 2016, for the deferral of payment of parkland fees charged pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code for high-rise multi-family residential projects located in the Downtown Core area. CEQA: Not a Project, File No. PP10-067, Section No. 15273, Rates, Tolls, Fares, and Charges. Council District 3. (Parks, Recreation and Neighborhood Services)**

*Item 4.2 was Renumbered from Item 2.22.*

Documents Filed: (1) City Council Action Request from Assistant Director of Parks, Recreation and Neighborhood Services Matt Cano, dated June 6, 2016, recommending adoption of a resolution. (2) Revised supplemental memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated June 20, 2016, providing additional language and clarification and correcting the July 15, 2016 date to *June 30, 2016*.

Assistant Director of Parks, Recreation and Neighborhood Services Matt Cano noted that correction of the additional requirement that in order to be eligible for the incentive program, a project must sign and return a City approved parkland agreement to the City by *June 30, 2016*.

A brief Council discussion ensued.

Action: Upon motion by Council Member Raul Peralez, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77840, entitled: "A Resolution of the Council of the City of San José Amending Exhibit B of Resolution No. 73587, As Amended, To Remove the Sunset Date of June 30, 2016 for Deferral of the Payment of Parkland Fees Charged Pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code for Highrise Multifamily Residential Projects Located in the Downtown Core Area", was adopted, with the correction of the additional requirement that in order to be eligible for the incentive program, a project must sign and return a City approved parkland agreement to the City by *June 30, 2016*. (11-0.)

## ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) Hold a Public Hearing to allow community input regarding the implementation plan for complying with requirements of Senate Bill X7-7, Water Conservation Bill of 2009.
- (b) Hold a Public Hearing to allow community input regarding the draft Urban Water Management Plan prior to its adoption.
- (c) Adopt a resolution approving the San José Municipal Water System 2015 Urban Water Management Plan update and directing staff to file the Plan with the California Department of Water Resources.

**CEQA: Statutory Exemption Section 15282 (v), the preparation and adoption Urban Water Management Plans pursuant to the provisions of Section 10652 of the Water Code. Council Districts 2, 4, 7, 8. (Environmental Services)**

Action: Deferred to June 28, 2016 per Administration.

*Items 7.2, 7.3, 7.4, 7.5 and 7.6 Were Heard Immediately Following Consent Calendar.*

- 7.2 Adopt a resolution, to be in effect through June 30, 2017, declaring a Citywide water shortage of 20 percent and limiting use of potable water for landscape and turf irrigation to three scheduled days per week, except when watering by hand or by drip irrigation, or for maintenance of public parks, playing fields, day care centers, golf course greens, and school grounds, provided such irrigation is done in a water efficient manner, or for fire protection, soil erosion control, plants/trees grown for consumption, nursery/garden center plants for sale, and environmental mitigation projects. **CEQA: Exempt, File No. PP15-032. (Environmental Services)**

*Item 7.2 was renumbered from Item 2.16.*

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow, dated June 2, 2016, recommending adoption of a resolution. (2) Staff presentation dated June 21, 2016 describing the Water Shortage Declaration.

Director of Environmental Services Kerrie Romanow and Division Manager of Environmental Services Jeffrey Provenzano presented the Water Shortage Declaration Report.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, Resolution No. 77833, entitled: "A Resolution of the Council of the City of San José Declaring a Twenty Percent (20%) Water Shortage Citywide and Establishing a Watering Schedule and Exceptions Thereto Pursuant to San José Municipal Code Section 15.10.360 and Superseding Resolution No. 77706", was adopted. (11-0.)

- 7.3 Approve Master Consultant Agreements with Hazen and Sawyer, and Value Management Strategies, Inc. to provide value engineering and peer review services for the Capital Improvement Program at the San José-Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2021, in a total amount not to exceed \$5,000,000 for each agreement, subject to the appropriation of funds. CEQA: Statutory Exemption, File No. PP10-066(d), Consultant Services. (Environmental Services)  
(Deferred from 6/14/16 – Item 7.1)**

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow, dated May 24, 2016, recommending approval of the Master Consultant Agreements. (2) Letter from the Treatment Plant Advisory Committee, Sam Liccardo, Chair, dated June 10, 2016, expressing concurrence with the Staff recommendations.

Assistant Director of Environmental Services Ashwini Kantak and Division Manager Julia Nguyen responded to Council questions and concerns.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, the Master Consultant Agreements with Hazen and Sawyer, and Value Management Strategies, Inc. to provide value engineering and peer review services for the Capital Improvement Program at the San José-Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2021, in a total amount not to exceed \$5,000,000 for each agreement, subject to the appropriation of funds was approved. (11-0.)

- 7.4 Approve a Master Consultant Agreement with Brown and Caldwell to provide engineering services for the 8073 – Blower Improvements Project and 8001 – Aeration Tanks Rehabilitation Project at the San José-Santa Clara Regional Wastewater Facility from the date of execution through December 31, 2024, in an initial total amount not to exceed \$7,900,000, subject to the appropriation of funds. CEQA: Statutory Exemption, File No. PP10-066(d), Section 15262, Feasibility and Planning Studies with respect to the scope of work that is limited to this action. Any future activities resulting in a change to the physical environment would require approval of CEQA review. (Environmental Services)  
(Deferred from 6/14/16 – Item 7.2)**

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow, dated June 1, 2016, recommending approval of a master consultant agreement. (2) Staff presentation dated June 21, 2016 summarizing the Engineering Services Agreement for the Aeration Tanks Rehabilitation Project and Blower Improvements Project. (3) Letter from the Treatment Plant Advisory Committee, Sam Liccardo, Chair, dated June 10, 2016, expressing concurrence with the Staff recommendations.

Assistant Director of Environmental Services Ashwini Kantak presented the Staff Report on the Engineering Services Agreement for the Aeration Tanks Rehabilitation Project and Blower Improvements Project.

7.4 (Cont'd.)

Action: Upon motion by Council Member Tam Nguyen, seconded by Council Member Magdalena Carrasco and carried unanimously, a Master Consultant Agreement with Brown and Caldwell to provide engineering services for the 8073 – Blower Improvements Project and 8001 – Aeration Tanks Rehabilitation Project at the San José-Santa Clara Regional Wastewater Facility from the date of execution through December 31, 2024, in an initial total amount not to exceed \$7,900,000, subject to the appropriation of funds, was approved. (11-0.)

- 7.5
- (a) **Adopt a resolution approving the Construction-Enabling Improvements Project Addendum to the San José / Santa Clara Water Pollution Control Plant Master Plan Environmental Impact Report (SCH# 2011052074) and related Mitigation Monitoring and Reporting Program (File No. PP15-120).**
  - (b) **Report on bids and award of contract for the 7987 – Construction-Enabling Improvements Project to the low bidder, Teichert Construction, Inc., for the base bid of \$3,124,885 and Add Alternate No. 2 in the amount of \$11,025 for a total amount of \$3,135,910 and approval of a 10 percent construction contingency in the amount of \$314,000.**
  - (c) **Adopt a resolution authorizing the Director of Public Works to execute one or more change orders in excess of \$100,000 for the duration of the Construction Enabling Improvements project, not to exceed the total contingency amount approved for the project.**
  - (d) **Adopt the following 2015-2016 Appropriations Ordinance amendments in the San José-Santa Clara Treatment Plant Capital Fund:**
    - (1) **Decrease the Urgent and Unscheduled Treatment Plant Rehabilitation appropriation to the Environmental Services Department by \$455,000; and**
    - (2) **Increase the Construction-Enabling Improvements appropriation to the Environmental Services Department by \$455,000.**

**CEQA: Addendum to the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR (SCH# 2011052074), File No. PP15-120. (Environmental Services/Public Works/City Manager)**

**(Deferred from 6/14/16 – Item 7.3)**

Documents Filed: (1) Memorandum from Director of Public Works Barry Ng, Director of Environmental Services Kerrie Romanow and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 1, 2016, recommending adoption of resolutions, report on bids and award of the contract to the low bidder and appropriation ordinance amendments. (2) Letter from the Treatment Plant Advisory Committee, Sam Liccardo, Chair, dated June 10, 2016, expressing concurrence with the Staff recommendations.

**7.5 (Action Cont'd.)**

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, the Report on bids and award of contract for the 7987 – Construction-Enabling Improvements Project to the low bidder, Teichert Construction, Inc., for the base bid of \$3,124,885 and Add Alternate No. 2 in the amount of \$11,025 for a total amount of \$3,135,910 and approval of a 10 percent construction contingency in the amount of \$314,000, was approved; Resolution No. 77834, entitled: “A Resolution of the Council of the City of San José Approving an Addendum to the San José/Santa Clara Water Pollution Control Plant Master Plan Environmental Impact Report for the Regional Wastewater Facility’s Construction Enabling Improvements Project, For Which an Initial Study Was Prepared, All in Accordance With the California Environmental Quality Act, As Amended, and Adopting a Related Mitigation Monitoring and Reporting Program”; Resolution No. 77835, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Issue Any Single and/or Multiple Change Orders for the 7987 Construction Enabling Improvement Project Up To The Contingency Amount of \$314,000” and Ordinance No. 29764, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the San José-Santa Clara Treatment Plant Capital Fund for Construction Enabling Improvements; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (11-0.)

**7.6 Approve Master Consultant Agreements with Kennedy/Jenks Consultants, Inc. and MNS Engineers, Inc., for construction management and inspection services for various capital improvement projects at the San José-Santa Clara Regional Wastewater Facility, from the date of execution through June 30, 2024, in a total amount not to exceed \$8,000,000 for each agreement, subject to the appropriation of funds. CEQA: Statutory Exemption, File No. PP10-066(d), Section 15262, Feasibility and Planning Studies with respect to the scope of work that is limited to this action. Any future activities resulting in a change to the physical environment would require approval of CEQA review. (Environmental Services/Public Works) (Deferred from 6/14/16 – Item 7.4)**

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow and Director of Public Works Barry Ng, dated May 26, 2016, recommending approval of the master consultant agreements. (2) Letter from the Treatment Plant Advisory Committee, Sam Liccardo, Chair, dated June 10, 2016, expressing concurrence with the Staff recommendations.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Tam Nguyen and carried unanimously, the Master Consultant Agreements with Kennedy/Jenks Consultants, Inc. and MNS Engineers, Inc., for construction management and inspection services for various capital improvement projects at the San José-Santa Clara Regional Wastewater Facility, from the date of execution through June 30, 2024, in a total amount not to exceed \$8,000,000 for each agreement, subject to the appropriation of funds, was approved. (11-0.)

**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>
10249	180 W. Saint James Street	3	Full Power Properties, LLC	1 Lot / 643 units	MFA	Approval

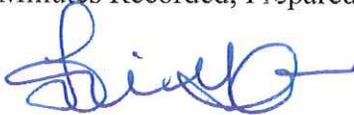
**OPEN FORUM**

- (1) Blair Beekman opined about surveillance technology, UAS Drone Program and transparency and openness about the stationary camera program.
- (2) Mark Dobson stated there may have been a violation of a disabled person's rights in San José.

**ADJOURNMENT**

The Council of the City of San José was adjourned at 6:05 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC  
City Clerk

smd/06-21-16 MIN

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