



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, FEBRUARY 7, 2017

The Council of the City of San José convened in Regular Session at 9:35 a.m. in the Council Chambers at City Hall.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, T. Nguyen, Peralez, Rocha; Liccardo.

Absent: Councilmembers - All Present.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:40 a.m. to a Closed Session in Room W133; (A) to confer with Legal Counsel pursuant to subsection (b) of Section 54956.9 of the Government Code with respect to anticipated litigation (Claim Not Filed) in one (1) matter; (B) to confer with Legal Counsel pursuant to subsection (c) of Section 54956.9 of the Government Code with respect to anticipated litigation in one (1) matter; (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation; (1) Berg & Berg Enterprises, LLC v. City of San José, et al.; Names Of Partie(s) Involved: Berg & Berg Enterprises, LLC, City of San José, and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No.: 1-07-CV-091955; Amount of Money or Other Relief Sought: Damages according to proof; (2) IFPTE Local 21 v. City of San José; Names of Partie(s) Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages According to Proof; (3) American Federation of State, County & Municipal Employees, et al. v. City; Names of Partie(s) Involved:

CLOSED SESSION (Cont'd.)

American Federation of State, County & Municipal Employees, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof; (4) OE#3 v. City of San José; Names Of Partie(s) Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-900-M; (5) ABMEI v. City, et al.; Names of Partie(s) Involved: Association of Building, Mechanical and Electrical Inspectors, City of San José; Court: State of CA Public Employment Relations Board; Case No.: UPC SF CE 1358 M; Amount of Money or Other Relief Sought: Damages According to Proof; (6) 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 California, County of Santa Clara; Case No: 1-12-CV-233660; H040979; H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (7) 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 California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (8) 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 California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (9) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: City of San José, John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, 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 California, County of Santa Clara; Case: 1-12-CV-226574; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B; (11) People of the State of California, et al. v. City of San José, et al.; Names of Partie(s) 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 California, County of Santa Clara; Case No: 1-13-CV-245503; Amount of Money or Other Relief Sought: Verified Complaint In Quo Warranto; (12) Peter Constant, Steven Haug and Silicon Valley Taxpayers' Association v. Superior Court; Names Of Partie(s) Involved: Peter Constant, Steven Haug, Silicon Valley Taxpayers' Association, a California non-profit Corporation, Proposed Intervenor, Appellants and

CLOSED SESSION (Cont'd.)

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, Supersedeas, or Other Appropriate Relief; (13) San José Retired Employees Association, et al. v. City of San José, et al; Names of Partie(s) 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-268085; 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: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc.; Name of Existing Wages 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;

CLOSED SESSION (Cont'd.)

Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:40 p.m. and reconvened to Regular Session at 1:30 p.m. in the Council Chambers.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, T. Nguyen, Peralez, Rocha; Liccardo.

Absent: Councilmembers - Councilmember Jimenez left at approximately 1:45 p.m. (Excused)

INVOCATION

Reverend Jethroe (Jeff) Moore, Pastor of Rehoboth Christian Center and President of the San José/Silicon Valley National Association for the Advancement of Colored People (NAACP) provided the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance accompanied by students from Rosemary Elementary School.

CEREMONIAL ITEMS

1.1 Presentation of a commendation to PG&E and Environmental Services Department for their work on Step Up and Power Down. (Mayor)

Mayor Sam Liccardo presented a commendation to PG&E and Environmental Services Department for their work on Step Up and Power Down.

1.2 Commendation to Rich and Jeanne Sanders for their outstanding volunteerism at the Almaden Valley Community Center. (Khamis)

Mayor Sam Liccardo and Councilmember Johnny Khamis presented a commendation to Rich and Jeanne Sanders for their outstanding volunteerism at the Almaden Valley Community Center.

ORDERS OF THE DAY

Upon motion by Councilmember Donald Rocha, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (10-1. Absent: Jimenez.)

CONSENT CALENDAR

Upon motion by Councilmember Donald Rocha, seconded by Councilmember Tam Nguyen and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-1. Absent: Jimenez.)

2.1 Approval of Council Minutes:

(a) **Regular Minutes of November 29, 2016.**

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

Documents Filed: Regular Council Minutes dated November 29, 2016.

Action: The Council Minutes were approved. (10-1. Absent: Jimenez.)

2.2 Final Adoption of Ordinances.

- (a) **ORD. NO. 29867 – An ordinance of the City of San José pre-zoning certain real property of approximately 0.49 gross acre situated on the north side of McKee Road, approximately 400 feet east of North White Road (3301 McKee Road) from unincorporated to the CP Commercial Pedestrian Zoning District. CEQA: Determination of consistency with Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29867 executed on January 31, 2017, submitted by the City Clerk.

Action: Ordinance No. 29867 was adopted. (10-1. Absent: Jimenez.)

- (b) **ORD. NO. 29868 – An ordinance of the City of San José rezoning certain real property of approximately 15.95 acres situated on the northwest corner of San Tomas Expressway and Williams Road (3601 William Road) from the A Agricultural Zoning District and the R-1-8 Single Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District. CEQA: Exempt, CEQA Guidelines Section 15303(c), New Construction or Conversion of Small Structures. (Planning, Building and Code Enforcement)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29868 executed on January 13, 2017, submitted by the City Clerk.

Action: Ordinance No. 29868 was adopted. (10-1. Absent: Jimenez.)

2.3 Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of January 4, 2017.
(Mayor)**
- (b) Rules and Open Government Committee Minutes of January 11, 2017.
(Mayor)**
- (c) Ad-Hoc Committee on Development Services Minutes of November 18, 2016.
(Mayor)**

Documents Filed: (1) Rules and Open Government Committee Minutes dated January 4 and January 11, 2017. (2) Ad-Hoc Committee Minutes dated November 18, 2016.

Action: The Council Committee Minutes were accepted. (10-1. Absent: Jimenez.)

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards – None.

2.7 Adopt a resolution replacing Resolution No. 78039 adopted on December 13, 2016, setting forth the Schedule of Parkland Fees charged pursuant to Chapters 14.25 and 19.38 of the San Jose Municipal Code to amend Section 2 of Exhibit B of Resolution No. 73587, as amended, temporarily setting the Parkland Fees charged for high-rise multi-family residential projects of twelve (12) stories or more located in the Downtown Core at fifty percent (50%) of the applicable Parkland Fees for multi-family 5+ units in the Downtown Area and deferring collection of Parkland Fees to the time of issuance of a Certificate of Occupancy, subject to developers meeting certain requirements. CEQA: Not a Project, File No. PP10-067(a), Non-Project Specific Funding Mechanism, Increase or Adjustments to Fees, Rates, and Fares. (City Attorney)

Documents Filed: City Council Action Request from Deputy City Attorney Jon Calegari, dated February 7, 2017, recommending adoption of a resolution.

Action: Resolution No. 78079, entitled: “A Resolution of the Council of the City of San José Setting Forth the Schedule of Parkland Fees Charged Pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code to Amend Section 2 of Exhibit B of Resolution No. 73587, as Amended, Temporarily Setting the Parkland Fees Charged for Highrise Multi-Family Residential Projects of Twelve (12) Stories or More Located in the Downtown Core at Fifty Percent (50%) of the Applicable Parkland Fees for Multi-Family 5+ Units in the Downtown Area and Deferring Collection of Parkland Fees to the Time of Issuance of a Certificate of Occupancy, Subject to Developers Meeting Certain Requirements”, was adopted. (10-1. Absent: Jimenez.)

2.8 Approve travel by Councilmember Khamis to Washington, D.C. from March 14 – March 15, 2017 for the 2017 Spring Advocacy Trip arranged by the Silicon Valley Leadership Group. Source of Funds: Mayor and Council Travel Fund.

- (a) Request for an excused absence for Councilmember Khamis from the following meetings due to Authorized City Business:**
- (1) March 14, 2017 City Council Closed Session, City Council Open Session, and City Council Evening Session.**
 - (2) March 15, 2017 Rules and Open Government Committee of the Whole.**

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

Documents Filed: Memorandum from Councilmember Johnny Khamis, dated January 19, 2017, requesting approval of travel and for an excused absence due to Authorized City Business.

Action: The travel authorization and excused absence were approved. (10-1. Absent: Jimenez.)

2.9 Approve Master Agreements with BKF Engineers, and Cal Engineering & Geology, Inc. from the date of execution through December 31, 2026 in an amount not to exceed \$1,000,000 for each Agreement. CEQA: Not a Project, File No. PP10-066(d), Consultant Services for Design, Study, Research, Inspection, or other professional consulting services to determine feasibility of a project with no commitment to future action. (Public Works)

Documents Filed: City Council Action Request from Director of Public Works Barry Ng dated February 7, 2017, recommending approval of Master Agreements.

Action: Master Agreements with BKF Engineers, and Cal Engineering & Geology, Inc. from the date of execution through December 31, 2026 in an amount not to exceed \$1,000,000 for each Agreement, was approved. (10-1. Absent: Jimenez.)

2.10 (a) Approve the Viet Heritage Gardens Grand Re-Opening and Ribbon Cutting Ceremony on Saturday, February 25, 2017 at Viet Heritage Gardens; Clean Up with Tam on Saturday, March 4, 2017 at Ezie Street and Santa Rosa Road; Grand Re-Opening of Alma Community Center on Saturday, March 11, 2017 at Alma Community Center; Clean Up with Tam on Saturday, March 18, 2017 at the Vietnamese American Community Center; Women's History Month Celebration will be held on Saturday, March 18, 2017 at the SevenTrees Community Center; Dumpster Day at Yerba Buena High School on Saturday, March 25, 2017 at Yerba Buena High School; Black April Commemoration on Sunday, April 30, 2017 at City Hall Rotunda; World Culture Day on Saturday, May 13, 2017 at SevenTrees Community Center as City Council sponsored Special Events 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. (Nguyen)
[Rules Committee referral 2/1/17 – Item G.1.a.]**

2.10 (Cont'd.)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated February 3, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Viet Heritage Gardens Grand Re-Opening and Ribbon Cutting Ceremony on Saturday, February 25, 2017 at Viet Heritage Gardens; Clean Up with Tam on Saturday, March 4, 2017 at Ezie Street and Santa Rosa Road; Grand Re-Opening of Alma Community Center on Saturday, March 11, 2017 at Alma Community Center; Clean Up with Tam on Saturday, March 18, 2017 at the Vietnamese American Community Center; Women's History Month Celebration on Saturday, March 18, 2017 at the SevenTrees Community Center; Dumpster Day at Yerba Buena High School on Saturday, March 25, 2017 at Yerba Buena High School; Black April Commemoration on Sunday, April 30, 2017 at City Hall Rotunda; World Culture Day on Saturday, May 13, 2017 at SevenTrees Community Center as City Council sponsored Special Events, approving the expenditure of funds was approved, including acceptance of donations from various individuals, businesses or community groups to support the events, was approved. (10-1. Absent: Jimenez.)

- 2.11 (a) **Approve the Vice Mayor Reception scheduled on February 10, 2017 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. (Carrasco)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated February 3, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Vice Mayor Reception scheduled on February 10, 2017 as a City Council sponsored Special Event including approval of the expenditure of funds, and approval and acceptance of donations from various individuals, businesses or community groups to support the event, was approved. (10-1. Absent: Jimenez.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

- 3.3 **As recommended by the Public Safety, Finance and Strategic Support Committee on December 15, 2016, consider the audit on Mobile Devices. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approval of any City Actions. (City Auditor)**
[Public Safety, Finance and Strategic Support Committee referral 12/15/16 – Item (d)(2)]

3.3 (Cont'd.)

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo and Councilmember Dev Davis, Councilmember Sergio Jimenez, Councilmember Johnny Khamis and Councilmember Raul Peralez, dated February 3, 2017, in support of the City Manager's response to the City Auditor's findings with additional recommendations. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated January 26, 2017, providing recommendations of the Public Safety, Finance & Strategic Support Committee.

City Auditor Sharon Erickson and Chief Information Officer Rob Lloyd offered a presentation and responded to questions.

Public Comments: Lannie Clay and Blair Beekman offered comments on cell phone coverage and possibilities regarding the *Smart City Vision*.

Council discussion followed.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Audit on Mobile Devices was accepted, including direction to staff to support the City Manager's response to the recommendations of the City Auditor's finding on *Mobile Devices: Improvements Needed to Ensure Efficient, Secure, and Strategic Deployment*, per the memorandum from Mayor Sam Liccardo and Councilmembers Davis, Jimenez, Khamis and Peralez dated February 3, 2017, recommending the City Manager prioritize the following areas to: (A) Develop a simpler policy covering mobile devices to replace the current 17 policies cited in the City Auditor's report and implement appropriate cybersecurity protocols by year end, and (2) Develop a new digital tool to centralize and manage orders for mobile devices across the City to streamline approvals, better manage inventory, reduce cycle time to receive devices, secure best pricing, and manage data and voice carriers more efficiently by year end. This workflow aligns with the Business Process Automation goal in the Innovation Roadmap work plan approved by Council on January 27, 2017 and reporting into the newly formed Smart Cities & Service Improvement Committee. (10-1. Absent: Jimenez.)

- 3.4 (a) **Adopt a resolution to approve the terms of a Collective Bargaining Agreement between the City and the San José Police Officers' Association (POA), and authorize the City Manager to execute an Agreement with those terms effective January 1, 2017 through June 30, 2020.**
- (b) **Adopt the following 2016-2017 Appropriation Ordinance amendments in the General Fund:**
- (1) **Increase the Police Department Personal Services appropriation in the amount of \$4,640,000;**
 - (2) **Increase the City Attorney's Office Personal Services appropriation in the amount of \$10,000;**
 - (3) **Decrease the Police Department Staffing/Operations Reserve appropriation in the amount of \$1,550,000;**

3.4 (Cont'd.)

- (b) (4) **Decrease the Police Recruitment, Hiring and Retention City-Wide appropriation in the amount of \$1,500,000; and**
- (5) **Decrease the 2017-2018 Future Deficit Reserve in the amount of \$1,600,000.**

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

Documents Filed: (1) Joint memorandum from Vice Mayor Magdalena Carrasco and Councilmember Raul Perez, dated February 3, 2017, approving recommendations as outlined in the staff report. (2) Replacement/joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmember Raul Perez, dated February 7, 2017, updating numbers from the previous memorandum dated February 3, 2017. (3) Joint memorandum from Director of Employee Relations, Jennifer Schembri and Senior Deputy City Manager/Budget Director Jennifer Maguire, dated January 25, 2017, recommending approval of a collective bargaining agreement and adoption of an appropriation ordinance and amendments in the General Fund. (4) Email correspondence from Ramesh, dated February 5, 2017, and from Rich Crowley, Citizens for Fiscal Responsibility, dated February 6, 2017 expressing opposition to the proposed agreement.

City Manager Norberto Dueñas provided background information, and Director of Employee Relations, Jennifer Schembri offered a presentation.

Public Comments: Paul Kelly, representing the San José Police Officer's Association, offered support to the agreement. Lannie Clay reflected on inefficiencies in the police department regarding 911 calls. Blair Beekman offered accolades for everyone working together, but expressed concerns regarding the new administration.

Motion: Councilmember Raul Perez moved approval of the replacement memorandum he cosigned with Mayor Sam Liccardo and Vice Mayor Magdalena Carrasco dated February 7, 2017. Vice Mayor Magdalena Carrasco seconded the motion.

Councilmember Johnny Khamis expressed his disagreement with the recommendations as presented, offering his opinion that it is fiscally irresponsible.

Director of Employee Relations, Jennifer Schembri responded to comments and questions regarding the General Fund Forecast.

Councilmember Tam Nguyen requested an amendment to the motion, asking staff to include specific references from the Auditor's Report regarding recruitment efforts in the next report to the Public Safety, Finance, Strategic Support Committee (PSFSS) and cross-reference this item to Council. Councilmember Raul Perez and Vice Mayor Magdalena Carrasco accepted the amendment to the motion.

3.4 (Cont'd.)

Action: On a call for the question, the motion carried, and Resolution No. 78080, entitled: “A Resolution of the Council of the City of San José Approving the Terms of an Agreement between the City of San José and the San José Police Officers’ Association with a Term of January 1 2017 through June 30, 2010”; and Ordinance No. 29878, entitled “An Ordinance of the City of San José Amending Ordinance No. 29762 to Appropriate Moneys in the General Fund for the Police Department and City Attorney’s Office Personal Services Appropriations; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted, including the memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmember Raul Peralez, dated February 7, 2017, and with staff to include specific references from the Auditor’s Report regarding recruitment efforts in the next report to the Public Safety, Finance, Strategic Support Committee (PSFSS) and cross-referenced to Council.
(8-2-1. Noes: Davis, Khamis. Absent: Jimenez.)

- 3.5 (a) **Approve removal of eight completed priorities from the Council Priority list.**
(b) **Approve new items for the Council Priority list.**
(c) **Rank items on Council Priority list.**
CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Manager)

Action: Deferred to February 28, 2017 per Administration.

- 3.6 **As recommended by the Rules and Open Government Committee on January 25, 2017, add discussion, and possible action, on increasing civic engagement through the “ecomment” feature of Granicus on agenda items prior to the broadcast of a meeting, and the use of live streaming to multiple platforms, to potentially allow online written public comment during and after the Council meeting. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy Change that involves no changes in the physical environment. (City Clerk)**

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, dated January 26, 2017, transmitting the recommendations of the Rules and Open Government Committee. (2) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated February 3, 2017, presenting recommendations for a trial period of increasing Civic Engagement.

City Clerk Toni J. Taber, CMC offered a brief presentation and responded to questions from the Council.

Public Comments: Blair Beekman and Lannie Clay offered comments regarding technology.

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Johnny Khamis and carried unanimously, authorization was given for the City Clerk, City Manager’s Office and City staff to move forward with all components (eComment, SpeakUp, Livestreaming) of the Civic Engagement through Technology pilot program for the Smart Cities and Services Improvements Council Committee and report back to City Council after four months with results and findings. (10-1. Absent: Jimenez.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) **Report on bids and award of contract for the 7664 – Civic Auditorium Air Conditioning Project to the lowest responsive bidder, Mesa Energy Systems, Inc. for the base bid in the amount of \$4,095,165 and approval of a 15 percent contingency in the amount of \$614,275.**
- (b) **Adopt a resolution authorizing the Director of Public Works to issue any and all change orders up to the amount of the contingency.**
- (c) **Adopt the following 2016-2017 Appropriation Ordinance amendments in the Convention and Cultural Affairs Fund:**
- (1) **Increase the San José Civic Auditorium HVAC Rehabilitation appropriation to the Public Works Department by \$959,000; and**
- (2) **Decrease the Ending Fund Balance by \$959,000.**

CEQA: Exempt, File No. PP16-116, CEQA Guidelines Section 15302(c), Replacement or Reconstruction and Section 15331, Historical Resource Restoration/Rehabilitation. Council District 3. (Public Works/City Manager)

Documents Filed: (1) Joint memorandum from Director of Public Works Barry Ng and Senior Deputy City Manager Jennifer Maguire, dated January 12, 2017, recommending acceptance of a report and adoption of an ordinance and resolution. (2) Supplemental memorandum from Director of Public Works Barry Ng and Senior Deputy City Manager Jennifer Maguire, dated January 31, 2017, providing additional information following opening of the bids.

Staff responded to questions from Council.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Johnny Khamis and carried unanimously, the Report on bids and award of contract for the 7664 – Civic Auditorium Air Conditioning Project to the lowest responsive bidder, Mesa Energy Systems, Inc. for the base bid in the amount of \$4,095,165 and approval of a 15 percent contingency in the amount of \$614,275, was approved, and Resolution No. 78081, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Negotiate and Execute any Single and/or Multiple Change Orders for the 7664 – Civic Auditorium Air Conditioning Project in Excess of \$100,000 up to the Amount of the Contingency of \$614,275”, and Ordinance No. 29872, entitled “An Ordinance of the City of San José Amending Ordinance No. 29762 To Appropriate Moneys In The Convention And Cultural Affairs Fund For The San Jose Civic Auditorium HVAC Rehabilitation; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted.

- 4.2 **As recommended by the Rules and Open Government Committee on February 1, 2017, pass a resolution endorsing the designation of the County of Santa Clara as a National Heritage Area.**

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

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated February 3, 2017, transmitting the recommendations of the Rules and Open Government Committee.

4.2 (Cont'd.)

Public Comments: Rod Diridon, Sr., Santa Clara County National Heritage Area Task Force Chair, offered his endorsement of the project.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, Resolution No. 78082, entitled: “A Resolution of the Council of the City of San José Endorsing the Designation of the County of Santa Clara as a National Heritage Area”, was adopted. (10-1. Absent: Jimenez.)

NEIGHBORHOOD SERVICES

5.1 **Accept the status report on the *Greenprint* workplan and community engagement plan. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involves no approvals of any City Actions. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Joint memorandum from Mayor Sam Liccardo, Councilmember Sergio Jimenez, Councilmember Raul Peralez Councilmember Donald Rocha and Councilmember Johnny Khamis, dated February 3, 2017, accepting the status report and offering recommendations. (2) Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated January 9, 2017, recommending acceptance of the report.

Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Deputy Director, Parks, Recreation and Neighborhood Services, Marybeth Harasz, offered a presentation.

Public Comments: Urging approval of the Greenprint workplan and protection of wildlife habitat and investment in parks were Warren Gannon, Senior Citizens’ Commission; Mackenzie Mossing, Shani Kleinhaus and Blair Beekman.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Donald Rocha and carried unanimously, the status report on the *Greenprint* workplan and community engagement plan were accepted. (10-1. Absent: Jimenez.)

5.2 **Adopt a resolution authorizing Parks, Recreation and Neighborhood Services to extend the free parking program at two of the three parking lots located within Alum Rock Park through June 30, 2017. CEQA: Not a Project, File No. PP10-67(a), Non-Project Specific Funding Mechanism. Council District 5. (Parks, Recreation and Neighborhood Services)**

Documents Filed: (1) Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated January 17, 2017, recommending adoption of a resolution. (2) Letter from the President, County of Santa Clara Board of Supervisors, Dave Cortese, dated February 1, 2017, urging the Council to make the pilot program permanent.

5.2 (Cont'd.)

Public Comments: Offering support to extension of the pilot program and expressing neighborhood concerns, were: Kathleen Rose, Sharon Root, Erik Sanjerno, Pat Toby, Mary Lou Hughes, Janet Houde, Monica O'Leary, Jack Huston and Blair Beekman.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Lan Diep and carried unanimously, Resolution No 78083, entitled: "A Resolution of the Council of the City of San José Authorizing the Department of Parks, Recreation and Neighborhood Services to Extend the Free Parking Program at Two of the Three Parking Lots Located Within Alum Rock Park Through June 30, 2017", was adopted. (9-0-2. Absent: Jimenez, Rocha.)

TRANSPORTATION & AVIATION SERVICES

- 6.1 Approve an Agreement with Fugro Roadware, Inc., for engineering consultant services to perform pavement condition and curb ramp assessments on the City's street network. The Agreement is for a one-year contract not to exceed \$1,250,000 with the option for five one-year extensions, for a total compensation amount not to exceed \$2,250,000 over six years. CEQA: Not a Project, File No. PP10-066(d), Consultant services will have no effect on the environment. (Transportation)**

Action: Deferred to February 14, 2017 per Council action.

ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Report on bids and award of contract for the 8359 – Sanitary Sewer Repairs 2016-17 Package III project to the low bidder, Nor-Cal Pipeline Services, in the amount of \$1,567,584 and approve a ten percent contingency in the amount of \$156,758. CEQA: Exempt, File No. PP17-017, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 1, 3, 6 and 9. (Public Works)**

Action: Deferred to February 14, 2017 per Council action.

- 7.2 Recommendation: Report on bids and award of contract for the 8303 – Cast Iron Replacement FY 16-17 Package I Project to the low bidder, Casey Construction, in the amount of \$1,681,976 and approval of a ten percent contingency in the amount of \$168,198. CEQA: Exempt, File No. PP17-018, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 2, 5, and 7. (Public Works)**

Action: Deferred to February 14, 2017 per Council action.

PUBLIC SAFETY SERVICES

8.1 Adopt a resolution authorizing the City Manager to:

- (a) Execute an Agreement between the City of San José and the South Bay Regional Public Safety Training Consortium for the provision of registration, instruction and clerical support services for academy training for the San José Police Department, for \$500,000 for the period of June 1, 2016, through May 31, 2017; and**
- (b) Execute four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$2,500,000, subject to the appropriations of funds.**

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

Action: Deferred to February 14, 2017 per Council action.

ADJOURNMENT

Mayor Sam Liccardo adjourned the Council Meeting session at 5:32 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

DRAFT

Toni J. Taber, CMC
City Clerk

rmk/02-07-17 MIN