



OFFICE OF COUNCILMEMBER JOHNNY KHAMIS  
SAN JOSE, DISTRICT 10

## District 10 August Newsletter

Dear Neighbor,

With August upon us, and the City Council is back in full swing. The biggest issue on the Council agenda is a proposed settlement with the City's police and fire unions over Measure B. On the VTA Board of Directors agenda THIS WEEK is an issue of importance to the entire Silicon Valley - the proposed Highway 85 Express Lanes Project! Please continue reading for more information about these issues, and how you can get involved and let your voice be heard!

### **HIGHWAY 85 EXPRESS LANES – CALL TO ACTION**

The Highway 85 Express Lanes Project continues to be under threat, now more than ever. This plan addresses the hours wasted stuck in the parking lot that Highway 85 becomes, with affordable, achievable traffic congestion relief!

For those who are unfamiliar with the project, The Silicon Valley High Occupancy Toll (HOT) Lanes Program (referred to as the Express Lanes Program) has been under development since 2003. The Highway 85 (aka SR 85) Express Lanes project is within the central corridor of the larger Silicon Valley Express Lanes Program being implemented by the Santa Clara Valley Transportation Authority (VTA). This self-funding project will convert approximately 27 miles of existing High Occupancy Vehicle (HOV or carpool) lanes to express lanes. The project will also add a second HOV express lane between SR 87 and I-280.

Some of those opposed to the self-funding project have stated that adding lanes on SR 85 will create "induced demand," citing studies that show more lanes lead to increased traffic. While these studies may have some validity on routes not yet at capacity, the fact is that SR 85 is already over capacity and demand will grow over the next several years. We cannot ignore the 2,200 homes being built on Communication Hill, the 3,700 units slated for Cottle and 85, nor the Urban Villages being planned for Snell, and for Union Ave at SR 85. We also cannot ignore the nearly 12,000 commuters that will be heading to work at the new Apple

“Spaceship” campus. Turning a blind eye to the thousands of new homes and jobs coming to the SR 85 corridor is short-sided and irresponsible. By addressing this problem now, with the viable solution of the Express Lanes Project, we can avoid the unthinkable traffic delays that are in our near future.

Another argument against the Highway 85 Express Lanes Project is that it deters any future plans for light rail or mass transit expansion. This is not an either/or situation. This project would not prevent the possibility for light rail to run along SR 85 in the future. For perspective, there are currently two light rail lines - one leading to Los Gatos and another going to Eastridge Mall - that have been approved, have completed the environmental process, and are completely shovel-ready. These projects remain undone because the funding simply isn't there. Light rail is an extremely expensive undertaking...costing not millions of dollars, but billions of dollars to construct, with ongoing commitments of millions of dollars in operating subsidies. With limited funding and a limited time horizon for new housing and commuter traffic to come on line, the expansion of light rail is not currently viable and will not address immediate needs. The Express Lanes Project has the advantage of relatively quick implementation and the project is self-funding, at relatively no cost to the tax-payer.

In addition, mass transit is not limited to light rail lines. Some forget to acknowledge the fact that with the expansion of SR 85, dispatching new bus routes along the corridor could be implemented quickly and inexpensively. In fact, studies have shown that busses are typically more effective and efficient in moving people from one place to another, because they do not have the same distancing restrictions between busses as rail cars do, and they are not on a fixed line, and can easily adjust to the needs of the public.

This coming Thursday, August 6th, at 5:30 PM, the VTA Board of Directors will be voting to award the design contract of Phases 3 and 4 of the Expressways project, which includes the toll infrastructure as well as improvements to the SR 85/101 and SR 85/280 interchanges. The approval of this contract is essential to the efficiency and overall future of this project! Please, if you are tired of wasting hours of your precious time stuck in unnecessary gridlock, please join us at the Board of Directors meeting to let your voice be heard. If you cannot attend the meeting, please consider writing to the VTA Board Secretary at [board.secretary@vta.org](mailto:board.secretary@vta.org), and all correspondence will be passed along to the Board of Directors.

### **POSSIBLE RESOLUTION TO CITY-PUBLIC SAFETY STALEMATE**

I am very happy to report that the battle between the City, its public employee unions, and its retirees over the voter-approved pension reforms of Measure B may soon be at an end. Two of the lead plaintiffs in the case against the voter-approved measure, the SJPOA (police union) and the IAFF (fire union), [have reached a tentative agreement with the City over changes to Measure B](#). The agreement must still be ratified by both unions and by the City Council, and then City negotiators work to obtain similar agreements from the other plaintiffs. [The vote on the Police & Fire settlement will take place on Tuesday, August 11th](#).

Although the agreement that was reached was far from perfect, I was willing to support it in order to put the animosity between the City and its public safety unions behind us. This agreement provides the City with an opportunity to turn the page

on a contentious measure approved before I took office and which has been cited as a factor in the decision of police officers to leave San Jose for other agencies. When the agreement is concluded, together we can move on to a new chapter of constructive engagement between the unions that represent our public safety employees and the City of San José.

My support of the agreement is contingent upon the voters having the opportunity to approve the changes to Measure B that are proposed. Since the voters were the ones who supported the provisions in Measure B, any changes to those provisions should go back to the voters. The SJPOA and IAFF would prefer that the City pursue what is called a “quo warranto” process. This is a process by which the City drops its defense of Measure B and a court then invalidates Measure B as a whole. I do not find this process to be respectful of the will of the voters, and will not support any shortcut that would circumvent the voters.

Here are some of the key changes that the agreement would make to Measure B for public safety employees:

- Eliminates the requirement that employees who joined the pension plan before the provisions of Measure B took effect contribute to the cost of unfunded pension liabilities or choose a lower-cost plan.

For Tier 2 employees who joined the City after Measure B took effect:

- Eligibility age for full, unreduced service retirement reduced from 60 to 57. Eligible age for reduced retirement remains at 50, with a 7% reduction per year for early retirement. Therefore anyone who has accumulated an 80% pension but wants to retire at age 52 would be eligible to receive a 45% pension;
- Benefit accrual rate increased from 2% per year of service to a tiered accrual rate of 2.4% for years 1-20, 3.0% for years 21-25, and 3.4% for years 26 and over.
- Cap on pension benefit raised from 65% to 80% of final compensation.
- Final compensation measure would be unchanged from Measure B provision of final three-year-average salary.
- Reduction in vesting period from 10 years to 5 years.
- Contribution of .33% of pay per year from Tier 2 employees if unfunded liabilities are created. Additional .33% added each year to employee cost until such time that employee and City share cost of unfunded liabilities 50/50. Until that time, City would pay the City’s share, as well as the employee’s share, less the .33% employee contribution increments that have been implemented.
- Maximum annual Cost-of-Living increase in benefit (COLA) increased from 1.5% to 2.0%.
- Pro-rating of COLA benefit based upon retirement date would remain unchanged.

Other changes:

- Prohibition on retroactive pension increases or decreases.

- Neither the City nor employees allowed to take a “holiday” from pension contributions.
- Rehired employees will enter the pension tier they belonged to when they left City employment, but will pay 50% of any unfunded liability that has occurred since being rehired.
- Eliminates the defined benefit retiree healthcare program for new employees and existing Tier 2 employees.
- Implements the Kaiser \$3,000 HSA-qualified deductible HMO plan as the City's new low-cost health plan.
- Requires Medicare Parts A & B enrollment if required by federal regulations or insurers.
- Eliminates the new, more restrictive definition of disability from Measure B but shortens the disability retirement application period to within one month of separation from City service. Maintains the provision that the disability determination will be made by a panel of qualified, independent medical experts.
- Makes permanent the elimination of the Supplemental Employee Benefit Reserve (also known as pension “bonus” checks, the “13th Check” program, or “SRBR”).
- Implements a guaranteed purchasing power provision for Tier 1 retirees that maintains the Tier 1 pension benefit at a minimum of 75% of the purchasing power that the retiree’s benefit had at the time they retired, based upon the Bay Area Consumer Price Index (CPI). Put more simply, if the rate of inflation outpaces the yearly COLA adjustment, eventually the earnings power of a pension will erode. To counteract this erosion, a bonus payment would be made from the pension fund to help those whose earnings power had eroded to 75% or less than their pension provided at the time of retirement.
- Payment of \$1.5 million in union attorney’s fees by the City, plus agreement to negotiate payment of additional expenses pertaining to litigation.

A major downside to the agreement is that the City still must figure out a way to pay off the huge unfunded liabilities that will still exist in the Tier 1 Police & Fire Pension Plan – [estimated at \\$789 million in the most recent actuarial analysis](#).

As you can see, several substantive changes are proposed to Measure B. I believe that these changes need to go back to you, the voters, for approval. If you agree, or would like to share other thoughts on this proposal, please email me at [district10@sanjoseca.gov](mailto:district10@sanjoseca.gov). The City Council will consider the settlement agreement at next week’s City Council meeting on August 11th at 1:30 PM. Anyone who is interested may attend the Council meeting to speak out. If you plan to attend, you may park in the garage beneath City Hall (enter from 6th Street) and then take the orange elevators to the 2nd Floor – Council Chambers. At the back of the Chambers you will find yellow speaker cards to fill out. Place your yellow card in the clear, Lucite box near the front of the seating area. There is also parking validation available at the rear of the Council Chambers.

## **COMMUNITY OFFICE HOURS**

We have made a slight change to our twice-a-month community office hours. I wanted to make sure I was accessible to you as possible, so rather than meeting in the evenings of the third Wednesday of every month, we will be meeting the second Saturday of the month from 10:00 AM to 11:30 AM. The location will remain the same, and our morning sessions will move forward unchanged. You can see the list of dates and times below. If you have any questions, call my office at 408-535-4910 or email us at [district10@sanjoseca.gov](mailto:district10@sanjoseca.gov).

### ***First Wednesday of Every Month from 8:30 AM to 9:30 AM***

Almaden Community Center  
6445 Camden Ave  
San Jose, CA 95120

August 5  
September 2  
October 7  
November 4  
December 2

### ***Second Saturday of Every Month from 10:00 AM to 11:30 AM***

City Espresso  
630 Blossom Hill Road  
San Jose, CA 95123

August 8  
September 12  
October 10  
November 14  
December 12

## **COMANCHE PARK RIBBON CUTTING CEREMONY**

This coming Saturday, August 8th, at 12:00 PM, please join me, my staff, and representatives from the Parks Department for a Ribbon Cutting Ceremony at Comanche Park! Comanche Park is located on the backside of Leonard Herman Junior High at the corner of Shawnee and Comanche Drive. Comanche received much needed updates and improvements, including new picnic areas and a brand new, vibrant, and fun play structure! Come and help us celebrate this revitalized park! If you have any questions, please contact Michele Dexter at [Michele.dexter@sanjoseca.gov](mailto:Michele.dexter@sanjoseca.gov) or call 408-535-4910. We hope to see you there!

If you have any questions or comments regarding what you've read in this newsletter, please feel free to contact me at 508-535-4910 or email my office at [district10@sanjoseca.gov](mailto:district10@sanjoseca.gov). You can also check out my Facebook page or follow me on Twitter. Continue reading for more important announcements and upcoming events throughout District 10 and the City of San Jose.

Sincerely,

Johnny

## KQED Open Newsroom Silicon Valley

Our Open Newsroom forum invites community leaders, newsmakers, local business owners and residents to join an open dialogue with KQED News reporters. What can KQED learn from your community? Pitch stories, meet journalists, build a relationship with your local public media station and network with other leaders from your community. The story themes we would like you to pitch include immigration reform, tech surveillance, security, development and transportation.

Register at: [sjopen.eventbrite.com](http://sjopen.eventbrite.com)

Tuesday, August 11, 2015 5:30-8pm  
City Lights Theater Company of San Jose  
529 South Second Street  
San Jose, CA 95112

Please come prepared to give a 90-second overview of your key issue, possible solutions, and names of movers and shakers that are making change in your city.

## Mt. Umunhum Conservancy Seeking Marketing Ideas

Are you a social media / online presence / marketing expert? Would you like to help save the Tower atop Mt. Umunhum?

The Umunhum Conservancy is looking for suggestions on how we should enhance our efforts to "spread the word" about our cause. We would like to host a meeting to solicit feedback on our outreach to date and to brainstorm ideas for what we should do next.

Would you be willing to come to such a meeting? Share your ideas? Do you have experience in relevant fields, including:

- Social Media Management
- Online Community Management
- Traditional Media Marketing (Print / TV / Radio)
- Graphic design
- Marketing
- Major Donor Fundraising
- Website Development / SysAdmin
- Video creation

If so, we would love to hear from you! We'd like to know your areas of interest, and which of several dates might work for you for a meeting. Please take a minute and fill out this form: [https://docs.google.com/forms/d/1D1ZBPV1oahqXRm-GdlpEacyYbQOakiqGuFBx\\_gDZJIY/viewform?usp=send\\_form](https://docs.google.com/forms/d/1D1ZBPV1oahqXRm-GdlpEacyYbQOakiqGuFBx_gDZJIY/viewform?usp=send_form)

Based on your input we will set up one or more meetings to bring you up to speed

on our current status and to brainstorm your ideas for our future outreach efforts.

## **SAN JOSE ENVIRONMENTAL INTERNSHIPS AVAILABLE NOW!**

Our City Forest (OCF) Silicon Valley's environmental non-profit leader, is recruiting now for full-time interns for a large-scale water conservation initiative involving lawn conversions and community tree plantings.

Internships provide full-time community service opportunities and provide excellent skills training. Partnering with the national AmeriCorps Program, full-time interns receive a \$16,000 living stipend and \$5,730 Segal AmeriCorps Education Award.

Applications are being accepted now, and interviews are underway for positions beginning September 15, 2015

TO APPLY:

Apply online at [ourcityforest.org/careers](http://ourcityforest.org/careers)

Questions? Call (408) 998-7337 x 100 or email Leslie O'Malley at [lomalley@ourcityforest.org](mailto:lomalley@ourcityforest.org)

## **Downtown Parking Representative – Boards & Commissions Vacancy**

About the Commission: The Downtown Parking Board serves as a public forum for the discussion of downtown parking issues. The board's mission statement is to "create and maintain a downtown public parking system that provides available and accessible parking." The board reviews, evaluates, and makes recommendations to the City Council regarding the City's downtown parking programs, the health and financial stability of the parking fund, and the use of parking revenues. The board also reviews and makes recommendations on downtown parking needs; including the expansion, addition or improvement of parking facilities, programs and parking operations.

Board members spend approximately five hours per quarter preparing for and attending meetings. The board meets on the first Wednesday of August, October, February and May, at 10:00 a.m., unless otherwise posted.

For more information regarding the Downtown Parking Board, please contact the Commission staff at (408) 975-3246.

Applicant Qualifications: The Downtown Parking Board consists of seven (7) members. The current vacancy is for an owner or representative of an owner of a private off-street parking facility located downtown.

Applications may be obtained from the Office of the City Clerk, City Hall, 200 East Santa Clara Street, San Jose, CA 95113, or you may apply online at: <http://sanjoseca.gov/index.aspx?NID=330>. Applications are due no later than

Thursday, August 6, 2015 at 5:00 p.m.

For questions regarding the application process, please call the Office of the City Clerk at (408) 535-1260 or e-mail at [commissions@sanjoseca.gov](mailto:commissions@sanjoseca.gov).

Appointment Process: Members shall be appointed to the board upon the Mayor's recommendation. Names of those individuals chosen recommended will be submitted to the City Council for formal appointment on Tuesday, August 11, 2015.

Office of Councilmember Johnny Khamis  
San Jose City Hall  
200 E Santa Clara Street - 18th Floor  
San Jose, CA 95113