



## MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, JUNE 7, 2016

The Council of the City of San José convened in Regular Session at 9:40 a.m. in the Council Chambers at City Hall.

Present: Councilmembers - Carrasco, Jones, Herrera, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, 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 p.m. to a Closed Session in Room W133; (A) 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; (B) 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; (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation; (1) Alemayehu v. City of San José, et al.; Names Of Partie(s) Involved: The City of San José, and the City of San José Police Department, a municipal corporation; Officer Jorge Garibay #4218; a sworn San José Police Officer and as an individual; Sgt. D. Tran, Badge #3269, a San José Police Officer and as an individual; and Does 1 through 40; Court: United States District Court, Northern District of California, San José Division; Case No.: C14-1738 EJD; Amount of Money or Other Relief Sought: Damages according to proof; (2) Mosqueda v. City of San José. Et al.; Names Of Partie(s) Involved: Eileen Mosqueda, City of San José; Santa Teresa Village, LLC; Swenson

## CLOSED SESSION (Cont'd.)

Development II, LLC; Court: Superior Court of California, County of Santa Clara; Case No: 16-CV-293001; Amount of Money or Other Relief Sought: Damages according to proof; (3) IAFF Local 230 v. City of San José; Names of Partie(s) Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employees Relations Board; Case No.: SF-CE-969-M; Amount of Money or Other Relief Sought: Damages According to Proof; (4) IFPTE Local 21 v. City of San José; Names of 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; (5) American Federation of State, County & Municipal Employees, et al. v. City; Names of Partie(s) Involved: 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; (6) 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; (7) 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; (8) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of 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. (9) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: 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. (12) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City

## CLOSED SESSION (Cont'd.)

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; (13) 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; (14) 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 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, Supersedeas, or Other Appropriate Relief; (15) 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

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

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

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

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

Absent: Councilmembers - All Present.

## **INVOCATION**

Father Sergio Ovando of St. Martin of Tours Parish provided the Invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Sam Liccardo led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

Upon motion by Councilmember Rose Herrera, seconded by Councilmember Tam Nguyen and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 4.2 deferred to August 2016, and with the addition of Ceremonial Item 1.1. (11-0.)

## **CEREMONIAL ITEMS**

### **1.1 Presentation of a commendation to the Tzu Chi Foundation (Kalra/M. Nguyen)**

Mayor Sam Liccardo and Councilmembers Ash Kalra and Manh Nguyen recognized the Tzu Chi Foundation for five decades of outstanding service to the community, from charity and medicine to education, and to commend their unwavering environmental stewardship.

## CONSENT CALENDAR

Upon motion by Councilmember Rose Herrera, seconded by Councilmember 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:

None provided

### 2.2 Final Adoption of Ordinances.

- (a) **ORD. NO. 29732** – An ordinance of the City of San José rezoning certain real property of approximately 0.11 acre situated on the northeasterly corner of West Julian Street and North Montgomery Street (549 West Julian Street) from the HI Heavy Industrial Zoning District to the TEC Transit Employment Center Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final EIR, (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617), File No. C15-045. (Planning, Building and Code Enforcement)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29732 executed on May 20, 2016, submitted by the City Clerk.

Action: Ordinance No. 29732 was adopted. (11-0.)

- (b) **ORD. NO. 29733** – An ordinance of the City of San José rezoning certain real property of approximately 0.47 acre located on the northwest corner of North 1<sup>st</sup> Street and Interstate 880 (1231 & 1233 North 1<sup>st</sup> Street), from the CO Commercial Office and R-2 Two Family Residence Zoning Districts to the COP Commercial Pedestrian Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution 76041), File No. C16-004. (Planning, Building and Code Enforcement)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29733 executed on May 20, 2016, submitted by the City Clerk.

Action: Ordinance No. 29733 was adopted. (11-0.)

- (c) **ORD. NO. 29734** – An ordinance of the City of San José rezoning certain real property of approximately 0.2 acre, situated approximately 130 feet west of the intersection of Julian Street and Stockton Avenue on the south side of West Julian Street (706 West Julian Street), from the LI Light Industrial Zoning District to the CG Commercial General Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 general Plan (Resolution No. 76041), File No. C16-008. (Planning, Building and Code Enforcement)

2.2 (c) **Final Adoption of Ordinances (Cont'd.)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29734 executed on May 27, 2016, submitted by the City Clerk.

Action: Ordinance No. 29734 was adopted. (11-0.)

- (d) **ORD. NO. 29735 – An ordinance of the City of San José rezoning certain real property of approximately 2.41 acres, situated on the south side of Umbarger Road, approximately 400 feet east of Aiello Drive (210 Umbarger Road), from the IP Industrial Park Zoning District to the LI Light Industrial Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617), File No. C16-009. (Planning, Building and Code Enforcement)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29735 executed on May 20, 2016, submitted by the City Clerk.

Action: Ordinance No. 29735 was adopted. (11-0.)

- (e) **ORD. NO. 29736 – An ordinance of the City of San José rezoning certain real property of approximately 0.28 acre, located on the southwest side of Camden Avenue, approximately 350 feet northwest of Bascom Avenue (2272 Camden Avenue), from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No 76041), File No. C15-066. (Planning, Building and Code Enforcement)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29736 executed on May 20, 2016, submitted by the City Clerk.

Action: Ordinance No. 29736 was adopted. (11-0.)

- (f) **ORD. NO. 29737 – An ordinance of the City of San José rezoning certain real property of approximately 0.49 gross acre, situated on the northwesterly corner of Los Gatos-Almaden Road and Warwick Road (14861 Los Gatos-Almaden Road), from the R-1-2 Single-Family Residence Zoning District to the R-1-5 Single-Family Residence Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617), File No. C16-010. (Planning, Building and Code Enforcement)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29737 executed on May 20, 2016, submitted by the City Clerk.

Action: Ordinance No. 29737 was adopted. (11-0.)

## 2.2 Final Adoption of Ordinances. (Cont'd.)

- (g) **ORD. NO. 29739** – An ordinance of the City of San José rezoning certain real property of approximately 0.99 gross acre situated on the west side of Almaden road, approximately 410 feet south of Willow Glen Way (1777-1797 Almaden Road) from the R-M Multiple Residence and R-1-5 Single-Family Residence Zoning Districts to the R-M(PD) Planned Development Zoning District. CEQA: Scotia Apartments, 1777 & 1797 Almaden Road Mitigated Negative Declaration, File Nos. PDC15-23 & PD16-001.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29739 executed on May 20, 2016, submitted by the City Clerk.

Action: Ordinance No. 29739 was adopted. (11-0.)

- (h) **ORD. NO. 29740** – An ordinance of the City of San José amending Title 17 of the San José Municipal Code by adding Chapter 17.88 to specify requirements for electric vehicle charging stations and to provide and expedited, streamlined permitting process for electric vehicle charging stations.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29740 executed on May 20, 2016, submitted by the City Clerk.

Action: Ordinance No. 29740 was adopted. (11-0.)

- (i) **ORD. NO. 29741** – An ordinance of the City of San José amending section 6.02.130 of Chapter 6.02 of Title 6 of the San José Municipal Code to specifically authorize the denial, suspension or revocation of a permit or license based upon violation of wage and hour laws. CEQA: Not a Project, File No. PP10-068(c), Code or Policy change that involve no changes in the physical environment. (Public Works)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29741 executed on May 27, 2016, submitted by the City Clerk.

Action: Ordinance No. 29741 was adopted. (11-0.)

## 2.3 Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of May 11, 2016. (Mayor)  
(b) Rules and Open Government Committee Minutes of May 18, 2016. (Mayor)  
(c) Public Safety, Finance, and Strategic Support Committee Minutes of May 19, 2016. (Oliverio)

Documents Filed: (1) Rules and Open Government Committee Minutes dated May 11 and May 18, 2016. (2) Public Safety, Finance, and Strategic Support Committee Minutes of May 19, 2016.

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

**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 provided.

**2.7 (a) Consider the Addendum to the Plant Master Plan Final EIR.**

**(b) Approve an ordinance designating approximately 27,000 square feet along the west side of Zanker Road, located over a portion of the San José/Santa Clara Regional Wastewater Facility, as public right-of-way and accept the newly-dedicated right-of-way into the City's street system as part of Zanker Road to allow for construction-related traffic 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: (1) City Council Action Request from Director of Public Works Barry Ng and Assistant Director of Environmental Services Ashwini Kantak, dated June 7, 2016, requesting approval of an ordinance. (2) Letter from Sam Liccardo, Treatment Plant Advisory Committee Chair, dated May 20, 2016, stating concurrence with the Staff recommendations.

Action: An Addendum to the Plant Master Plan Final EIR was approved, and Ordinance No. 29743, entitled "An Ordinance 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", was passed for publication. (11-0.)

**2.8 Authorize City Attorney Richard Doyle's travel to Atlanta Georgia in June 10-11, 2016 to attend the International Municipal Lawyers Association (IMLA) Top 50 Meeting. Source of Funds: City Attorney's Office Non Personal Services Appropriation. CEQA: Not a Project, File No. P10-069(c), City Administrative Activities. (City Attorney)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated May 25, 2016, requesting authorization to travel.

Action: City Attorney Richard Doyle's travel to Atlanta Georgia in June 10-11, 2016 to attend the International Municipal Lawyers Association (IMLA) Top 50 Meeting, was authorized. (11-0.)

- 2.9 Approve a special grant award to San José Jazz in the amount of \$50,000 for the installation of “The Swings” at Plaza de Cesar Chavez. CEQA: Exempt, Section 15301 Existing Facilities, File No. PP16-006. Council District 3. (Economic Development)**

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Welsh, dated May 16, 2016, recommending approval of a special grant award.

Mayor Sam Liccardo pulled item 2.9 to thank everyone involved for this imaginative addition to Plaza de Cesar Chavez.

Public Comment: Blair Beekman brought attention to the installation’s close proximity to a light pole.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Magdalena Carrasco and carried unanimously, a special grant award to San José Jazz in the amount of \$50,000 for the installation of “The Swings” at Plaza de Cesar Chavez was approved. (11-0.)

- 2.10 Adopt an annual renewal resolution authorizing the City Manager or his designee to negotiate and execute the following agreements relating to the Workforce Innovation and Opportunity Act (WIOA) Program and projects:**

- (a) All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, and vendors providing services to the Workforce Innovation and Opportunity Act (WIOA) (formerly Workforce Investment Act) Program, including, but not limited to novations or assignments, case management contracts, and consultant contracts, for the period July 1, 2016 to June 30, 2017 in accordance with procurement procedures and requirements mandated by the State and Federal governments for WIOA grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Board, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (b) All memorandums of understanding with required and additional One-Stop partners for the period July 1, 2016 to June 30, 2019 in accordance with Section 121 of the WIOA, including, but not limited to memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost-sharing agreements, regional consultant agreements to share training and labor market research tools, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from work2future, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement.

2.10 (Cont'd.)

- (c) All amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (d) All grant applications, grants agreements, subgrant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year periods not to extend beyond June 30, 2020, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (e) All Eligible Training Provider List, Youth Career Technical Training, Youth Workshops, Adult Workshops and Adult Cohort agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2016 to June 30, 2018, subject to annual appropriation of funds by the work2future Board.
- (f) All agreements specified in section (a) above with an end term beyond the fiscal year in which the contract begins (beyond June 30, 2017), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement, but not beyond the end of the following fiscal year (not beyond June 30, 2018).
- (g) All agreements specified in section (a) above that do not involve a disbursement of funds (no-fund agreement) beyond the fiscal year in which the agreement begins (beyond June 30, 2017), but not beyond the end of the following fiscal year (not beyond June 30, 2018).

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

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, dated May 27, 2016, recommending adoption of a resolution.

Mayor Sam Liccardo pulled item 2.10 to thank Director of Strategic Partnerships, work2future, Jeff Ruster and this team and offered support to the teen jobs initiative.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Johnny Khamis and carried unanimously, Resolution No. 77760, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Certain Agreements Related to the Workforce Innovation and Opportunity Act (WIOA) Program and Projects During FY 2016-2017", was adopted. (11-0.)

- 2.11 Adopt a resolution authorizing the City Manager to execute an Amendment to the Agreement for Compressed Natural Gas Fueling Operations and Maintenance Services at the Airport to exercise up to two additional one-year options with Trillium USA Company LLC (Oklahoma City, OK) under the same terms and conditions through June 30, 2018, at a maximum compensation of \$438,109 per year, with price adjustments subject to approval by the City and capped at 5% per year, subject to the annual appropriation of funds. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Finance)**

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated June 7, 2016, recommending adoption of a resolution.

Action: Resolution No. 77761, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute an Amendment to the Agreement with Trillium USA Company LLC for Compressed Natural Gas Fueling Operations and Maintenance Services at the San José Mineta International Airport to Add Up to Two One-Year Options to Extend the Term Through June 30, 2018 Under the Same Terms and Conditions, at a Maximum Compensation of \$438,109 Per Year, with Price Adjustments Subject to Approval by City and Capped at 5% Per Year, Subject to the Annual Appropriation of Funds", was adopted. (11-0.)

- 2.12 Adopt a resolution authorizing the City Manager to:**
- (a) Execute a Purchase Order with Pipe and Plant Solutions, Inc. (Berkeley, CA) to provide all labor and material to clean three anaerobic digesters at the Regional Wastewater Facility for the term June 7, 2016 through June 6, 2017, in an amount not to exceed \$339,067;**
  - (b) Approve a contingency of \$50,000 in the event that unanticipated issues are identified during the performance of the work; and**
  - (c) Exercise up to three additional one-year options to extend the term of the cleaning services for nine additional digesters that are scheduled for cleaning on a rotational basis through June 6, 2020, subject to the appropriation of funds.**

**CEQA: Digester and Thickener Facilities Upgrade Project Mitigated Negative Declaration, File No. PP15-055. (Finance)**

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated June 7, 2016, recommending adoption of a resolution.

Action: Resolution No. 77762, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Execute a Purchase Order with Pipe and Plant Solutions, Inc. (Berkeley, CA) to Provide All Labor and Material to Clean Three Anaerobic Digesters at the Regional Wastewater Facility (RWF) for the Term June 7, 2016 Through June 6, 2017, in an Amount Not to Exceed \$339,067, (2) Approve a Contingency of \$50,000 in the Event that Unanticipated Issues are Identified During the Performance of the Work, and (3) Exercise Up To Three Additional One-Year Options to Extend the Term of the Cleaning Services for Nine Additional Digesters That Are Scheduled for Cleaning on a Rotational Basis Through June 6, 2020, Subject to the Appropriation of Funds", was adopted. (11-0.)

- 2.13 As recommended by the Rules and Open Government Committee on May 25, 2016, approve the appointment of John Reger as the representative nominated by the “trades employee organizations” consisting of Association of Building, Mechanical & Electrical Inspectors (ABMEI), International Union of Operating Engineers, Local 3 (OE#3) and International Brotherhood of Electrical Workers (IBEW) to the Deferred Compensation Advisory Committee to fill the vacancy created by the resignation of Pascal Roubineau for the remainder of the four-year term ending on March 1, 2017. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 26, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The appointment of John Reger as the representative nominated by the “trades employee organizations” consisting of Association of Building, Mechanical & Electrical Inspectors (ABMEI), International Union of Operating Engineers, Local 3 (OE#3) and International Brotherhood of Electrical Workers (IBEW) to the Deferred Compensation Advisory Committee to fill the vacancy created by the resignation of Pascal Roubineau for the remainder of the four-year term ending on March 1, 2017, was approved. (11-0.)

- 2.14 (a) Approve the Philippine Flag Raising scheduled on Friday, June 10, 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 events.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 26, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Philippine Flag Raising as a City Council sponsored Special Event with approval for the expenditure of funds and to accept donations from various individuals, businesses or community groups to support the events, was approved. (11-0.)

- 2.15 Adopt a resolution to authorize the City Manager to negotiate and execute a Third Amendment to the Agreement between Guadalupe River Park Conservancy and City of San José for support of the Guadalupe River Park and Gardens for a total contract not to exceed amount of \$273,044. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment.**

Documents Filed: City Council Action Request from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated June 7, 2016, recommending adoption of a resolution.

Action: Resolution No. 77763, 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 Agreement with Guadalupe River Park Conservancy for Support of the Guadalupe River Park and Gardens for a Total Contract Not To Exceed \$273,044”, was adopted. (11-0.)

**2.16 Accept the public outreach process outlined in the memorandum to Council for obtaining community input regarding current and alternative uses of park land occupied by Los Lagos Golf Course. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. Council District 7. (Parks, Recreation and Neighborhood Services)**

Documents Filed: (1) Memorandum from Councilmember Johnny Khamis, dated June 7, 2016, recommending acceptance of staffs' recommendations with amendments. (2) Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated May 16, 2016, recommending acceptance of the public outreach process.

Motion: Councilmember Johnny Khamis moved approval of his memorandum dated June 7, 2016. The motion was seconded by Councilmember Tam Nguyen.

Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. responded to questions from Council, and Mayor Sam Liccardo responded to the Director's concerns that the outreach strategy language be changed to "up to 4 meetings" to contain costs.

Councilmember Johnny Khamis requested to amend the motion to include a change to the memorandum as indicated in "Action" below. Councilmember Tam Nguyen agreed to the amendment to the motion.

Vice Mayor Rose Herrera offered that this item should be deferred until other sites such as Hayes and Rancho Pueblo can be assessed.

Action: On a call for the question, the motion carried and the public outreach process outlined in the memorandum to Council for obtaining community input regarding current and alternative uses of park land occupied by Los Lagos Golf Course was accepted, including Councilmember Johnny Khamis' memorandum dated June 7, 2016, accepting staff recommendations to the *Draft Public Outreach Process Outline* section, outlined in the May 16<sup>th</sup> memorandum from Director of Parks, Recreation and Neighborhood Services, Angel Rios, with amendments as follows: (1) Add to Stage 1, Step 3, Process Logistics, the following items: (e) Provide Mayor & Council offices a list of all public outreach opportunities and activities, including dates, deadlines, links and schedules, as they are made available to the public; (f) Provide Mayor & Council offices soft copies of public notices and mailers, as they are made available to the public; (2) Change the language of Stage 2, Step 1 from "Community-wide" survey to "City-wide" survey to reflect that the online survey will be accessible by all San José residents; (3) Stage 2, Step 4, include Senior Associations within San José as stakeholders; (4) In Stage 2, Step 6, increase the number of community workshops from ~~two to~~ up to four and ensure that they are strategically located to maximize outreach to all residents of San José (e.g. Central to Districts 2, 9, and 10, Districts 1 and 6, Districts 3, 4 and 5, and Districts 7 and 8). (8-0-3. Noes: Herrera, M. Nguyen, Oliverio.)

- 2.17 Approve the Fourth Amendment to the Master Agreement with West Yost & Associates, Inc. extending the term of the Agreement from June 30, 2016 to June 30, 2017, at no additional cost to the City. CEQA: Not a Project, File No. PP10-066(d), Consultant Services to determine the feasibility of a project with no commitment to further action. Council District 7. (Public Works)**

Documents Filed: City Council Action Request from Director of Public Works Barry Ng, dated June 7, 2016, requesting approval of an amendment to a Master Agreement.

Action: The Fourth Amendment to the Master Agreement with West Yost & Associates, Inc. extending the term of the Agreement from June 30, 2016 to June 30, 2017, at no additional cost to the City, was approved. (11-0.)

- 2.18 Adopt a resolution:**
- (a) Approving the City of San José Public Streetlight Design Guide, revised June 2016; and**
  - (b) Authorizing the Director of Transportation to approve amendments and updates to the Public Streetlight Design Guide and other special application streetlight design guides that implement Council Policy 4-2: Public Streetlights.**

**CEQA: Exempt, Section 15301 Existing Facilities, File No. PP11-002 and Exempt, Section 15303(d) New Construction of Small Structures, File No. PP14-046. (Transportation)**

Documents Filed: Memorandum from Director of Transportation, Jim Ortbal, dated May 24, 2016, requesting adoption of a resolution.

Action: Resolution No. 77764, entitled: "A Resolution of the Council of the City of San José Approving the Revised City of San José Public Streetlight Design Guide and Authorizing the Director of Transportation to Approve Amendments to the Public Streetlight Design Guide and the Downtown Streetlighting Master Plan", was adopted. (11-0.)

- 2.19 Approve travel for Councilmember Tam Nguyen to Frankfurt, Germany on July 1 to July 6, 2016 as part of the Lufthansa Airlines Inaugural Flight Delegation, as the City's designated representative. Source of Funds: Council District 7 Travel Fund. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (T. Nguyen)**

Documents Filed: Memorandum from Councilmember Tam Nguyen, dated June 1, 2016, requesting authorization to travel on City business.

Action: The travel request for Councilmember Tam Nguyen as part of the Lufthansa Airlines Inaugural Flight Delegation as the City's designated representative, was approved. (11-0.)

- 2.20 As recommended by the Rules and Open Government Committee on June 1, 2016:**
- (a) Approve the Orchard Creek Neighborhood Beautification Day scheduled on July 9, 2016 as a City Council sponsored Special Event; and**
  - (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. (Khamis)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated June 3, 2016, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Orchard Creek Neighborhood Beautification Day as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

## **END OF CONSENT CALENDAR**

### **STRATEGIC SUPPORT SERVICES**

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

Documents Filed: Memorandum from Councilmember Pierluigi Oliverio, dated June 7, 2016, requesting a written update from the City Manager or Police Chief regarding violence related to a political rally in downtown San José.

City Manager Norberto Dueñas addressed concerns regarding police action taken to handle the escalation of violence which occurred at a political rally on June 2. Mayor Liccardo directed staff to report out on allegations of flag-burning, extent of injuries to participants and the rumor of ‘stand down’ orders given to the police department. He further asked that members of the public witnessing or having information leading to identification of the perpetrators come forward.

**3.2 Labor Negotiations Update.**

None provided.

**3.3 As recommended by the Public Safety, Finance, and Strategic Support Committee on May 19, 2016, adopt a resolution to approve the proposed revisions to Council Policy 1-12, “City of San José’s Investment Policy.” CEQA: Not a Project, File No. PP10-068(c), Code or Policy change that involve no changes in the physical environment. (Finance)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated May 26, 2016, providing recommendations of the Public Safety, Finance & Strategic Support Committee.

**3.3 (Cont'd.)**

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 77765, entitled: "A Resolution of the Council of the City of San José Approving Revisions to City Council Policy 1-12, the City of San José Investment Policy", was adopted. (11-0.)

**3.4 As recommended by the Public Safety, Finance, and Strategic Support Committee on May 19, 2016, accept the Third Quarter (period ending March 31, 2016) Financial Reports for Fiscal Year 2015-2016 for the following programs:**

- (a) Debt Management Report;**
- (b) Investment Report; and**
- (c) Revenue Collection Report.**

**CEQA: Not a Project, File No. PP10-069(a), Reports that involve no approvals of any City Actions. (Finance)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated May 26, 2016, providing recommendations of the Public Safety, Finance & Strategic Support Committee.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Tam Nguyen and carried unanimously, the Public Safety, Finance, and Strategic Support Committee recommendation on May 19, 2016 to accept the Third Quarter (period ending March 31, 2016) Financial Reports for Fiscal Year 2015-2016 for the Debt Management Report; Investment Report; and Revenue Collection Report, was accepted. (11-0.)

**3.5 Adopt the following 2015-2016 Appropriation Ordinance Amendments in the General Fund.**

- (a) Increase the Non-Personal/Equipment appropriation to the Independent Police Auditor's Office in the amount of \$32,000.**
- (b) Decrease the Personal Services appropriation to the Independent Police Auditor's Office in the amount of \$32,000.**

**CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Independent Police Auditor/City Manager)**

Documents Filed: Joint memorandum from Independent Police Auditor Walter W. Katz and Senior Deputy City Manager Jennifer Maguire, dated May 26, 2016, recommending adoption of an appropriation ordinance.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Tam Nguyen and carried unanimously, Ordinance No. 29744, entitled "An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the General Fund for the Non-Personal/Equipment Appropriation to the Independent Police Auditor's Office; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. (11-0.)

- 3.6 As recommended by the Public Safety, Finance, and Strategic Support Committee on May 19, 2016, accept the implementation of a one-year Safe Communities Multi-Family Housing Pilot Program for the Hoffman/Via Monte area of City Council District 10 effective July 1, 2016. CEQA: Exempt, Section 15262 Feasibility and Planning Studies, File No. PP16-068. (Police)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated May 26, 2016, providing recommendations of the Public Safety, Finance & Strategic Support Committee.

Chief of Police Edgardo Garcia offered an introduction, and Esther Mota, Mayor's Gang Prevention Task Force, provided a presentation.

Public Comments: Anthony King, Silicon Valley De-Bug, urged inclusion of tenants in the process for greater balance. Blair Beekman suggested greater input from humanitarian groups.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, the implementation of a one-year Safe Communities Multi-Family Housing Pilot Program for the Hoffman/Via Monte area of City Council District 10 effective July 1, 2016, was approved. (11-0.)

- 3.7 Accept the report on the Request for Proposal for a Body Worn Camera and Evidence Management System and adopt a resolution authorizing the City Manager to:**

- (a) Negotiate and execute an Agreement with Taser International, Inc. (Scottsdale, AZ) for the purchase of a Body Worn Camera and Evidence Management System, including 963 body worn cameras, docking stations, evidence management software, video and capture storage services, training, and related professional services for an initial five-year term, ending June 2021, with a maximum compensation not-to-exceed \$4,427,940, subject to the annual appropriation of funds;**
- (b) Execute change orders not-to-exceed \$500,000 in the event additional cameras are required for additional police officers, or to cover any unanticipated changes that may be required during system implementation, subject to the appropriation of funds; and**
- (c) Execute up to five, one-year options to extend the term of the Agreement after the initial five-year term, subject to the annual appropriation of funds.**

**CEQA: Not a Project, File No. PP10-066 (a) Agreements and Contracts for professional services with no changes in the physical environment. (Finance/ Police)**

Documents Filed: Joint memorandum from Director of Finance Julia H. Cooper and Chief of Police Edgardo Garcia, dated May 20, 2016, recommending acceptance of a report.

Chief of Police Edgardo Garcia offered opening comments, and Lieutenant Elle Washburn offered a collective report.

Public Comments: George Broder, Utility Inc., indicated that cost was not considered in this process; and it should, therefore, be re-evaluated.

### 3.7 (Cont'd.)

Mayor Liccardo questioned staff regarding the cost implications of this agreement.

Action: Upon motion by Councilmember Ash Kalra, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77766, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Negotiate and Execute an Agreement with Taser International, Inc. for the Purchase of a Body Worn Camera and Evidence Management System for a Five-Year Term Through June 30, 2021 in an Amount not to Exceed \$4,427,940; (2) Execute Change Orders Not to Exceed \$500,000; and (3) Execute Up To Five One-Year Options to Extend the Term of the Agreement, Subject to the Appropriation of Funds", was adopted. (11-0.)

## COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) **Adopt a resolution authorizing the City Manager to negotiate and execute a Parking Improvement Agreement with San José Arena Management, LLC for the construction and operation of two parking lots.**
- (b) **Direct staff to continue efforts to provide both short term and long term parking solutions near the SAP Center and the Greater Downtown.**
- (c) **Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Purpose Parking Fund:**
- (1) **Establish the Arena Area Parking Development appropriation in the amount of \$750,000; and**
- (2) **Decrease the Unrestricted Ending Fund Balance by \$750,000**
- CEQA: Exempt, Section 15301(c) Existing Facilities, File No. PP16-054. (Economic Development/City Manager)**
- (Deferred from 5/17/16 – Item 4.3 and 5/24/16 – Item 4.4)**

Action: Dropped per Administration.

- 4.2 (a) **Approve the recommendation that the End of Watch police memorial be located at the City's Police Administration Building;**
- (b) **Direct staff to proceed with the procurement of a design for the memorial in a process consistent with City's public art process; and**
- (c) **Continue to approve and accept donations from various individuals, businesses, or community groups to support the project.**
- CEQA: Exempt, Section 15301 Existing Facilities, File No. PP16-006. (Economic Development)**

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, dated May 26, 2016, recommending actions related to the End of Watch Police Memorial.

Action: Deferred to August 2016 per Orders of the Day.

*Note: Councilmember Manh Nguyen left at approximately 4:30 p.m.*

**4.3 Recommendation: Accept the joint staff and Association of Bay Area Governments (ABAG) Presentation on the Four-Year Update of Plan Bay Area 2040. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Planning, Building and Code Enforcement)**

Documents Filed: City Council Action Request from Director, Planning, Building and Code Enforcement Harry Freitas, dated June 7, 2016, recommending acceptance of the ABAG presentation.

ABAG Director of Planning and Research, Mirian Chion, provided an overview of the Plan, and Rosalynn Hughey, Assistant Director, Planning, Building and Code Enforcement, followed up with a presentation.

Staff responded to questions from Council, and discussion followed.

Public Comments: Jill Borders and Shaunn Cartwright discussed the plight of lower income residents that are being displaced.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Don Rocha and carried unanimously, the joint staff and Association of Bay Area Governments (ABAG) Presentation on the Four-Year Update of Plan Bay Area 2040, was accepted. (10-0-1. Absent: M. Nguyen.)

**4.4 Report on bids and award of contract for the 7225 - Brokaw III - Capitol Avenue Sanitary Sewer Improvement Project to the low bidder, JMB Construction, Inc., in the amount of \$1,415,270 and approve a contingency in the amount of \$141,000. CEQA: Addendum to the Envision San José General Plan Final Program EIR, File No. PP12-076. Council District 4. (Public Works)**

Documents Filed: Memorandum from the Director of Public Works Barry Ng, dated May 16, 2016, recommending acceptance of a report on bids and award of a contract.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Tam Nguyen and carried unanimously, the Report on bids and award of contract for the 7225 - Brokaw III - Capitol Avenue Sanitary Sewer Improvement Project to the low bidder, JMB Construction, Inc., in the amount of \$1,415,270, with related contingencies, was approved. (10-0-1. Absent: M. Nguyen.)

**4.5 Report on bids and award of contract for the 7630 – Jackson Avenue Bicycle and Pedestrian Improvements (Between McKee Road and Alum Rock Avenue) Federal Project No. CML – 5005 (125) to the sole bidder, Golden Bay Construction, Inc., in the amount of \$1,290,376 and approval of a contingency in the amount of \$129,038. CEQA: Exempt, Section 15301(c) Existing Facilities, File No. PP13-104. Council District 5. (Public Works)**

#### 4.5 (Cont'd.)

Documents Filed: Memorandum from the Director of Public Works Barry Ng, dated May 26, 2016, recommending acceptance of a report on bids and award of a contract.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Councilmember Tam Nguyen and carried unanimously, the Report on bids and award of contract for the 7630 – Jackson Avenue Bicycle and Pedestrian Improvements (Between McKee Road and Alum Rock Avenue) Federal Project No. CML – 5005 (125) to the sole bidder, Golden Bay Construction, Inc., in the amount of \$1,290,376, with related contingencies, was approved. (10-0-1. Absent: M. Nguyen.)

#### 4.6 Report on bids and award of construction contract for the 7258 – Tamien Park – Phase 1 Project to the low bidder, Suarez & Munoz Construction, Inc., for the base bid and bid alternate amount of \$2,798,000 and approval of a contingency in the amount of \$279,800. CEQA: Tamien Park Master Plan Mitigated Negative Declaration, File No. PP14-057. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services)

Documents Filed: Joint memorandum from the Director of Public Works Barry Ng and Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated May 26, 2016, recommending acceptance of a report on bids and award of a contract.

Public Comments: Brett Bynaster expressed concerns regarding staging and urged better maintenance of the turf.

Council discussion and questions to staff continued.

Action: Upon motion by Councilmember Raul Peralez, seconded by Vice Mayor Rose Herrera and carried unanimously, the Report on bids and award of construction contract for the 7258 – Tamien Park – Phase 1 Project to the low bidder, Suarez & Munoz Construction, Inc., for the base bid and bid alternate amount of \$2,798,000, with a related contingency, was approved. (10-0-1. Absent: M. Nguyen.)

### PUBLIC SAFETY SERVICES

- 8.1 (a) **Adopt the San José Fire Department Strategic Plan, which includes a roadmap to provide ongoing quality services to the community and establish the San José Fire Department as a national leader in all-risk emergency response and fire prevention services.**
- (b) **Review and discuss the report on the Fire Department Organizational Review conducted by Citygate Associates, LLC., including an evaluation of Fire Department service delivery, response time performance, technological improvements, and operations efficiencies.**

**CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approval of any City Actions. (Fire)**

**[Public Safety, Finance and Strategic Support referral 3/17/16 – Item (d)(1)]**

## 8.1 (Cont'd.)

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, and Councilmember Manh Nguyen, Councilmember Pierluigi Oliverio and Councilmember Johnny Khamis, dated June 3, 2016, recommending acceptance of the report with direction to staff. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated June 11, 2015, providing recommendations of the Public Safety, Finance & Strategic Support Committee. (3) Memorandum from Fire Chief, San José Fire Department, Curtis P. Jacobson, dated May 13, 2016, recommending adoption of the Fire Department's Strategic Plan. (4) Supplemental memorandum from Fire Chief Curtis Jacobson, dated May 20, 2016, requesting deferral of the Strategic Plan and Organization Review to facilitate additional staff analysis. (5) Supplemental memorandum from Fire Chief Curtis Jacobson, dated June 1, 2016, offering additional information from the PSFSS meeting of March 17, 2016.

Public Comments: Sean Kaldor, City of San José Firefighter, urged restoration of firefighter services.

Fire Chief Curtis Jacobson and Deputy Director, Fire Department Bureau of Administrative Services, Ron D'Acchioli offered a presentation and responded to questions from Council.

Motion: Councilmember Johnny Khamis moved approval of the memorandum he co-signed with Mayor Sam Liccardo, Vice Mayor Rose Herrera, and Councilmembers Manh Nguyen and Pierluigi Oliverio, dated June 3, 2016. Vice Mayor Rose Herrera seconded the motion.

Mayor Sam Liccardo recommended a minor change to item (4) in the memorandum as indicated in "Action".

Councilmember Johnny Khamis offered an amendment to the motion, modifying item (4) in the memorandum, as suggested by Mayor Liccardo. Vice Mayor Rose Herrera agreed to the amendment.

## RECESS/RECONVENE

The City Council recessed at 6:04 p.m. to allow Council and Staff to attend a flag-raising ceremony and reconvened at 6:24 p.m. in the Council Chambers, City Hall.

Present: Councilmembers - Carrasco, Jones, Herrera, Khamis, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Councilmembers - Kalra, M. Nguyen. (Excused)

## 8.1 (Cont'd.)

Council discussion regarding the evaluation of Fire Department service delivery, response time performance, technological improvements, and operations efficiencies was continued, and staff responded to questions from Council.

Action: On a call for the question, the motion carried unanimously, the San José Fire Department Strategic Plan was adopted, the report on the Fire Department Organizational Review conducted by Citygate Associates, LLC was accepted, and direction was included as outlined in the memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, and Councilmembers Manh Nguyen, Pierluigi Oliverio and Johnny Khamis, dated June 3, 2016, with amendments as indicated: to “(1) Direct the City Manager to implement already funded SJFD recommendations outlined in the Fire Department Organization Review to improve fire and emergency medical response times, including the following: Base map update; Emergency Response Zone refinement; Data collection; Business Intelligence tool software for measuring and managing operations; Establishment of data warehouse; Response area mapping; Navigation technology; Fire communications staffing; turnout time PILOT improvement project; Enable GPS unit tracking; “Boarder drops” with bordering partner fire departments; “Move-ups” from less busy to busy areas; Deployment refinements such as quantity of units to less severe incidents; (2) If approved as part of the 2016-2017 Capital Budget, direct the City Manager to implement the new IP-based alert system as soon as possible in order to reduce fire and emergency medical response times substantially; (3) Direct the City Manager to prioritize meeting the City’s contractual emergency medical response times for decisions related to resource deployment and allocation, with the goal of realizing an additional \$5 million (\$2.1 million annually) of revenue to the City, allowing additional City service restoration; (4) Direct the City Manager to ~~utilize~~ *prioritize* future SAFER grants to restore and add two-man squads to supplement and enhance fire and emergency medical response times, along with staffing a future Station 37; (5) Explain at the Council hearing on this matter – or soon thereafter through an information memorandum: (a) Why must engine companies be dispatched simultaneously with squads on EMS calls, rather than allowing the dispatcher to triage the calls first to determine which resources to deploy? Would better/more dispatch staffing enable such a model to function: (b) Why can’t squads respond adequately to all Priority 1 EMS calls? That is, which procedure require more than two persons to respond prior to the arrival of an ambulance? (c) Are there other models used nationally to respond to Priority 1 EMS calls with a resource other than four firefighters on a water-carrying engine?. (9-0-2. Absent: Kalra, M. Nguyen.)

## ADJOURNMENT

The Council of the City of San José adjourned at 6:36 p.m. in memory of Helen Chavez, wife of civil rights and farm labor leader Cesar Chavez, who recently passed away at the age of 88.

Minutes Recorded, Prepared and Respectfully Submitted by,

A handwritten signature in black ink, appearing to read 'Toni J. Taber', written in a cursive style.

Toni J. Taber, CMC  
City Clerk

rmk/06-07-16 MIN