



CITY COUNCIL AGENDA

APRIL 26, 2016

SYNOPSIS

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MANH NGUYEN
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

PIERLUIGI OLIVERIO
TAM NGUYEN
ROSE HERRERA VICE MAYOR
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:39 a.m. - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: Carrasco, Herrera, Peralez. (Excused)

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: Carrasco, Herrera, Peralez. (Excused)
- **Invocation (District 4)**
Sierramont Middle School Advanced Orchestra performed Mozart's Lucile Overture for the Invocation.
- **Pledge of Allegiance**
Mayor Liccardo led the Pledge of Allegiance.
- **Orders of the Day** — *Heard after Ceremonial Items*
The Orders of the Day and the Amended Agenda were approved, with Item 6.1 deferred for one week.
- **Closed Session Report** — *Heard after Ceremonial Items*
None provided.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing the second annual San José Green Commute Challenge, a City staff competition taking place on the second week of May and the third week of June and July that promotes transit, cycling, walking, and carpooling as environmentally-friendly transportation options and also helps set an example for the community to follow. (Transportation/Kalra)

Mayor Liccardo and Councilmember Ash Kalra presented a proclamation to staff members from the Department of Transportation, recognizing their exemplary efforts in organizing the Green Commute Challenge.

- 1.2 Presentation of a proclamation for “Arbor Day” to demonstrate support for environmental protection and sustainability through the planting of trees in the City of San José. (Transportation/Jones)

Mayor Liccardo and Councilmember Chappie Jones presented a proclamation to Our City Forest and the Department of Transportation in support of their efforts in environmental protection and sustainability.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None provided.

- 2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29719 – An ordinance of the City of San José amending Section 1.08.040 of Chapter 1.08 of Title 1 related to enforcement of the San José Municipal Code or other city ordinance, adding a new Chapter 10.17 to Title 10, and repealing Section 17.12.940 of Chapter 17.12 of Title 17 of the San José Municipal Code to prohibit the sale, use, discharge and storage of fireworks, to establish liability for persons who allow or permit the sale, use or discharge of any fireworks on certain properties and to provide for liability for response costs related to fireworks. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy Change that involves no changes to the physical environment. **Ordinance No. 29719 was adopted.**

- 2.3 **Approval of Council Committee Minutes.**

Recommendation: Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of March 30, 2016. (Mayor)
(b) Transportation & Environment Committee Minutes of April 4, 2016. (Kalra)
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.
Approved.

2. CONSENT CALENDAR

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 Actions Related to the Agreement with California High Speed Rail Authority to Advance Development of the Diridon Station Area.

Recommendation: Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Establish a City-wide Expense appropriation to the Office of Economic Development for Diridon Station Area Plan in the amount of \$388,500; and

(2) Increase the estimate for Revenue from State of California by \$388,500.

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

Ordinance No. 29724 adopted.

Resolution No. 77718 adopted.

2.8 Actions Related to the Replacement of the Pond A18 Northern Gate Structure at the San José-Santa Clara Regional Wastewater Facility.

Recommendation:

(a) Review of the emergency action for the replacement of the Pond A18 northern gate structure at the San José-Santa Clara Regional Wastewater Facility; and

Reviewed.

(b) Adopt a resolution terminating the emergency declaration for the replacement of the Pond A18's northern gate structure.

CEQA: Exempt, Section 15302 Replacement or Reconstruction, File No. PP15-015. (Environmental Services/Public Works)

Resolution No. 77719 adopted.

2.9 Set a Public Hearing for the Cost of Sidewalk Repairs for June 14, 2016.

Recommendation: Adopt a resolution setting a Public Hearing on Tuesday, June 14, 2016 at 7:00 p.m. for the approval of the report from the Director of Finance for the cost of sidewalk repairs. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making that involve no physical changes to the environment. (Finance)

Resolution No. 77720 adopted.

2. CONSENT CALENDAR

2.10 Request to Travel for Mayor's Staff: Khanh Russo.

Recommendation: Accept payments and authorize travel for Mayor's staff, Khanh Russo, Director of Strategic Partnerships, to Aspen, Colorado from June 29, 2016 to July 2, 2016 to attend the Aspen Ideas Festival event. Source of Funds: Mayor/Council Travel Fund and The Aspen Institute. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)

Accepted.

2.11 Mitigated Negative Declaration for the Alviso Storm Pump Station Project.

Recommendation: Adopt a resolution adopting the Mitigated Negative Declaration prepared for the Alviso Storm Pump Station project (File No. PP15-062) as having been completed in compliance with CEQA reflecting the City's independent judgment and analysis, and the adoption of a Mitigation Monitoring and Reporting Program. CEQA: Alviso Storm Pump Station Mitigated Negative Declaration, File No. PP15-062. Council District 4. (Planning, Building and Code Enforcement)

Resolution No. 77721 adopted.

2.12 Summary Vacation of Emergency Access Easements Adjacent to Shore Drive and Mercado Way.

Recommendation: Adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of two Emergency Access Easements ("EAE's") within Lots 35, 36, 77, and 78 of Tract 10160 adjacent to Shore Drive and Mercado Way;
- (b) Summarily vacating the two EAE's which have been relocated; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: San José Flea Market General Plan Amendment & Planned Development Rezoning EIR (Resolution No. 73956), File No. GP06-04-01 and PDC03-108. Council District 4. (Public Works)

Resolution No. 77722 adopted.

2.13 Willow Glen Community Benefit Improvement District Financial Report FY 2014-2015.

Recommendation: Accept the Willow Glen Community Benefit and Improvement District Financial Report for FY 2014-2015, which provides information to the public and the property owners in the District regarding the use of the assessments and the management and operations of the District. CEQA: Not a Project, PP10-069(a), Reports that involve no approval of any City Actions. Council District 6. (Public Works)

Accepted.

2. CONSENT CALENDAR

2.14 Agreement with Circlepoint for Community-Based Program to Change Travel Behavior.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an Agreement with Circlepoint for an amount not to exceed \$733,000, to design, manage, and execute a community-based program to change travel behavior. CEQA: Exempt, Section 15322(a)(b) Educational or Training Program Involving No Physical Changes and Section 15306 Information Collection, File No. PP15-124. Council District 3. (Transportation)

Resolution No. 77723 adopted.

2.15 Actions Related to the Contract Change Orders for the 2015 Arterial Resurfacing Pavement Project.

Recommendation: Approve three Contract Change Orders (CCOs) for the 2015 Arterial Resurfacing Pavement Project that individually exceed the Director of Public Works' authority and have an approximate total cost of \$443,899.72 and authorize payment for the CCOs as follows:

- (a) Authorize payment of \$129,981.32 for the cost of supplying and use of recycled water in lieu of using potable water from fire hydrants.
- (b) Authorize payment of \$184,498.40 for the use of an alternative Green Pavement Enhancement material placed at all locations identified for bike lane conflict zones as referenced in the project striping plan.
- (c) Authorize payment of \$129,420.00 for asphalt concrete paving performed at adjacent side street areas where newly constructed ADA ramps were placed.

CEQA: Exempt, Section 15301(c) Existing Facilities, File No. PP11-035.

(Transportation)

Approved.

2.16 Actions Related to the Design and Construction Management System for the Capital Improvement Program at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Accept the report on the Request for Proposal ("RFP") for the purchase and implementation of a Design and Construction Management System for the Capital Improvement Program at the San José-Santa Clara Regional Wastewater Facility, and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Bentley Systems, Inc. (Exton, PA) for the purchase and implementation of a Design and Construction Management System, including software subscription, implementation, configuration, testing, training, and related professional services, taxes, maintenance and support for an initial five-year term commencing on or about May 1, 2016 and ending on or about July 31, 2021, with a maximum compensation not-to-exceed \$342,700 for the initial five-year term, subject to the appropriation of funds;

(Item Continued on the next page)

2. CONSENT CALENDAR

2.16 **Actions Related to the Design and Construction Management System for the Capital Improvement Program at the San José-Santa Clara Regional Wastewater Facility. (Cont'd.)**

- (b) Execute change orders to cover any additional requirements for a not-to-exceed contingency amount of \$100,000, subject to the appropriation of funds; and
- (c) Execute one-year options to extend the term of the Agreement to provide ongoing software subscription, hosting, and technical support services after the initial five-year term, subject to the appropriation of funds.

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

Note: Renumbered from Item 3.3

Report accepted.

Resolution No. 77724 adopted.

2.17 **Actions Related to District 10 Chief of Staff, Shane Patrick Connolly's Travel to Dublin, Ireland.**

Recommendation: Approve travel by Shane Patrick Connolly, District 10 Chief of Staff, to Dublin, Ireland from April 19 to April 30, 2016 as part of the City of San José Dublin Sister City Delegation, and attendance at all meetings, events and ceremonial functions. Source of Funds: Shane Patrick Connolly's personal funds. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Khamis)
Approved.

3. STRATEGIC SUPPORT SERVICES

3.2 **Report of the City Manager, Norberto Dueñas (Verbal Report). City Manager Norberto Dueñas promoted tours of the San José Wastewater Plant, applauding the vital role the Plant plays in protecting the City's water supply, and he announced an open house hosted by the Planning, Building and Code Enforcement Department on May 25, 2016 to familiarize residents with the permit and inspection process.**

3.3 **Labor Negotiations Update.**

Recommendation: Accept Labor Negotiations Update.
None provided.

3. STRATEGIC SUPPORT SERVICES

3.4 Actions Related to the Design and Construction Management System for the Capital Improvement Program at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Accept the report on the Request for Proposal (“RFP”) for the purchase and implementation of a Design and Construction Management System for the Capital Improvement Program at the San José-Santa Clara Regional Wastewater Facility, and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Bentley Systems, Inc. (Exton, PA) for the purchase and implementation of a Design and Construction Management System, including software subscription, implementation, configuration, testing, training, and related professional services, taxes, maintenance and support for an initial five-year term commencing on or about May 1, 2016 and ending on or about July 31, 2021, with a maximum compensation not-to-exceed \$342,700 for the initial five-year term, subject to the appropriation of funds;
- (b) Execute change orders to cover any additional requirements for a not-to-exceed contingency amount of \$100,000, subject to the appropriation of funds; and
- (c) Execute one-year options to extend the term of the Agreement to provide ongoing software subscription, hosting, and technical support services after the initial five-year term, subject to the appropriation of funds.

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

Note: Renumbered to Item 2.16

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Amendment to the City Council Policy for Surplus Property Related to Affordable Housing.

Recommendation: Adopt a resolution updating the current procedure for the disposition of surplus City owned property to reflect the general terms of Assembly Bill 2135 which was passed by the Legislature and became effective January 1, 2015. CEQA: Not a Project, File No. PP10-068(c), Code or Policy change that involve no changes in the physical environment. (Economic Development/Housing)

(Deferred from 2/2/16 – Item 4.1, 3/1/16 – Item 4.1, et al, and 4/12/16 – Item 4.2)

Resolution No. 77725 adopted.

Noes: Oliverio.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Actions Related to the Sale of Surplus Property Located Near the Corner of Stevens Creek Boulevard and S. Bascom Avenue (Business Circle Lot 2).

Recommendation: Adopt a resolution:

- (a) Declaring approximately 21,000 square feet of City-owned land surplus to the needs of the City;
- (b) Approving the use of a purchase and sale agreement between the City and SKW San José LLC for the sale of the property in the amount of \$150,000; and
- (c) Authorizing the City Manager or his designee to negotiate and execute the purchase and sale agreement based upon the terms outlined in this memorandum, the deed and all other documents necessary to complete the transaction.

CEQA: Exempt, Section 15061(b)(3), No potential for causing a significant effect on the environment and Section 15301(c), Existing Facilities, File No. PP16-032. Council District 6. (Economic Development)

Resolution No. 77726 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Anti-Graffiti and Anti-Litter Programs Annual Report. *DEFERRED*

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on March 17, 2016, accept the 2014-2015 Annual Report on the Anti-Graffiti and Anti-Litter Programs. CEQA: Not a Project, File No. PP10-069(a), Annual Reports that involve no approvals of any City Actions. (Parks, Recreation and Neighborhood Services)

(Deferred from 4/5/16 – Item 5.2)

[Public Safety, Finance and Strategic Support referral 3/17/16 – Item (d)(7)]

Deferred To 5/3/16 per Rules Committee

5.2 San José Family Camp at Yosemite.

Recommendation: As recommended by the Neighborhood Services and Education Committee on April 14, 2016, accept the staff's report on the five-year modified Special Use Permit for San José Family Camp at Yosemite, set to expire on December 31, 2016, and adopt a resolution authorizing the City Manager to negotiate and execute a 20-year Special Use Permit/Land Lease Agreement with the United States Forest Service.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions. (Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 4/14/16 – Item (d)(3)]

Report accepted.

Resolution No. 77727 adopted.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the San José Airport Federal Inspection Service Improvements Project.

Recommendation:

- (a) Report on bids and take appropriate action based on the evaluation of bids for the 8225 – San José Airport Federal Inspection Service Improvements (FIS) project, and approval of a 15 percent contingency.
- (b) Adopt a resolution authorizing the Director of Public Works to issue any single and/or multiple change orders up to the amount of the contingency.

CEQA: Determination of Consistency with the City of San José International Airport Master Plan Final Environmental Impact Report, as Supplemented, and Addenda thereto (Resolution Nos. 67380 and 71451), File Nos. PP15-053, PP15-122, and PP16-005. (Public Works/Airport)

Deferred to 5/3/16 per Orders of the Day.

6.2 Public Hearing on the Vacation of a Public Easement for Landscape Purposes and a Portion of a Street Easement Restricting Vehicular Access on 1385 Prelude Drive.

Recommendation: Conduct a Public Hearing and adopt a resolution vacating a public easement for landscape purposes and a portion of a street easement restricting vehicular access on 1385 Prelude Drive. CEQA: BART Extension to Berryessa Final and Supplemental EIR (Resolution No. 76126). Council District 4. (Public Works)

Public hearing held.

Resolution No. 77728 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Illegal Dumping Initiative Update. *DEFERRED*

Recommendation: As recommended by the Transportation and Environment Committee on March 7, 2016, accept the status report on the City's Illegal Dumping Mitigation Effort. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions. (Planning, Building and Code Enforcement / Environmental Services)

(Deferred from 3/15/16 – Item 7.1 and 4/5/16 – Item 7.1)

[Transportation and Environment Committee referral 3/7/16 – Item (d)(6)]

Deferred to 5/3/16 per Rules Committee

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 Audit of South Bay Water Recycling.

Recommendation: As recommended by the Transportation and Environment Committee on April 4, 2016, accept the Audit Report on the efficiency and effectiveness of South Bay Water Recycling. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions. (City Auditor) [Transportation and Environment Committee referral 4/4/16 – Item (d)(1)]
Accepted.

7.3 Actions Related to the Design-Build Contract with CH2M HILL Engineers, Inc. for the Cogeneration Facility at the San José-Santa Clara Regional Wastewater Facility.

Recommendation:

- (a) Approve the design-build contract with CH2M HILL Engineers, Inc. (CH2M HILL) for the Cogeneration Facility at the San José-Santa Clara Regional Wastewater Facility in an amount not to exceed \$5,655,000 for the performance of preliminary design services under the contract.
- (b) Approve a design contingency in the amount of \$565,000 for City-approved changes to the scope of preliminary design services.

Approved.

- (c) Adopt a resolution authorizing the City Manager or his designee to:
 - (1) Negotiate and execute a definitive contract amendment with CH2M HILL to: (1) set a base guaranteed maximum price or lump sum amount in accordance with the contract, in an amount not-to-exceed \$82,884,000 for the design-build work to be performed following the preliminary design services; (2) set a schedule for completion and acceptance of the design-build work required by the contract; (3) define the technical specifications and guaranteed performance capabilities for the Cogeneration Facility; (4) establish any additional professional services required by the City for transitioning the Cogeneration Facility to City control after acceptance, and the fee to be charged therefore; (5) establish the insurance requirements for the design-build work; and (6) subject to review and approval by the City Attorney's Office, amend other terms and conditions of the contract that are necessary to accomplish the foregoing; and
 - (2) Negotiate and execute separate agreements and/or amendments to the contract to allow CH2M HILL to proceed with discrete portions of the design-build work prior to the City's execution of the definitive contract amendment in an amount not to exceed \$30,000,000, which amounts will be subject to the base guaranteed maximum price.

Resolution No. 77729 adopted.

(Item Continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.3 Actions Related to the Design-Build Contract with CH2M HILL Engineers, Inc. for the Cogeneration Facility at the San José-Santa Clara Regional Wastewater Facility. (Cont'd.)

- (d) Approve a construction contingency in the amount of \$8,288,000 to pay for adjustments to the base guaranteed maximum price or if applicable, the lump sum amount, in accordance with the contract and to pay for the transition services after acceptance of the Cogeneration Facility.

Approved.

- (e) Adopt a resolution authorizing the City Manager or his designee to:
- (1) Execute change orders in excess of \$100,000 up to the amount of the design contingency for changes to the scope of the preliminary design services, and up to the amount of the construction contingency for adjustments to the base guaranteed maximum price or lump sum amount during the performance of the design-build work; and
 - (2) Negotiate and execute the necessary regulatory permits and public utility agreements in excess of \$100,000 for the permitting, design, construction, and inspection of utility connections associated with the new Cogeneration Facility, in a total amount not to exceed \$600,000.

Resolution No. 77730 adopted.

CEQA: ~~San José/Santa Clara Regional Water Treatment Facility Emergency Generators Project~~ *San José/Santa Clara Regional Wastewater Facility Cogenerator Project* Mitigated Negative Declaration, File No. PP14-005 and Addendum Mitigated Negative Declaration, File No. PP16-009. (Environmental Services / Public Works)

Note: Correction per Staff

7.4 Actions Related to the Agreement with the Bay Area Dumpsters for Commercial Solid Waste and Recyclables Collection Franchise.

Recommendation:

- (a) Conduct a Public Hearing on the application of Bay Area Dumpsters for Commercial Solid Waste and Recyclables Collection Franchise for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris;
- (b) Adopt an ordinance granting the franchise; and
- (c) Approve the Commercial Solid Waste and Recyclables Collection Franchise Agreement for the non-exclusive collection and transport of residential clean-out material and construction and demolition debris for a term from November 1, 2015 to June 30, 2017 with the option of three one-year extensions.

CEQA: Exempt, Guidelines Section 15308. Actions by Regulatory Agencies for the Protection of the Environment. File No. PP08-228. (Environmental Services)

Note: Renoticed from 10/6/15 – Item 7.1

Ordinance No. 29633 passed for publication.

8. PUBLIC SAFETY SERVICES

8.1 Fire Department Organizational Review. *DEFERRED*

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on March 17, 2016, accept 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 operational efficiencies. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approval of any City Actions. (Fire)

(Deferred from 4/5/16 – Item 8.1)

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

Deferred to 5/24/16 per Administration

8.2 Actions Related to the Spending Plan for the Supplemental Law Enforcement Services Grant. *DEFERRED*

Recommendation:

- (a) Approve the proposed 2015-2017 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant for \$1,588,855, and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the staff memorandum in the event State SLES Grant payments are less or more than expected.
- (b) Approve the revised 2014-2016 Spending Plan for the Supplemental Law Enforcement Services Grant reallocating funds from Project #1 to Project #2 to purchase Tasers.
- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Supplemental Law Enforcement Services Fund:
 - (1) Increase the Earned Revenue estimate by \$786,183; and
 - (2) Establish an appropriation to the Police Department for the SLES Grant 2015-2017 for \$786,183.

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

Deferred to 5/3/16 per Rules Committee

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Potential Acquisition of 5647 Gallup and 1171 Mesa for a Future Affordable Housing Development.

Recommendation:

- (a) City Council adopt a resolution:
 - (1) Authorizing the Director of Housing, on behalf of the City, to negotiate and execute: (i) a Purchase and Sale Agreement to acquire that certain real property located at 5647 Gallup and 1171 Mesa in San José from the Successor Agency to the Redevelopment Agency (SARA) of the City of San José for \$1,170,000 from the Community Development Block Grant (CDBG) Fund for a future affordable housing development; and (ii) such other documents as necessary to close escrow to acquire the properties;
 - (2) Authorizing the Director of Housing to issue a Request for Proposal (RFP) for development of a future affordable housing community located at 5647 Gallup and 1171 Mesa, if the City is successful in acquiring the properties.

Resolution No. 77731 adopted.

- (b) Successor Agency adopt a resolution authorizing the Managing Director to negotiate and execute (i) a Purchase and Sale Agreement to sell that certain real property located at 5647 Gallup and 1171 Mesa in San José to the City of San José for a purchase price of \$1,170,000; and (ii) such other documents as necessary to close escrow to acquire the properties.

Successor Agency Resolution No. 7048 adopted.

- (c) City Council adopt the following Appropriation Ordinance amendments in the Community Development Block Grant Fund:
 - (1) Increase the appropriation to the Housing Department for Property Acquisition in the amount of \$510,000; and
 - (2) Decrease the Land Acquisition Reserve appropriation in the amount of \$510,000.

Ordinance No. 29726 adopted.

CEQA: Exempt, Section 15061(b)(3) No potential for causing a significant effect on the environment and Section 15332 In-fill Development Projects, File No. PP16-007.

Council District 10. (City Manager)

(Deferred from 4/5/16 – Item 9.1)

- **Open Forum**
Mary Shao and Martin Hsn, residents of the Almaden area, urged suspension of further garbage delivery to the Guadalupe landfill, citing a detrimental impact to their community.
- **Adjournment**
The Council of the City of San José adjourned at 5:36 p.m.