



CITY COUNCIL AGENDA

MAY 3, 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**
9:35 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Carrasco. (Excused)

1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 5)**
Tamara Mozahuani Alvarado offered the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo, accompanied by Easterbrook Discovery School Third Grade Students, led the Pledge of Allegiance.
- **Orders of the Day**
Heard following the Ceremonial Items.
The Orders of the Day of the Amended Agenda were approved.
- **Closed Session Report**
Heard following the Ceremonial Items.
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing the week of May 1 – May 6, 2016 as “National Business Week” in the City of San José. (Khamis)
Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Johnny Khamis recognized May 1, 2016 through May 6, 2016 as “National Business Week” in San José.
- 1.2 Presentation of a proclamation recognizing May as “Older Americans Month” in the City of San José. (Khamis)
Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Johnny Khamis recognized May 2016 as “Older Americans Month” in San José.
- 1.3 Presentation of a proclamation for El Dia de Los Niños (Children’s Day), a celebration of children and reading that takes place every year on April 30 highlighting the importance of advocating literacy for children of all cultural backgrounds. (Carrasco)
Mayor Sam Liccardo, Council Member Magdalena Carrasco and Council Member Raul Peralez recognized Jorge Emilio Sousa in honor of El Dia de Los Niños in the City of San José. Jorge is a student at Selma Olinder Elementary School and was also recognized as “Counsel General for a Day.”

Note: Agenda Items may be heard out of order per the discretion of Mayor Liccardo and the Council Members.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.
- 2.2 **Final Adoption of Ordinances.**

Recommendation:

- (a) ORD. NO.29721 – An ordinance of the City of San José rezoning certain real property of approximately 0.5 acre on the west side of South 4th Street, approximately 170 feet southerly of East San Salvador Street (439 and 451 South 4th Street) from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District. CEQA: Determination of Consistency to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617), File No. C15-026.
Ordinance No. 29721 adopted.

2. CONSENT CALENDAR

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

Recommendation:

(b) ORD. NO.29722 – An ordinance of the City of San José rezoning certain real property of approximately 0.48 acre situated on the west side of North 21st Street, approximately 250 feet north of East Santa Clara Street (21 North 21st Street) from the R-2 Two-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District. CEQA: Determination of Consistency to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617), File No. C15-053.

Ordinance No. 29722 adopted.

(c) ORD. NO.29723 – An ordinance of the City of San José rezoning certain real property of approximately 0.29 gross acre situated at the northwest corner of Monterey Road and Cottage Grove Avenue (1499 Monterey Road) from the A Agricultural Zoning District to the CN Commercial Neighborhood Zoning District. CEQA: Exempt, Sections 15303(c) New Construction or Conversion of Small Structures, File No. C16-005.

Ordinance No. 29723 adopted.

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

(a) Rules and Open Government Committee Minutes of April 6, 2016. (Mayor)

(b) Neighborhood Services and Education Committee Minutes of April 14, 2016. (Rocha)

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

Approved.

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

Vice Mayor Rose Herrera advised that she will provide a detailed report of her travel to the City of San José's Sister City, Dublin Ireland at the May 17, 2016 Council Meeting.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2. CONSENT CALENDAR

2.7 State Applications for CalRecycle Payment Programs.

Recommendation: Adopt a resolution authorizing the City of San José to submit applications to the California Department of Resources Recycling and Recovery (CalRecycle) for any and all payment programs offered and authorizing the City Manager or designee to execute all documents to implement programs, effective until rescinded by the signature authority or CalRecycle. CEQA: Not a Project, File No. PP10-068(a); Grant Application. (Environmental Services)

Resolution No. 77732 adopted.

2.8 Report on Bids and Award of Contract for the 7381 – Lincoln-Savaker Sanitary Sewer Improvement (JLS11/13) Project.

Recommendation: Report on bids and award of construction contract for the 7381 – Lincoln-Savaker Sanitary Sewer Improvement (JLS11/13) Project to the low bidder, Pacific Underground Construction, Inc., in the amount of \$1,237,640 and approve a 10% construction contingency in the amount of \$123,700. CEQA: Exempt, Section 15282(h) Other Statutory Exemptions and Public Resources Code 21080.21(a) (b), File No. PP13-076. Council District 6. (Public Works)

Approved.

2.9 Actions Related to the Annexation Area No. 2 to Community Facilities District No. 8 for Improvements.

Recommendation:

- (a) Approve an Agreement with KB Home South Bay, Inc. to fund the City's costs in conducting annexation proceedings for Annexation Area No. 2 to Community Facilities District No. 8 for the maintenance of landscape and open space improvements within the Communications Hill Specific Plan area.

Approved.

- (b) Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution amendments in the Community Facilities District #8 (Communications Hill) Fund:

- (1) Increase the estimate for Earned Revenue by \$20,000.
- (2) Establish an appropriation to the Department of Public Works for the Community Facilities District No. 8 Annexation Feasibility Project in the amount of \$20,000.

Ordinance No. 29725 adopted.

Resolution No. 77733 adopted.

(Action Continued on the Next Page)

2. CONSENT CALENDAR

2.9 Actions Related to the Annexation Area No. 2 to Community Facilities District No. 8 for Improvements. (Cont'd.)

Recommendation:

- (c) Adopt a resolution of intention to:
 - (1) Annex Annexation Area No. 2 to Community Facilities District No. 8 (Communications Hill).
 - (2) Levy a special tax on land within Annexation Area No. 2.
 - (3) Set a Public Hearing for June 14, 2016 at 1:30 p.m. regarding the annexation.
 - (4) Hold an election immediately following the close of Public Hearing.

CEQA: Communications Hill 2 Final EIR (Resolution No 77172), File No. PDA14-035-01. Council District 7. (Public Works/City Manager)

Resolution No. 77734 adopted.

2.10 Actions Related to the 8082 – 2016 Street Sealing Project.

Recommendation:

- (a) Approve award of a construction contract for the 8082 – 2016 Street Sealing Project, to the low bidder, Graham Contractors, Inc. in the amount of \$3,838,004.
- (b) Approve a 10% contingency in the amount of \$383,800.

CEQA: Exempt, Section 15301(c) Existing Facilities, File No. PP14-069. Council Districts 1, 3, 4, 5, 6, 7, 8, 9, 10. (Transportation)

Approved.

2.11 Community Events Sponsored by Council District 7.

Recommendation: As recommended by the Rules and Open Government Committee on April 27, 2016:

- (a) Retroactively approve the Cambodian New Year Celebration on Friday, April 22, 2016, and the 2nd Annual Valley Palms On The Move Health Resource Fair and BBQ on Saturday, April 30, 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.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events.

[Rules Committee referral 4/27/16 – Item G.1.a.]

Approved.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Norberto Dueñas announced that the proposed FY2016-2017 Operating/Capital Budgets and the Fees and Charges Document were released on May 1, 2016. City Manager Dueñas pointed out that Community Budget Meetings began last night at Leininger Center, Kelley Park (District 7) and the next meeting will be held at Lee Mathson Middle School (District 5) at 9:00 a.m. – 11:00 a.m. For more information about future Community Budget Meetings visit the City's Website at www.sanjoseca.gov

Responding to questions from Council Member Pierluigi Oliverio, City Manager Norberto Dueñas noted that Actions Related to Reducing Economic Barriers to Library Access will be heard at the May 17, 2016 Council Meeting.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

Heard at 9:35 a.m.

No Report.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the FY 2016-2017 Annual Action Plan and Award of the Federal Services Proposals.

Recommendation:

- (a) Hold a final Public Hearing regarding the approval of the City's FY 2016-2017 Annual Action Plan and take public comment.
- (b) Adopt the FY 2016-2017 Annual Action Plan, including the FY 2016-2017 funding recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program.

The Final Public Hearing Was Held.

Adopted.

Noes: Jones, Khamis, M. Nguyen, Oliverio.

- (c) Approve staff recommendations to award federal funds to the six agencies selected under the federal services Request for Proposal (RFP) including:
 - (1) \$500,000 to Rebuilding Together Silicon Valley for Minor Repair Services benefiting low- and moderate-income single-family and mobilehome owners.
 - (2) \$499,850 to San José Streets Team to facilitate a work experience program benefiting unhoused individuals in San José.

(Action Continued on the Next Page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the FY 2016-2017 Annual Action Plan and Award of the Federal Services Proposals. (Cont'd.)

Recommendation:

- (c) (3) \$390,450 to the fair housing consortium led by the Law Foundation of Silicon Valley for fair housing services.
- (4) \$150,000 to SOMOS Mayfair Inc. to administer Neighborhood Engagement Services.
- (5) \$50,000 to San José State University Research Foundation for CommUniverCity to administer Neighborhood Engagement and Leadership Services.
- (6) \$800,000 to the Health Trust to administer services under the Housing Opportunities for People with Aids (HOPWA).
- (d) Authorize the Housing Department to submit the FY 2016-2017 Annual Action Plan to the U.S. Department of Housing and Urban Development.

Approved.

Noes: Jones, Khamis, M. Nguyen, Oliverio.

- (e) Adopt a resolution authorizing the Director of Housing to negotiate and execute all non-capital project agreements to implement the projects and services identified in the staff memorandum not requiring CEQA review, including new agreements awarded through the federal services RFP, and to negotiate all capital project agreements and contracts including any amendments or modifications, for the expenditure of CDBG, ESG, HOME and HOPWA funds on behalf of the City.

CEQA: Not a Project, File No.PP10-069(a), Annual Report. Specific development projects that are funded as a result of the Action Plan are subject to project-specific CEQA clearance. (Housing)

Resolution No. 77735 adopted.

Noes: Jones, Khamis, M. Nguyen, Oliverio.

Staff was directed to provide a Manager's Budget Addendum or information memorandum to Council during the May Budget process related to outcomes/ performance measures and goals, in addition to providing annual reports to the Neighborhood Services and Education Committee.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Amendment to Title 20 of the San José Municipal Code Related to the Extension of the Temporary Moratorium on Mobilehome Park Closures and Conversions.

Item 4.2 was heard following Item 6.1.

Recommendation: Consideration of an ordinance of the City of San José extending and re-establishing a temporary moratorium on the closure or conversion of Mobilehome Parks to any other use and suspending the provisions of Chapter 20.180 of Title 20 (Zoning) of the San José Municipal Code, pending the review and possible amendment of land use regulations related to Mobilehome Park conversions, setting forth the findings to support the temporary moratorium, and making other technical, non-substantive, or formatting changes within Title 20. Planning Commission recommends approval (4-1-2) (Abelite opposed, Yob and Pham absent). CEQA: The provisions of this Ordinance have been found to be not a project under the California Environmental Quality Act of 1970 (“CEQA”), together with regulations and guidelines promulgated thereunder (including without limitation Section 15378 of the CEQA Guidelines), and this Ordinance is also exempt from CEQA pursuant to Section 15061(b)(3) because it has no potential for causing a significant effect on the environment, and Section 15308 as a regulatory action under the City’s police power to assure maintenance and protection of the environment pending evaluation and adoption of potential local legislation and regulation. (Planning, Building and Code Enforcement)

PP15-084 - Citywide

Ordinance No. 29727 passed for publication.

Staff directed to continue with outreach to the Community and to provide protection to the mobilehome residents.

4.3 Actions Related to the Wage Theft Prevention.

Recommendation:

- (a) Adopt a resolution approving new Council Policy 0-43 entitled “Wage Theft Prevention Policy.”
- (b) Approve an ordinance 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 a final judgment by a court or by final administrative action of an investigatory government agency that a violation of wage and hour laws occurred and has not been satisfied.

CEQA: Not a Project, File No. PP10-068(c), Code or Policy change that involve no changes in the physical environment. (Public Works)

Deferred to May 24, 2016 Per Administration.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Business Development Commission Workload Assessment.

Recommendation: As recommended by the Rules and Open Government Committee on April 6, 2016, accept the staff report regarding the scope, workload assessment and budget for the potential establishment of a Business Development Commission (BDC). CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions. (Economic Development)

[Rules and Open Government Committee referral 4/6/16 – Item G(2)]

Deferred to May 10, 2016 Per Administration.

5. NEIGHBORHOOD SERVICES

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

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 and 4/26/16 – Item 5.1)

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

Heard Jointly With Item 7.1.

The memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Magdalena Carrasco, Council Member Johnny Khamis and Council Member Raul Peralez, dated April 29, 2016, was approved, as follows:

- (1) **Accept the Status Report on the City’s Illegal Dumping Mitigation Effort and the 2014-2015 Annual Report on the Anti-Graffiti and Anti-Litter Programs.**
- (2) **Direct the City Attorney and City Manager to report back to Council through the FY2016-2017 Budget Process to:**
 - (a) **Determine whether Council can use Integrated Waste Management Fund or other sources for supplemental use in staffing and response to illegal dumps and litter issues, particularly for coordination of volunteer efforts and offer cost estimates and options.**
 - (b) **Determine the cost and process for implementing the development of an anti-graffiti/anti-illegal dumping reward program that will pay up to \$1,000 for each tip that leads to arrests or fines levied against graffiti vandals and those caught dumping illegally within the City of San José.**
- (3) **Regarding illegal dumping, direct the City Manager to report back to the Council as part of the FY2016-2017 Budget Process, through a Manager’s Budget Addendum or where more time is needed, return to the Transportation and Environment Committee and Neighborhoods Commission in the Fall with the following:**

5. NEIGHBORHOOD SERVICES

- 5.1 **Anti-Graffiti and Anti-Litter Programs Annual Report. (Action Cont'd.)**
- (3)
 - (a) Explore alternatives for the time and day of the proactive pickups in targeted illegal dumping focus areas.
 - (b) Identify costs and potential funding sources for a second compactor truck and for a driver to increase efficiencies with large scale illegal dumping clean ups.
 - (c) Explore additional services to handle illegally dumped bio-waste as a resource available to all departments.
 - (d) Explore opportunities to work with external partners of the City Manager's Data Analytics Team and of the Mayor's Office of Strategic Partnerships and Innovation to leverage behavioral insights to reduce illegal dumping.
 - (e) Assess and report progress through the development of metrics that specifically capture direct impact and not merely work performed.
 - (4) Regarding graffiti, direct the City Manager to report back to the City Council as part of the FY2016-2017 Budget Process, through a Manager's Budget Addendum or where more time is needed, return to the Public Safety, Finance and Strategic Support Committee and Neighborhoods Commission in the Fall with the following:
 - (a) Determine whether the City Manager can execute a "shared data" agreement with Graffiti Protective Coatings to enable reports of graffiti on businesses and private property to simultaneously flow to the tip submit line with the San José Police Department and to Code Enforcement.
 - (b) Assess the cost of restoring the City's prior commitment to address graffiti complaints within 48 hours and how that might affect the response metrics on Page 9 of the Staff Report.
 - (c) Assess and report progress through the development of metrics that specifically capture direct impact and not merely work performed.

Staff was directed to:

- (1) Identify the short range solutions, look at the comparables between expanding the functionality of the service the City is currently contracting with and determine the cost of the data with regard to *enhancing the "San José Clean" application and to make it more interactive by including self-reporting features for illegal dumping***.
- (2) Involve more residents and *to develop an educational campaign to inform residents about the need to reduce illegal dumping.***

** *From the October 27, 2015 Council Meeting, Item 7.2, Illegal Dumping: direction from the previously approved memorandum from Council Member Raul Peralez, Council Member Magdalena Carrasco and Council Member Tam Nguyen, dated October 23, 2015.*

6. TRANSPORTATION & AVIATION SERVICES

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

Item 6.1 was heard following Item 4.1.

Recommendation:

- (a) Report on bids and award of construction contract to the low bidder, Rodan Builders, Inc. in the amount of \$4,799,000 for the San José International Airport Federal Inspection Service Improvements project, and approval of a fifteen percent contingency in the amount of \$719,850.

Approved.

- (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 EIR, as Supplemented, and Addenda thereto (Resolution Nos. 67380 and 71451), File Nos. PP15-053, PP15-122, and PP16-005. (Public Works/Airport) (Deferred from 4/26/16 – Item 6.1)

Resolution No. 77736 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Illegal Dumping Initiative Update.

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; 4/5/16 – Item 7.1; and 4/26/16 – Item 7.1)

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

Heard Jointly With Item 5.1. Please see Item 5.1 for Action, including the direction described in the memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Magdalena Carrasco, Council Member Johnny Khamis and Council Member Raul Peralez, dated April 29, 2016 and direction from the previously approved memorandum from Council Member Raul Peralez, Council Member Magdalena Carrasco and Council Member Tam Nguyen, dated October 23, 2015.

Accepted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 Actions Related to the Commercial Solid Waste Customer Service Rates.

Recommendation:

- (a) Hold a Public Hearing to confirm that the proposed Maximum Commercial Solid Waste Services Rates are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreements between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services.
- (b) Adopt a resolution setting Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organic processing services.

CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates & Fares. (Environmental Services)

The Public Hearing was Held.

Resolution No. 77738 adopted.

7.3 Master Consultant Agreement with HDR Engineering, Inc. to Provide Engineering Services for the 7731 – Nitrification Clarifiers Rehabilitation Project.

Recommendation: Approve a Master Consultant Agreement with HDR Engineering, Inc. to provide engineering services for the 7731 – Nitrification Clarifiers Rehabilitation Project at the San José-Santa Clara Regional Wastewater Facility from the date of execution through December 31, 2023, in a total amount not to exceed \$5,000,000, subject to the appropriation of funds. CEQA: Statutory Exempt, File No. PP10-066(d), Section 15262, Feasibility and Planning Studies with respect to the scope of work that is limited to this action. Any future activities resulting in a change to the physical environment would require approval of CEQA review. (Environmental Services)

Deferred to May 10, 2016 Per Administration.

8. PUBLIC SAFETY SERVICES

8.1 2015 Independent Police Auditor Year End Report.

Recommendation: Accept the 2015 Independent Police Auditor Year End Report. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports that involve no approvals of any City Actions. (Independent Police Auditor) *Heard Jointly With Item 8.2 Immediately Following the Consent Calendar.*

The memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Chappie Jones, Council Member Raul Peralez and Council Member Donald Rocha, dated April 29, 2016, was approved:

- (1) The 2015 Independent Police Auditor Year End Report was accepted.
- (2) The City Manager was directed to begin publishing an Annual Force Response Report.

8.2 San José Police Department Internal Affairs Department Initiated Investigation Report.

Recommendation: Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for CY 2015. CEQA: Not a Project, File No. PP10-069(a), Annual Report that involve no approvals of any City Actions. (Police) *Heard Jointly With Item 8.2 Immediately Following the Consent Calendar.*
Accepted.

8.3 Actions Related to the Spending Plan for the Supplemental Law Enforcement Services.

Heard following Items 8.1 and 8.2.

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.

Approved.

- (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)
Ordinance No. 29728 adopted.
Resolution No. 77737 adopted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
 - (1) **Charles Bedolla inquired about the Sewer Assessment Fees, parcels affected by the fees, the improvement bonds and other related issues.**

Mayor Sam Liccardo requested Director of Environmental Services Kerrie Romanow to address the inquiries from Mr. Bedolla after the meeting.
 - (2) **Blair Beekman opined about the Stationary Camera Program.**

- **Adjournment**

The Council of the City of San José was adjourned at 7:47 p.m.